

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **8<sup>TH</sup> NOVEMBER 2017**

**REPORT BY:** **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

**SUBJECT:** **FULL APPLICATION – CHANGE OF USE AND EXTENSION OF OUTBUILDING TO FORM DWELLING AT AEL Y BRYN, MOEL Y CRIO, HOLYWELL**

**APPLICATION NUMBER:** **056415**

**APPLICANT:** **MS ANNA HICKIE ROBERTS**

**SITE:** **AEL Y BRYN, MOEL Y CRIO, HOLYWELL**

**APPLICATION VALID DATE:** **09.01.17**

**LOCAL MEMBERS:** **CLLR C LEGG**

**TOWN/COMMUNITY COUNCIL:** **HALKYN COMMUNITY COUNCIL;**

**REASON FOR COMMITTEE:** **APPLICANT REQUIRED TO ENTER IN TO SECTION 106 AGREEMENT WITH REGARD TO SECURING THE DWELLING AS AN AFFORDABLE HOUSING UNIT**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This full application seeks permission for the change of use and extension of the former agricultural building to a one bedroomed residential dwelling at Ael Y Bryn, Moel Y Crio, Rhes y Cae, Holywell. In order for this to be compliant with the provisions of the Flintshire Unitary Development Plan and Planning Policy Wales, it will be necessary for the applicant to enter in to a Section 106 Agreement,

to secure the unit as an affordable unit for the future.

1.02 A previous application 055299 was the subject of an informal hearing. The Inspector concluded that as that application was not accompanied by a legal obligation, it could not be guaranteed that it delivered a local need to secure the unit as an affordable unit to meet the planning policy requirements. The appeal was dismissed on the 21 December 2016.

1.03 This application as submitted now seeks to enter in to the required Section 106, and the applicant is now in the process of drawing up a Section 106 to secure the affordability of the unit for the future.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO A S106 AND THE FOLLOWING:-**

- 2.01
1. Time commencement.
  2. In accordance with approved plans.
  3. Materials to match existing.
  4. Facilities to provided and retained within the site for the parking of vehicles associated with the proposed development.
  5. Removal of Permitted Development Rights.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor C. Legg

Agrees to determination of the application under delegated powers. Notes that at the appeal, in respect of 055299, the Inspector considered that the principle of development was acceptable but due to the lack of a signed document that would guarantee the property would remain as affordable in perpetuity it was dismissed at that time.

Halkyn Community Council

Providing that the proposal complies with relevant planning policies, there is no objection to the proposal.

Head of Assets & Transportation

Recommend that any permission shall include a condition with regard to parking provision being provided and retained within the site.

Head of Public Protection

No adverse comments to make regarding this proposal.

Welsh Water/Dwr Cymru

No response received at time of writing report in relation to this application. On the previous application 055299, Dwr Cymru Welsh Water confirmed that as the applicant intends utilising a septic tank they are advised to contact Natural Resources Wales, as they may

have an input in the regulation of this method of drainage disposal. Welsh Water Dwr Cymru advise that a public sewer crosses the application site , no development (including the raising or lowering of ground levels) will be permitted within the safety zone , which is measured either side of the centre line. Details of the safety zone are available from Developer Services 0800 917 2652

#### Public Rights of Way

Public Footpath 21 abuts the site but is unaffected by the development. The path must be protected and free from interference from construction.

#### Welsh Government

Scheduled ancient monument (FL168) Hen Y Fail Round Barrow is located 300m to the south of the site. The intervening topography gently rises from the barrow to the development, and intervening trees and buildings mean that the two are not inter visible. Therefore Cadw has no objection to the proposal.

#### Democratic Services

No response received at time of writing report.

#### Open Spaces Society

No response received at time of writing report.

#### Flintshire Access Forum

No response received at time of writing report.

#### Grosvenor Estates

No response received at time of writing report.

#### Dwr Cymru Welsh Water

No response received at time of writing report.

#### SP Energy

Manweb have equipment in the area, request that electrical safety awareness and contact document are to be issued with any consent.

#### Housing Strategy Officer

Confirms that the unit provides for a local affordable unit and that by capping the property by the applicant entering in to a Section 106 obligation that caps the property at 90% open market value at resale, enables a mechanism in place to secure an affordable housing unit.

## **4.00 PUBLICITY**

### **4.01 Neighbour Notification**

No responses received as a result of the above neighbour consultation.

## **5.00 SITE HISTORY**

- 5.01 **055299** Change of use and extension of agricultural building to form one bedroom dwelling Refused 8 June 2016

**Dismissed at appeal 21.12.16**

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
STR1 - New Development  
STR4 - Housing  
GEN1 - General Requirements for Development  
GEN3 - Development in the open Countryside  
AC13 - Access and Traffic Impact  
AC18 - Parking Provision and New Development  
IMP1 - Planning Conditions and Planning Obligations  
HSG7 - Change of use to Residential Outside Settlement Boundaries

## **7.00 PLANNING APPRAISAL**

- 7.01 This application has now been re submitted following the refusal in June 2016 of a previous application submitted under 055299 for a change of use and extension of outbuilding to form a dwelling. The application was the subject of an appeal, which whilst the Inspector considered that the principle of development was acceptable, it was dismissed, as the proposed development had no mechanism in place to secure the affordability of the dwelling in any future sale, in compliance with the provisions of policy HGS7 of the Flintshire Unitary Development Plan
- 7.02 The applicant subsequently submitted the current application 056415, accompanied with a draft Section 106 which has been subject to negotiation by both the applicant, agent and relevant council departments. The draft section 106 is now being drawn up by the Council's legal department, with the agreement of the applicant and agent in order to progress the application as soon as possible due to the lengthy negotiations on the draft 106 incurred by the applicant.
- 7.03 However the application requires formal planning committee determination as there is no officer delegated powers in regard to the Section 106 obligation, hence the referral of this application now to Planning Committee, with an officer recommendation of approval, as the application subject to the Section 106 agreement now secures the mechanism by which the dwelling achieves affordability in any future sale in compliance with the provisions of Policy HSG7 of the Flintshire Unitary Development Plan

7.04 The existing single storey former agricultural unit is proposed to be converted to form a one bedroomed residential unit, with a small amount of demolition and extension to the existing add on of part of the building, also proposed as part of this scheme. The building is presently a disused agricultural building of red brick construction, with a cement corrugated sheet roof and small add on to the front side. The conversion proposes to utilise the main fabric of the building and its existing openings, with few alterations, so retaining the utilitarian appearance of the building in the locality. The building is set to the immediate back edge of the single width unmade track that is proposed to serve the site and serves another property. The building is set within an open grassed area, with part of the site providing parking and amenity provision for the dwelling. The immediate area is characterised by sporadic housing development which reflects the piece meal nature of dwellings in the area, but as the proposal relates to a building already within this context, the proposed scheme is reflective of this character.

Dwr Cymru Welsh Water have advised that the application site is crossed by a public sewer and that no development ( including the raising or lowering of ground levels) will be permitted within the safety zone around the sewer .The map extract supplied by Dwr Cymru Welsh Water indicates the approximate location of the sewer in relation to the application building, it would appear that there is a separation distance of 10m from the sewer and the flank wall of the existing building to be converted.

## **8.00 CONCLUSION**

The proposal subject to the signing of the Section 106, to secure the affordability of the unit on any future sale would now comply with the provision of policies GEN1, GEN3 and HSG7 and I recommend accordingly.

### **8.01 Other Considerations**

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered

that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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