

# Public Document Pack

**Anwen Jones Solicitor/Cyfreithiwr**  
Interim Head of Legal and Democratic Services  
Pennaeth Dros Dro Gwasanaethau Cyfreithiol a



To: Cllr Alison Halford (Chairman)

CS/NG

Councillors: Bernie Attridge, Haydn Bateman,  
Chris Bithell, David Cox, Jim Falshaw,  
Veronica Gay, Fred Gillmore, Patrick Heesom,  
Ray Hughes, Grenville James, Christine Jones,  
Richard Jones, Dave Mackie, Billy Mullin,  
Mike Peers, Neville Phillips, Gareth Roberts,  
Carolyn Thomas, Owen Thomas and  
David Wisinger

11 April 2012

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Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 18TH APRIL, 2012** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **AGENDA**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **MINUTES** (Pages 1 - 20)  
To confirm as a correct record the minutes of the meeting held on 14/03/2012 (copy enclosed)
- 4 **ITEMS TO BE DEFERRED**
- 5 **REPORT OF HEAD OF PLANNING**  
The report of the Head of Planning is enclosed.

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The Council welcomes correspondence in Welsh or English  
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

**REPORT OF HEAD OF PLANNING**  
**TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 18 APRIL 2012**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
5.1	049426 - A	Variation of Condition No. 3 Attached to Outline Planning Permission Ref. 035575 to Allow 7 Years for the Submission of Reserved Matters from the Date of the Outline Planning Permission being Granted rather than the 5 Years Previously Permitted at Land at Croes Atti, Chester Road, Oakenholt.
5.2	049395 - A	Application for Removal or Vaiation of Condition following Grant of Planning Permission Ref. 1240/90 to Allow for Storage up to 8 metres Higher than Base Datum Point at Old Quarry Yard, Gwespyr
5.3	049371 - A	Full Application - Proposed Construction of a Vehicular Access onto Byrn Road, Removal of Part of the Hedgerow and Erection of Double Wooden Gates at 9 Hill View, Bryn y Baal
5.4	048264	General Matters - Erection of 44 No. Two Storey and Three Storey Dwellings Including Associated Parking, Open Space and Formation of New Access at Brignant, Halkyn Road, Holywell.

<b><u>Appeal Decision</u></b>		
5.5	047641	Appeal by Mr. R. Hetherington against the decision of Flintshire County Council to Refuse Outline Planning Permission for the residential development of land at 29/31 Wepre Park, Connah's Quay, Flintshire, CH5 4HJ.
5.6	049065	Appeal by Mr. W. Hughes against the decision of Flintshire County Council to refuse roof alterations to provide en-suites together with additional bedroom floorspace and erection of a detached single garage at 3 Garthorpe Avenue, Connah's Quay.



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**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**14 MARCH 2012**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 14 March 2012

**PRESENT:**

Councillors: J.B. Attridge, R.C. Bithell, D.L. Cox, J.E. Falshaw, V. Gay, F. Gillmore, R. Hughes, G. James, C.M. Jones, R.B. Jones, D.I. Mackie, W. Mullin, M.J. Peers, N. Phillips, H.G. Roberts, C.A. Thomas, W.O. Thomas and D.E. Wisinger

**SUBSTITUTIONS:**

Councillor: N.R. Steele-Mortimer for A.M. Halford and P.R. Pemberton for P.G. Heesom

**ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillor L.A. Sharps - agenda item 5.3. Councillor C.S. Carver - agenda item 5.5.

**APOLOGY:**

Councillor G.H. Bateman

**IN ATTENDANCE:**

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Democracy & Governance Manager and Committee Officer

**228. APPOINTMENT OF CHAIR FOR THE MEETING**

In the absence of the Chair and Vice-Chairman, the Democracy & Governance Manager sought nominations for a Chair for the meeting. Councillor J.B. Attridge proposed Councillor M.J. Peers and this was duly seconded.

**RESOLVED:**

That Councillor M.J. Peers be appointed as Chairman for this meeting.

**229. CONSIDERATION OF URGENT ITEM**

The Chairman indicated that there was an urgent item on whether a special meeting could be arranged to consider an application for outline planning permission for RAF Sealand South Camp, Welsh Road, Sealand. The Democracy & Governance Manager indicated that if Members were in agreement, the report could be considered as the last item.

Councillor J.B. Attridge queried why the item was so urgent. The Chairman responded that the report was asking Members to consider arranging a special meeting in April to consider the application and not for the planning application itself to be discussed at this meeting.

**RESOLVED:**

That the urgent item to consider the provision of a special Planning and Development Control Committee meeting be discussed as the last item.

**230. LATE OBSERVATIONS**

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting.

The Democracy & Governance Manager indicated that correspondence from Councillor C.S. Carver had also been circulated with the late observations as dispensation for this had been given at the Standards Committee meeting of 14 November 2011.

**231. DECLARATIONS OF INTEREST**

Councillor D.I. Mackie declared a personal and prejudicial interest in the following application:-

**Agenda item 5.3 – Full Application – Residential development consisting of 51 No. dwellings, new road and creation of mitigation land in relation to ecology on land between and behind Maison de Reves and Cae Eithin, Village Road, Northop Hall (048855)**

In line with the Planning Code of Practice:-

Councillors J.B. Attridge and J.E. Falshaw declared that they had been contacted on more than three occasions on the following application:-

**Agenda item 5.2 – Outline application – Secure truck parking facility with ancillary and complementary development on fields north east of Crossways Road, Pen y Cefn, Caerwys (049042)**

Councillor C.S. Carver declared he had a personal and prejudicial interest in the following application:-

**Agenda item 5.5 – Full application – Erection of 45 No. dwellings and associated garages, parking and incidental open space at land off Overlea Drive, Hawarden, including the provision of 4 No. affordable units and demolition of current outbuildings at land at Overlea Drive, Hawarden (049293)**

**232. MINUTES**

The draft minutes of the meeting of the Committee held on 8 February, 2012 had been circulated to Members with the agenda.

Councillor H.G. Roberts referred to minute number 215 on page 5 where it was reported that agenda item 5.1 had been deferred for more investigation on drainage issues and for a site visit to be undertaken. He said that a site visit had not been requested and that the minutes be amended accordingly; the proposal was not seconded.

The Planning Strategy Manager referred to the third paragraph on page 13 and requested that the words 'and C' at the end of the seventh line be removed. On being put to the vote, it was agreed that this amendment be made to the minutes.

**RESOLVED:**

That subject to the foregoing, the minutes be approved as a correct record and signed by the Chairman.

**233. FULL APPLICATION – ERECTION OF 44 NO. TWO STOREY AND THREE STOREY DWELLINGS INCLUDING ASSOCIATED PARKING, OPEN SPACE AND FORMATION OF NEW ACCESS AT LAND WEST OF BRIGNANT, HALKYN ROAD, HOLYWELL (048264)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 12 March 2012. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The Development Manager explained that the land had been allocated in the Unitary Development Plan (UDP) so the principle of development had been established. The application had been deferred on 7 December 2011 to allow the preparation of further information on viability in relation to the level of affordable housing provision proposed and for further clarification on the drainage position. Following discussions with the applicant the amount of affordable housing has been increased from 10 properties to 13 which equated to 30% provision to be controlled under the applicant's shared equity scheme. The application had also been deferred on 7 February 2012 to seek clarification on Dwr Cymru/Welsh Water's requirements on hydraulic modelling. This had now been commissioned by the applicants and was addressed in the recommendation by way of conditions. Investigations had now been undertaken on contamination and a Grampian style condition was recommended for foul drainage improvements prior to occupation. A number of conditions reflecting the issues which had been raised had been included and the Development Manager referred Members to the late observation sheet where an amendment to condition 8 was requested.

Mr. F. Phillips spoke against the application and highlighted concerns about road safety issues, referring in particular to a shared driveway across the road from the site and the restricted view of the vehicles exiting the driveway and of the increased dangers due to the access to the new site being opposite the driveway. He said that photographs, which highlighted the problems that the residents experienced, had been submitted to the Highways Department but they had not been seen by the Committee. Mr. Phillips commented on the very restrictive views on a blind spot and suggested that the application be deferred until extensive work on pedestrian and traffic issues was undertaken.

Mr. G. Owen, on behalf of the applicant (speaking in Welsh with simultaneous translation), spoke in support of the application. He said that the applicants looked forward to developing the site and were keen to make an early start on the sustainable development which was close to the hospital and school and was within walking distance of the town centre. He said that the application had been amended to take account of Highways officer's views and included a new footway along the site frontage and improvements across the road. On the issue of density, he mentioned the constraint of the old quarry on the site which had been planned effectively and the 44 dwellings were to be 2, 3 or 4 bedroomed properties. There had been problems in the past on the site due to drainage but modelling work had been commissioned and agreement had been reached with Welsh Water for improvement work to be carried out. He explained about the scheme for delivery of the 13 affordable housing properties on the site and summed up by confirming that each issue had been addressed and asked Committee to support this sustainable development which complied with policy and was supported by officers.

Councillor J.B. Attridge proposed the recommendation for approval which was duly seconded.

The local Member, Councillor H.G. Roberts (speaking in Welsh), commended the Senior Engineers in Highways for discussions with him on the application and for securing the improvements for properties across the road from the site and spoke of the work being undertaken on the wall to increase visibility. He added that it was important that a Grampian style condition had been included to address drainage issues.

Councillor C.A. Thomas raised concern at another development where the play area or open space provision was on the edge of the site as she felt that it should be central to the site. It was reported that the play area had been sited to the north east of the site due to the topography of the site but Councillor Thomas did not feel that this was the case. She also referred to maintenance of the play area in the future and highlighted policy AS12C and expressed concern about highway safety. In response the Senior Engineer - Highways Development Control confirmed that Highways were satisfied with the recommendation of approval subject to the conditions which had been included. She referred to Technical Advice Note (TAN) 18 and commented on the protection and provision of visibility for the existing private driveway which



would be maintained by Highways in perpetuity. A footpath was also to be created along the front of the site as it currently terminated prior to the site.

Councillor R.C. Bithell welcomed the work of the Planning and Highways Officers on this application. The proposal would not remove all of the problems for the properties on the opposite side to the application site but he felt that it would help reduce some of the issues. He asked for clarity on the applicant's shared equity scheme and in referring to paragraph 7.17 on the issue of drainage he asked whether the problems would be increased. The Development Manager said that the scheme which had been referred to was the improvement of Crossways Road. Welsh Water had asked for hydraulic modelling work to address the drainage from the proposed development and that was why a Grampian style condition was required. The developer had the option of paying for this work in order to bring the development forward. Councillor W.O. Thomas raised concern about highways issues. Councillor N.R. Steele-Mortimer concurred and highlighted the junction for the hospital and doctor's surgery and explained that there was very little visibility for vehicles wanting to exit the junction to go down the hill. He also raised concern about the pollution of the land and said that the presence of lead and zinc on the site was a matter for considerable concern. The Senior Engineer - Highways Development Control reiterated that the visibility from the site was fully compliant and that there was no reason to refuse the application on these grounds. She added that the scrubland would be cleared prior to the development commencing.

On the issue of the siting of the play area, the Development Manager agreed that play areas should normally be an integral part of the scheme but that some developments required a different solution. On the issue of contamination, he explained that there had been significant negotiation and that a clear picture of what was required to make the site safe for development had now been achieved.

The Planning Strategy Manager said that developers did not have to use the Council's scheme for affordable housing. He added that 25% was still a significant discount and that the guideline of 30% affordable housing provision had been achieved.

**RESOLVED:**

That planning permission be granted subject to:-

- (i) the applicant entering into a Section 106 obligation to provide the following:-
  - (a) the provision of 13 no. affordable homes, to be made available under the applicant's shared equity scheme at 75% of market value, with the Council retaining nomination rights for occupiers having regard to people registered upon its Affordable Home Ownership Register and to be assessed by Tai Clwyd to ensure

- that they meet the qualifying criteria at the developers expense (0.5% of the discounted sales price)
- (b) Ensure the payment of an educational contribution of £38,500 towards educational provision/improvements to Perth Y Terfyn Infants School. The contribution shall be paid prior to occupation of the first dwelling.
  - (c) Maintaining visibility over area of land on southern side of Halkyn Road (if Section 278 Agreement not entered into).
  - (d) Commuted sum for maintenance of play area/open space for a period of 10 years, upon its adoption by the Authority.
- (ii) an amendment to condition 8 to include requirement for Construction Traffic Management Plan; and
- (iii) the conditions detailed in the report of the Head of Planning.

**234. APPLICATION FOR OUTLINE PLANNING PERMISSION – SECURE TRUCK PARKING FACILITY WITH ANCILLARY AND COMPLEMENTARY DEVELOPMENT ON FIELDS NORTH EAST OF CROSSWAYS ROAD, PEN Y CEFN, CAERWYS (049042)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer explained that the application had been deferred from the 7 December 2011 Planning and Development Control Committee following advice from the legal officer to allow for clarification on matters raised by the applicant. The Head of Planning was now satisfied that these matters had been adequately addressed.

Mr. M. Moriarty spoke against the application and said that need could not be established at this location. There was a recently opened lorry park in the county and another at the end of the A55. He added that the proposal would be contrary to Policy AC20 of the Unitary Development Plan and referred to the Inspector's decision on an earlier proposal at Junction 31. He felt that no mitigation would address the impact on the character of this historic landscape if the scheme was permitted. He also referred to the effect on the Human Rights of residents and questioned the viability of the scheme.

Mr. P. Walton, the agent for the applicant, spoke in support of the application. He said that this was the third application for the site submitted since 2007 and that it addressed all of the concerns which had been raised since that date. The application which had been submitted in 2009 had been refused due to the scale of the development and an application which was due to be presented to the 11 May 2011 meeting was withdrawn prior to the meeting. The current application was identical to the earlier proposal and was in compliance with Policy AC20 in that the need had been confirmed by officers and this would not be met at the Park View garage site. In response to

the officer recommendation of refusal, he said that there were no technical reasons to refuse the application and that landscape impacts were short term and could be mitigated in the longer term.

Mr. S. Wilson from Caerwys Community Council spoke against the application and said that the development raised a number of serious issues and concerns. He spoke of creating serious road safety issues whilst the work to widen the road was completed and commented on the continual operation and engine noise and light pollution at night which would create problems for residents. The proposal would affect the visual amenity of the area and construction would create major risks and have an adverse effect on tourists in Caerwys.

Councillor R.C. Bithell proposed refusal of the application which was duly seconded.

The local Member, Councillor J.E. Falshaw, quoted from Policy GEN 3 of the Unitary Development Plan (UDP) on the development of the open countryside which stated that development proposals outside settlement boundaries, allocations and development zones and principal employment areas should not be permitted. However he said that there were exceptions to this which he detailed and he added that the proposed development was contrary to policy and would not harmonise with the surrounding area in terms of its size and layout and would have an unacceptable effect upon the amenity of not only nearby residents but those beyond the area and would be harmful to the natural historic environment of the area. Councillor Falshaw commented on the substantial increased traffic in the area which the proposal would create and he referred to Policy AC15 on traffic management. He highlighted Policy L1 on Landscape Character and Policy STR7 on Natural Environment both of which he felt the application did not comply with. Amongst the proposals was the removal of a hedgerow which was shown on a boundary map from 1849 so was therefore a significant hedgerow and provided a wildlife corridor. He requested that the application be rejected.

Councillor Bithell said that this was agricultural land in the open countryside and the site allowed a fantastic view of the Area of Outstanding Natural Beauty (AONB) in Flintshire. He felt that to put a development in this place would be out of keeping with the area. Another application in the area for a truck stop had already been granted on appeal so the facilities proposed in this application were not required. He highlighted paragraph 7.09 which said that a good rest area was needed en route to and from Holyhead to other parts of the country but he felt that this case did not stack up. Drivers would have an enforced stop on sea crossings and there needed to be a facility mid way through their journey and not only an hour and a half from or to Holyhead. He felt that the application should be refused on the grounds of amenity and visibility. Councillor N.R. Steele-Mortimer felt that it was wrong to grant a second facility until the first site nearer to the A55 had been tested over a number of years.

Councillor Attridge took a contrary view. He felt that the principle of development must have been established and that the application was compliant with Policy AC20. There was no duplication as the site at junction 31 of the A55 would not meet the demand even if it was constructed. He felt that this proposal would meet demand and that there was no technical reason to refuse the application. He believed that the highways issues had been addressed and that the application should be permitted as it complied with Policy AC20.

Councillor W.O. Thomas said that this was the third application on the same site. He felt that there was a desperate need for a truck stop and that Caerwys was an area where drivers allocated time for driving ended. He said that a previous application on a nearby site had been refused by Committee but had been overturned by the appeal inspector but that eleven months later, the facility had still not been built.

Councillor P.R. Pemberton felt that discussions should be undertaken with the Transport Agency for them to provide guidance to identify where in the county the facility should be situated. Councillor C.M. Jones said that the facility on the Deeside Industrial Park did not serve vehicles on the A55 but served traffic from the M56 direction. She said that it was well used and that there was a need for another facility on the A55. Councillor H.G. Roberts said that it was a difficult application to approve and referred to the facility 'Billy Jeans' and the provision at that site. He felt that the first site needed to be tested first and that there were no grounds to approve this application.

The officer said that each application had to be considered on its own merits and that he felt that the reason for refusal was robust and defensible. He added that the proposal did not comply with policy AC20. The Senior Engineer - Highways Development Control confirmed that there were no objections from Highways and that the applicant had undertaken a significant amount of work on the application.

In summing up, Councillor Bithell said that this was one of the most significant sites for outstanding views and that there was a need to protect it. There was provision in the locality for a truck stop and that it would satisfy the need so it undermined some of the points raised on this application. He spoke of the view of the AONB and that was a need to protect it from unwarranted and unnecessary development. He pointed out that the applicant had the right to appeal the decision if the application was refused.

**REFUSED:**

That planning permission be refused for the reasons detailed in the report of the Head of Planning.

**235. FULL APPLICATION – RESIDENTIAL DEVELOPMENT CONSISTING OF 51 NO. DWELLINGS, NEW ROAD AND CREATION OF MITIGATION LAND IN RELATION TO ECOLOGY ON LAND BETWEEN AND BEHIND MAISON DE REVES AND CAE EITHIN, VILLAGE ROAD, NORTHOP HALL (048855)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 12 March 2012. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting. Councillor D.I. Mackie, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer referred to the late observations which covered the issue of European protected species; clarification on the site area and the density of the development (as detailed in paragraph 7.42 of the report; and clarification on the affordable units (as reported in paragraph 7.41). She drew Members' attention to condition 11 which should read 2013 and not 2015.

Mrs. L. Pierce spoke against the application. She said that the development bore no resemblance to any others in the location and she felt that the density was too great for the site. She highlighted concerns about the width of Village Road, which she said failed to meet the required standard in some areas and said that some of the properties on that road had no vehicular access or spaces to turn. She spoke of pedestrians being hit by wing mirrors of passing cars and parked cars which had been damaged as the road was too narrow. She said that the highway survey which had been completed had been undertaken in the school holidays. If the application was passed, she suggested that an additional condition be included for a car park for existing residents. She felt that the application was detrimental to Northop Hall because of the narrowness of the road and the impact due to lack of parking for residents. Mrs. Pierce felt that a development in this spot should enhance the village but this application did not and she urged the committee to reject the application.

Mr. T. Astle, the agent for the applicant, spoke in support of the application. He said that the report addressed all relevant matters and that the development would only occur on part of the the allocated site, which in total would accommodate some 92 dwellings. The density of the current application was 22 per hectare which was reasonable in view of onsite constraints and it included five gifted units. The properties were 2, 3 and 4 bedroomed properties with gardens and parking and Mr. Astle spoke of contributions made in the requested Section 106 Agreement for public open space provision and play equipment; transport and highway measures; an educational contribution towards Hawarden High School and ecological mitigation. He urged members to grant approval of the application.

Councillor J. Lamb from Northop Hall Community Council spoke against the application and said that the Community Council was unanimously opposed to the application. He spoke of the three coal seams below the land and said that the development would alter the character of the village. There was serious congestion on Village Road which had a narrow carriageway. On the issue of local need, he felt that no account had been taken of Pentre Farm, Northop Hall as it was technically outside of the village; he suggested that the development on that site would satisfy the housing need for the village. The environment was rich in landscape and a development at this location would have an unacceptable impact on wildlife. He spoke of the contribution of £31,500 for education and said that no account had been taken of an estimated 12 additional pupils of primary school age as there were no suggested contributions for the primary school in Northop Hall.

Councillor J.B. Attridge proposed refusal of the application, against officer recommendation, which was duly seconded.

The local member, Councillor L.A. Sharps, spoke of traffic concerns due to people in the 138 houses which had been granted planning permission on Wepre Lane using Northop Hall village as a rat run. He spoke of the long site history and said that the last application had been withdrawn in July 2011. He spoke of the UDP inquiry and said that he had consistently opposed this development. This application was for 51 houses instead of 76 because of a land dispute and added that part of the site was for a nature area. Councillor Sharps had circulated photos to the Committee and explained what they showed. He believed that the application should be refused due to highway constraints.

Councillor Attridge raised concerns about highway issues and asked which parts of the site were allocated and which were not. He also asked for a view on a letter which had been sent from Councillor K. Armstrong Braun to the Head of Planning. In response the Head of Planning said that the letter had been summarised in the late observations. The Planning Strategy Manager provided detailed information on the extent of the settlement boundary of Northop Hall. He said that the northern half of the site was for development with the remainder being mitigation land.

Councillor C.A. Thomas was concerned about the lack of protection for the wildlife habitat and the badger setts as she felt that it was best to leave them in their current location. She said that the site was an area of mine spoil and she raised concern about this. She also asked how viable the land was and how safe the area of mitigation would be in the future. On the issue of density, Councillor W.O. Thomas said that the policy was for 30 per hectare and spoke of the five gifted units on the site. On the issue of affordable housing he said that less than 10% had been requested on this site and added that the local need should be catered for.

Councillor R.C. Bithell said that the UDP inspector had seen fit to allocate a parcel of land in the UDP for development and reminded members to bear this in mind. If the application was refused and went to appeal, he felt it would be lost as it was an allocated site in the UDP and the highway was capable of serving the development. Councillor P.R. Pemberton said that he could not understand why the developer wanted to go forward with a site when there were doubts about mining. He felt that a geological survey should be undertaken. Councillor H.G. Roberts felt that the gifted units were the best use of affordable housing and said that in his opinion, the application had to be supported.

The officer drew Members' attention to the paragraph 1.02 of the report which listed the studies which had been undertaken and she commented on the work which had been put into the application. She also drew attention to conditions 4 and 21. On the affordable housing there were only four people on the waiting list so the local need had been provided for by the five gifted properties. The Planning Strategy Manager said that a lot of concerns and issues had been dealt with in the report and mitigated by conditions. The density on the site fitted in with other developments in the area and he commented on the affordable housing properties and said that in his opinion, gifted units were the way forward. The Senior Engineer - Highways Development Control confirmed that Highways did not have any objections to the application subject to conditions. She referred to paragraph 7.15 where it was reported that the inspector had concluded that the road network was capable of dealing with the anticipated number of trips generated by the proposal based on 93 properties. As this application was for 51 dwellings, there was no reason to refuse the application on the grounds of highways.

Councillor Attridge said that the fact that it was an allocated site in the UDP was not in dispute. He said that the issues in the community which had been raised were not covered by the proposed conditions and he felt that the issues still needed to be addressed. He believed the density was wrong in this location and that a better scheme could be brought forward. His reasons for refusal were on the grounds of the ecological impact of the development, highway safety issues, density of development being too high and the lack of a geological survey

On being put to the vote, there was an equality of voting and the Chairman used his casting vote in favour of refusing the application.

**RESOLVED:**

That the application be refused on the grounds of the ecological impact of the development, highway safety issues, density of development being too high and the lack of a geological survey.

**236. GENERAL MATTERS APPLICATION – VARIATION OF CONDITION NO. 3 ATTACHED TO OUTLINE PLANNING PERMISSION REF: 035575 TO ALLOW 7 YEARS FOR THE SUBMISSION OF RESERVED MATTERS FROM THE DATE OF THE OUTLINE PLANNING PERMISSION BEING GRANTED RATHER THAN THE 5 YEARS PREVIOUSLY PERMITTED AT CROES ATTI, CHESTER ROAD, OAKENHOLT (049154)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer drew Members' attention to the late observations. He explained that in view of the fact that an appeal against non-determination had been submitted by the applicant and had been accepted by the Planning Inspectorate, the application could no longer be determined by the Local Planning Authority and a resolution was therefore required to establish the stance to be adopted by Flintshire County Council in respect of the appeal. He detailed the proposals which were reported in paragraph 6.04.

Councillor D.E. Wisinger proposed the Council's stance on appeal should be as in the recommendation detailed in the report and this was duly seconded.

In response to a question from Councillor J.B. Attridge on why a reference to a revised development brief was included as the first bullet point in paragraph 2.01, the officer referred to paragraph 7.05 of the appendix where it was reported that 'the agreed development brief for the site stipulated that a maximum of 10% affordable housing would be required on the Croes Atti site'; this was agreed as part of consideration of the application in July 2006. The applicant still had a live planning permission on the site which was due to expire in July 2013, however the outline planning permission required the submission of all the reserved matters within five years of the granting of that permission and this date had now lapsed. Therefore this application sought to extend the time to allow for the submission of the rest of those reserved matters applications within the lifetime of the outline permission.

Councillor C.A. Thomas raised her concern about the 4.5 hectares of open space which was proposed to be looked after by a management company as she felt that that it should be adopted by the Council. In response the officer said that the open space had to be up to an adoptable standard and the Planning Authority had to agree with the standard. Councillor Thomas proposed that an additional condition be added that the play area be brought up to an adoptable standard and be offered to Flintshire County Council for adoption with a commuted sum for 10 year maintenance if it was adopted.

Councillor R.B. Jones queried why three applications were reported as undetermined. In response, the officer said that application 049312 was with the legal officer, 049425 was an application seeking to remove a condition



restricting access and application 049426 was identical to the current application and ran in parallel with this application.

On being put to the vote, Members agreed to the recommendation in the report with a condition requiring that the play area be up to adoptable standard, that it be offered to Flintshire County Council for adoption and that a 10 year maintenance sum be requested if the play area was adopted.

**RESOLVED:**

That the Council's stance on appeal should be as in the recommendation in the report with a condition requiring that the play area be up to adoptable standard, that it be offered to Flintshire County Council for adoption and that a 10 year maintenance sum be requested if the play area was adopted.

**237. FULL APPLICATION – ERECTION OF 45 NO. DWELLINGS AND ASSOCIATED GARAGES, PARKING AND INCIDENTAL OPEN SPACE AT LAND OFF OVERLEA DRIVE, HAWARDEN, INCLUDING THE PROVISION OF 4 NO. AFFORDABLE UNITS AND DEMOLITION OF CURRENT OUTBUILDINGS AT LAND AT OVERLEA DRIVE, HAWARDEN (049293)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer reminded Members that the application had been submitted to the Committee in November 2011 when it had been refused on the grounds which were detailed in the report. This scheme addressed those concerns and he explained the requests for a commuted sum in the section 106 agreement and highlighted the late observations. The affordable units were gifted to the Authority and the four units which were being proposed were at the entrance to the site to interface with the community. He spoke about space about dwellings and noted that the provision took account of the difference in levels and was well in excess of what was required in the policy. He highlighted paragraph 7.20 where it was reported that the play area was in the south east not the north west of the site.

Mr. L.W. Rowlands spoke against the application and said that this application was identical to the one which had been refused in November 2011. He spoke of the small play area which had been included but the other issues which had been the reasons for refusal still remained. The site was elevated when compared to the existing properties and was two metres above the slabs of the bungalows and would lead to an overbearing impact. He spoke of loss of amenity and privacy and said that policies had not been adhered to and asked Members to refuse the application.

Councillor Cheryl Carver from Hawarden Community Council spoke against the application. She had spoken to the Committee in November 2011 and said that little had been done on the issue of overbearing or affordable housing since then. The four gifted units had not been pepper potted through the site and the play area was sited away from the houses close to a railway embankment. She said that a footpath was adjacent to a pond and added that that area of the site was too wet to build properties on and that it was therefore not good enough for children to play on. She reminded Members that the properties to the north of the site were all bungalows. The 45 properties proposed would result in 90 vehicles and she said that the road was not of a good enough standard for the current properties. Hawarden Community Council had voted unanimously to refuse the application and she asked the Committee to do the same.

Councillor C.S. Carver said that he had got dispensation from the Standards Committee to speak for five minutes but had been advised that he could only speak for three. The Democracy & Governance Manager explained that this was because Councillor Carver had a personal and prejudicial interest and had been advised that he should leave the meeting after he had addressed the Committee. Councillor Carver spoke of the reasons that the application had been refused in November 2011 and said that one of the reasons was due to the lack of a play area. This had now been provided but was small and located too far away from properties. He commented on the overbearing nature of the dwellings on the existing bungalows and said that the position of the affordable housing had not changed in this application. He also commented on drainage issues and circulated copies of an email which had been sent to him by the Council's Drainage Engineer. He then left the room.

Councillor J.B. Attridge proposed refusal of the application, against officer recommendation, which was duly seconded. He said that nothing had changed since the application in November 2011 and that only a token gesture had been provided by way of a play area which he felt was in the wrong location and was too close to a railway line. He added that as nothing had changed from the application submitted in November 2011 to this application, he felt that the Committee's decision of refusal should also not change.

Councillor C.A. Thomas agreed that the play area was in the wrong location and that the ground was too boggy. It was for young children to play on but was located too far away from houses. She said that the issue of pepper potting had also not been addressed. Councillor R.C. Bithell spoke of the density and said that the density was low compared to policy. He said that on affordable housing, there were nine people on the register and asked if four out of 45 was a good deal. The play area was pushed away into the corner of the site and could not be seen by parents which he felt was of concern. On the issue of drainage a larger diameter pipe had been included but it was not clear where the pipe ended up. He also found it disturbing that

the problems of water on the site had not been dealt with. Councillor W.O. Thomas did not feel that first time buyers or local people would live in the gifted houses. Councillor V. Gay had concerns about the block of four terraced gifted houses and said that Members had been told that this was to allow easier management but she felt that this did not stop them being pepper-potted throughout the site. She said that she would like to see a condition about the management of the pond and the play area.

In response, the officer spoke of condition 11 and said that he had been advised by highway colleagues that it was not required as a condition so asked Members to disregard it. He said that there were no differences between this and the November 2011 application on the issue of drainage and highways so he felt that Members should guard against refusal on those grounds as they were not raised as reasons for refusal in that application. He referred Members to condition 15 on surface water and said that the issue of a larger pipe referred to a different location in the system and was subject to suggested Grampian condition until the capacity issue had been addressed. On the issue of highways and the inadequacy of Fieldside junction, it was demonstrated in the report that it met the required standards. On affordable housing, policy required demonstration of justified and identifiable need and of the nine on the register, only four indicated Hawarden as their first choice so four properties had been provided to meet the need. On the location of the affordable properties, these were four terraced properties and there was a closer fit with the community than the rest of the site. On overbearing impact, the site complied with the space about dwelling policy and the officer explained the separation distances required and added that those provided exceeded the standards.

The Chairman referred to the nine people on the register and asked if a condition could be included to amend in the future so that it did not preclude other applicants coming forward. The Planning Strategy Manager said that a condition could not be worded on this basis and that only four people had shown Hawarden as their first choice. The officer added that if other people came forward then it was for other developers to meet that demand. The policy required affordable housing to meet the need which this application did.

In summing up, Councillor Attridge felt that the application should be refused on the grounds of overbearing impact, affordable housing provision and inappropriate siting of the proposed play area within the layout.

On being put to the vote, the proposal to refuse the application was CARRIED.

**RESOLVED:**

That the application be refused on the grounds of overbearing impact, affordable housing provision and inappropriate siting of the proposed play area within the layout.

**238. FULL APPLICATION – PROPOSED ERECTION OF 10 NO. DWELLINGS WITH ASSOCIATED ANCILLARY WORKS (AMENDMENT TO SCHEMES PREVIOUSLY PERMITTED UNDER CODE NOS 044017 & 044725) – FORMER BRITISH LEGION, GADLYS LANE, BAGILLT (049273)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 12 March 2012. The usual consultations had been undertaken and the responses received detailed in the report.

The officer explained that this application proposed an amendment to an existing scheme for 10 no. dwellings at this location, which was previously permitted by virtue of two separate applications under code no 044017 in 2008 and 044725 in 2009.

Mr. M. Jones, the applicant, spoke in support of the application. He said that the local Member, Councillor M. Reece, had agreed to a site visit and 15 residents had also attended. They had been shown the details of the plan and once this had been undertaken, they were satisfied with the proposals to reduce the height of the properties which would reduce the issue of overlooking.

Councillor R.C. Bithell proposed the recommendation for approval which was duly seconded.

In response to a question from Councillor C.A. Thomas on the issue of a footpath near the site, the Senior Engineer - Highways Development Control said that the amended proposals safeguarded the frontage of the site and that there was now a move to bring forward a footpath link onto Merllyn Lane as a definitive route.

**RESOLVED:**

That planning permission be granted subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of on site play provision and subject to the conditions detailed in the report of the Head of Planning.

**239. FULL APPLICATION – ERECTION OF A TWO STOREY EXTENSION TO SIDE AND ROOF ALTERATIONS AT SCALE HOW, HAFOD ROAD, GWERNYMYNYDD (049000)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 12

March 2012. The usual consultations had been undertaken and the responses received detailed in the report.

The officer explained that planning permission was in place for a granny annexe extension to the property. This application was for an extension which would exceed 50% of the original floorspace but was recommended for approval as the development was considered to be in scale and character.

Ms. A. Johnson, the agent for the applicant, spoke in support of the application explaining that the building sat in a large plot and complied with policies GEN1, D2 and HSG12. The design of the extension complimented the existing property and by moving the entrance to the front of the house, it would provide more symmetry in the property. The proposal had been designed so that there was no overlooking and the extension would have white render to fit in with the existing house. The additional extension would give the appearance of symmetry and taking into account the proposed scale and appearance, it would not have a detrimental impact on the neighbouring properties and Ms. Johnson felt that it fitted in well with the surrounding landscape.

Mr. G. Morris, spoke against the application on behalf of Gwernymynydd Community Council. He advised that the application had been considered by the Community Council in 2011 and that the proposal had been extensively changed, as it was originally a bungalow. The proposal intended to provide a rebuild of the stairs and hallway in the current property to a more central location. He added that Gwernymynydd Community Council had objected to the proposal on the grounds of (i) overdevelopment of the site (ii) the proposals being out of keeping with the neighbouring properties, (iii) overbearing nature of the property and (iv) the internal rebuild resulting in a new dwelling. Mr. Morris said that the Community Council had requested that the application be refused.

Councillor H.G. Roberts proposed refusal of the application, against officer recommendation, which was duly seconded. He referred to the policy on extensions to properties in the open countryside and said that the guidelines of 50% could be exceeded in some cases, however he felt that it was not appropriate for this application. He felt that the application was for a new build in the countryside and that it should be refused.

Councillor R.C. Bithell said that the property sat in extensive grounds but the proposals would result in an increase of 168% on the original footprint which he felt was unacceptable. It was also reported that the application would result in the dwelling being closer to the border with neighbouring properties. Councillor W.O. Thomas commented on other proposals which had been refused where extensions had been lower than 50% and he felt that policy should be adhered to and the application refused. Councillor R.B. Jones said that the site had the benefit of an approved application and that this proposal was similar to application 040107 for an extension on the same side of the property. In response the officer said that this application was an

increase of 58% on what was currently on the site and that in 2001 an extension of 111% on the original dwelling had been permitted. On application 040107 to erect a granny annexe and a double garage which had been permitted in 2005, only the double garage had been built. It was felt that there would be no impact on the adjoining properties and that the application was not an overdevelopment of the site and in design terms was in scale and character with the existing property because of what had been granted in the past..

In summing up, Councillor H.G. Roberts felt that the application should be refused on the grounds of overdevelopment of the site due to the increase of 168% from the original footprint.

On being put to the vote, the application was refused on the grounds of overdevelopment of the site and the proposal not being in scale and character.

**RESOLVED:**

That planning permission be refused on the grounds of overdevelopment and scale and character.

Councillors R.B. Jones and J.B. Attridge indicated that they wished it to be recorded in the minutes that they had voted against refusal of the application. Councillor C.A. Thomas indicated that she wished it to be recorded that she had abstained from voting.

**240. GENERAL MATTERS – DETAILS OF LAYOUT, SCALE AND APPEARANCE OF BUILDINGS AND LANDSCAPE SUBMITTED IN ACCORDANCE WITH CONDITION NOS 1 & 2 OF OUTLINE PLANNING PERMISSION REF. 046496 FOR THE ERECTION OF A MAXIMUM OF 50 NO. DWELLINGS ON LAND AT RUTHIN ROAD, MOLD (048907)**

The Committee considered the report of the Head of Planning in respect of this application.

Councillor H.G. Roberts proposed the recommendation for acceptance of the authorisation to prepare a Section 106 Obligation to include the Heads of Terms as required by the Inspector in allowing the initial outline planning application under Code No. 046496 for residential development of the site which was duly seconded.

**RESOLVED:**

That the Planning and Development Control Committee authorise the preparation of a Section 106 Obligation to include the Heads of Terms as required by the Inspector in allowing the initial outline planning application under Code No. 046496 for residential development of the site.

**241. ADDITIONAL URGENT ITEM – OUTLINE APPLICATION – RAF SEALAND SOUTH CAMP, WELSH ROAD, SEALAND (049320)**

The Chairman introduced a report to seek authority for the holding of a Special Planning and Development Control Committee to determine planning application 049320, which was for the redevelopment of a strategic brownfield site for an employment led mixed use development with new accesses and associated infrastructure including flood defences and landscaping.

It was reported that one possibility would be, if the application was ready to be determined, to start the meeting scheduled for 18 April 2012 at 10.00 a.m. and undertake the assessment of the application prior to lunch and the “normal” meeting start at 1.00 p.m. However if the application was not ready for determination on 18 April 2012, then an alternative date for a Special Committee would be sought.

**RESOLVED:**

That Members agree to convene a Special Planning and Development Control Committee to determine planning application 049320.

**242. DURATION OF MEETING**

The meeting commenced at 1.00 p.m. and ended at 5.11 p.m.

**243. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There were 57 members of the public and 2 members of the press in attendance.

.....  
**Chairman**

**SUMMARY OF DECLARATIONS MADE BY MEMBERS**  
**IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S**  
**CODE OF CONDUCT**

<b>PLANNING AND DEVELOPMENT CONTROL COMMITTEE</b>	<b>DATE: 14 MARCH 2012</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
Councillor D.I. Mackie	Residential development consisting of 51 no. dwellings, new road and creation of mitigation land in relation to ecology at land between and behind Maison de Reves and Cae Eithin, Village Road, Northop Hall (048855)	235



## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** PLANNING AND DEVELOPMENT CONTROL COMMITTEE

**DATE:** 18 APRIL 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** Variation of Condition No. 3 Attached to Outline Planning Permission Ref. 035575 to Allow 7 Years for the Submission of Reserved Matters from the Date of the Outline Planning Permission being Granted rather than the 5 Years Previously Permitted at Land at Croes Atti, Chester Road, Oakenholt.

**APPLICATION NUMBER:** 049426

**APPLICANT:** Anwyl Homes Ltd

**SITE:** Land at (Whole Site)  
Croes Atti,  
Chester Road,  
Oakenholt,  
Flintshire

**APPLICATION VALID DATE:** 06/02/2012

**LOCAL MEMBERS:** Cllr. R. Johnson

**TOWN/COMMUNITY COUNCIL:** Flint Town Council

**REASON FOR COMMITTEE:** Member request as it conflicts with committee decision. Also the scale of development would require a committee determination

**SITE VISIT:** No

### **1.00 SUMMARY**

- 1.01 The proposed development relates to the variation of condition No.3 attached to outline planning permission Ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously

permitted at "Croes Atti", Chester Road, Oakenholt.

1.02 The application site is 27 hectares which was granted outline planning permission for a mixed use development scheme in July 2006 and comprises residential development, public open space, infrastructure works, landscaping and education and community facilities. Since the outline planning permission was granted two further applications have been granted for reserved matters on the site with a total of 321 units. The overall site has an extant i.e. live permission that is valid until 11th July 2013, however the outline planning permission required the submission of all the reserved matters within five years of the granting of that permission and this date has now lapsed - the applicant seeks to extend the time to allow for the submission of the remainder of those reserved matters applications within the lifetime of the outline permission.

1.03 The proposal is an identical application to planning reference 049154 which was considered by Members at March's Planning Committee and where Members were asked to determine the stance to be pursued by the Council in light of the fact that the applicant had submitted an appeal against non-determination of the application – on that application Members resolved to pursue the appeal based on applying the previously permitted conditions and legal agreement that were attached to the original outline planning application with a slight variation to some conditions to be attached, and if deemed necessary a financial contribution for enhanced educational facilities contribution in schools to be reasonably served by the development. Also as regards the stance to be adopted by the Council for that appeal Members resolved that the Inspector be made aware that a condition be applied requiring a play area to an adoptable standard, it be offered for adoption and a 10 year maintenance should be paid.

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

2.01

That condition No.3 attached to the outline planning permission ref. 035575 is varied to allow 7 years for the submission of reserved matters from the date of outline planning permission being granted. That all previous planning conditions attached to the outline planning permission are re-imposed and subject to the applicant entering into a section 106 Obligation/Unilateral Undertaking to re-impose all the requirements of the original legal agreement attached to the outline planning permission i.e.

- scheme to be in general conformity with the Revised development Brief,
- construct or to reimburse the Council for the reasonable cost of a footpath/cycleway linking the site with Leadbrook Drive,
- phasing/occupation of housing,

- setting aside of 1.5 hectares of land and its transfer for a school site
- setting aside of land for a shop site,
- setting aside of a site of 0.45 hectares for a health centre,
- setting aside of a site of 0.25 hectares for a community centre and its transfer
- provision of 4.5 hectares of open space including an enclosed equipped children's play area, a landscape strategy, a management strategy for open space areas including establishment of a management company
- Provide for a maximum of 10% of number of dwellings for affordable use

### Conditions

1. Re-apply conditions 1-29 of outline planning permission Ref. 035575 except as amended below.
2. Condition 13 of outline planning permission Ref. 035575 which referred to a SUDS drainage system no longer required in consultation with the Environment Agency.
3. Condition 14 of outline planning permission Ref. 035575 amended to reflect occupancy rate of a maximum of 200 units per year commencing in 2012 and thereafter 100 units per year (previous condition referred to an occupancy rate commencing on 2006).
4. Code for Sustainable Homes applied to any new reserved matters applications on the site.
5. Foul water to discharge to Oakenholt Mains Sewage Pumping Station.
6. Foul and surface water drained separately from site.
7. No surface water to connect to public sewerage system unless otherwise approved.
8. Land drainage run-off not permitted to discharge to public sewerage system.
9. Scheme for comprehensive/integrated drainage of site.
10. No building permitted within 3 metres of sewer.

## **3.00 CONSIDERATIONS**

### 3.01 Local Member Cllr. R. Johnson

Requests the application be referred to the Planning Committee as it would conflict with a committee decision. The application should be refused.

Adjacent Flint Members  
Cllr. D Cox, Cllr. A. Aldridge & Cllr. Howorth  
Agree to determination under delegated powers

Flint Town Council  
No objection on the basis that no development works has taken place to date

Head of Assets and Transportation  
No objections

Public Protection Manager  
No adverse comments in regards to pollution control

Welsh Government  
No direction to be issued

Welsh Water  
Request conditions relating to use of Oakenholt Main Sewerage Pumping Station, foul/surface/land drainage, comprehensive drainage scheme, building near to sewer

#### **4.00 PUBLICITY**

4.01 The application has been advertised by way of a press and site notices.

One letter of objection has been received and is summarised as follows,

- Questions the validity of whether a Section 73 application can be used to extend time limits for the site
- Questions nature of works already carried out on the site by applicant.

#### **5.00 SITE HISTORY**

5.01 **98/17/1308**  
Outline residential development and associated recreational, community and retail was originally reported to committee on 14.12.99 which resolved to approve subject to a Section 106 Agreement - No decision was ever issued due to changed circumstances of the applicants.

**035575**  
Outline application for a mixed use development including residential, open space, infrastructure, landscaping, education and community facilities was reported to committee on 19.7.2004 which resolved to approve subject to a Section 106 Agreement - the agreement was signed and the permission issued on 11.7.06.

**044035**

Highway improvements, street lighting and all associated works, on land at Croes Atti, Chester Road, Oakenholt, in connection with the outline planning permission ( ref. 035575) - Granted permission on 23rd April 2008.

**044033**

Reserved matters application - residential development consisting of 189 no. dwellings, public open space, new roundabout and all associated works at Croes Atti, Oakenholt - Granted 11th July 2008.

**046562**

Substitution of house types on plots 119, 124, 128-129, 131-132, 136, 138, 139, 142-144, 146-150, 160-163, 165-166, 170-177 and 183 on land at Croes Atti, Oakenholt, granted 11th July 2008.

**046595**

Reserved matters application for residential development consisting 132 no. dwellings, new roads, open space and all associated works on land at Croes Atti, Chester Road, Oakenholt, granted on 19th January 2012.

**049312**

Application for a Lawful Development Certificate for construction of vehicular access from Prince of Wales Avenue, Flint to serve residential development at Croes Atti, Oakenholt, permitted by outline planning permission code number 035575 dated 11th July 2006 – granted 5th April 2012.

**049154**

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted - non determination appeal submitted, it is to be considered by way of an informal hearing, however, the appeal has been put into abeyance pending the outcome of the current application (049426).

**049425**

Variation of condition no.15 attached to planning permission ref:046595 at Croes Atti, Chester Road, Oakenholt - undetermined

**6.00 PLANNING POLICIES**

**6.01 Flintshire Unitary Development Plan ( FUDP )**

The FUDP shows the land as a housing commitment and outline planning permission has now been issued. In the context of the development as a whole a large number of the policies of the plan are relevant but the most significant policy is Policy HSG2 - Housing at

Croes Atti, Flint, other relevant policies include D1-D4 which refer to design/location/layout/landscaping and Policy GEN1 (General Requirements for Development).

The proposal is considered to accord with the aims of the relevant policies and development brief for the overall site.

## **7.00 PLANNING APPRAISAL**

### **7.01 Principle of Development**

The proposed development relates to the variation of condition No.3 attached to outline planning permission Ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted at "Croes Atti", Chester Road, Oakenholt. The application site is 27 hectares which was granted outline planning permission for a mixed use development scheme in July 2006 and comprises residential development, public open space, infrastructure works, landscaping and education and community facilities. Since the outline planning permission was granted two further applications have been granted for reserved matters on the site with a total of 321 units. The overall site has an extant i.e. live permission that is valid until 11th July 2013, however the outline planning permission required the submission of all the reserved matters within five years of the granting of that permission and this date has now lapsed, although two reserved matters applications have been approved - the applicant seeks to extend the time to allow for the submission of the remainder of those reserved matters applications within the lifetime of the outline permission.

7.02 In considering this application whilst the principle of the development is not in dispute, the Council can potentially review aspects of the scheme e.g. educational provision. The variation of condition no. 3 is considered acceptable in principle subject to conditions to re-applied to the overall consent and any changes to the legal agreement if these were warranted.

### **7.03 Effect on adjacent/future residential amenities**

These issues would be addressed via any future reserved matters applications, however, the Council's normal standards regarding space about dwellings and distance away from either proposed dwellings or existing dwellings would be applied.

### **7.04 Provision of Public Open Space**

Overall the site has to provide a total area of approximately 4.5 hectares of open space which includes the village green. The site would benefit from the previously approved formally laid out "village green" which would include a mini soccer pitch, a junior play area, a toddlers/picnic area, a Multi Use Games Area (MUGA) which forms

part of the wider open space allocation for the overall site. The public open space on the site would be subject to a landscape strategy, a management strategy including the establishment of a management company to be included in the legal agreement.

7.05 Affordable Housing

Ordinarily for a site on the scale of Croes Atti Policy HSG10 of the adopted UDP would be likely to be applied i.e. the provision of 30% affordable housing where there is a demonstrable need for affordable housing to meet local needs. Such affordable provision can be attained in a number of ways e.g. low cost home ownership at 70% of open market value, or subsidised housing provided via a Registered Social Landlord or “gifted” units where the Council are given units to use for affordable purposes.

However, in regards to the current application site, Policy HSG10 has to be read in conjunction with Policy HSG2 of the newly adopted UDP, where Policy HSG2 of the adopted UDP refers to housing allocation at Croes Atti and indicates that it will be developed subject to an appropriate provision of affordable housing and that "The location and extent of land uses within the site and the means of delivering them in the future, including the protection of landscape features, have been set out in a detailed Development Brief for the site, which has been agreed between the Council and the developers as the basis on which to develop this site". The agreed Development Brief for the site stipulates that a maximum of 10% affordable housing will be required on the Croes Atti Site and this is reinforced in the existing Section 106 Legal Agreement. Bearing in mind the UDP policies have recently been adopted, it is considered reasonable that Policy HSG2 (and thereby any reference to the Development Brief) should be afforded significant weight when setting the upper limit for affordable units on the site i.e. 10%.

The original outline planning permission for the overall site required that if justified, up to 10% of dwellings on the site should be social/affordable and was secured via a Section 106 legal agreement. The exact number/location of affordable units within any future phases of the development has yet to be determined, however, any new affordable dwellings would need to indicate a potential mix of properties which are spread geographically across the site with that final figure being in accordance with the terms of the original Section 106 legal agreement.

7.06 Drainage and Contamination Issues

The Environment Agency/Welsh Water have not objected to the proposal. It should be noted that approx. £2.1 million has been spent for the off site sewer works and these works include improvements to a pumping station which in addition to catering for the Croes Atti development will also generally improve drainage in the area. Contamination reports relating to the discharge of conditions on the outline overall site have revealed lead contamination. As part of the

remediation strategy for the overall site the Council are satisfied any contamination can be adequately addressed during the course of construction with final verification of remediation being on a plot by plot basis.

7.07 Highways

The Head of Assets and Transportation has raised no objections to the application. When the original outline planning permission was granted it was envisaged the site would be accessed via three points i.e. Chester road, Prince of Wales Avenue and Coed Onn Road.

7.08 The access component of the Croes Atti development has been the subject of extensive negotiations with the applicant. Due to highway concerns raised as part of the public consultation process to the last reserved matters application on that part of the site commonly known as the "Thomas Land", the applicant was requested to submit an updated Transport Assessment for the proposal. An updated Transport Statement was submitted based on the original TIA of 2003 but updated with particular reference to the following:-

- assess the proposed detailed design layout which incorporates a roundabout access off the A548, linking to Prince of Wales Avenue and Coed Onn Road via a sinuous alignment spine road
- review trip generation against contemporary TRICS data
- provide an updated assessment of shopping/leisure based trips
- consider revised assessment years
- provide an assessment of routes that would be used by construction period traffic
- general update of previous TIA data relating to the local area (traffic flow/accident data etc)
- the influence that construction of two nearby schools may have had on traffic patterns adjacent to the development site

The Transport Statement concluded that,

- The development can be served satisfactorily by the proposed A548 Chester Road roundabout with additional access to Coed Onn Road and Prince of Wales Avenue
- Traffic generated by the proposed residential development off Prince of Wales Avenue/Coed Onn Road in isolation can be accommodated by the existing road network without improvement.
- FCC's "traffic calming scheme" which has been implemented along Prince of Wales Avenue, Coed Onn Road and adjoining roads to compliment the traffic management scheme in Flint town centre, has enhanced safety for road users by reducing traffic speeds



- The presence of traffic calming along Prince of Wales Avenue and Coed Onn Road will also detract usage from the proposed development
- Based on the assessment undertaken the development is expected to have minimal impact on the existing highway environment. Modelling analysis has identified that the proposed A548 Chester Road Roundabout has adequate capacity to accommodate the expected traffic flows from the 683 dwellings. Traffic flows on the existing routes (A548, Prince of Wales Avenue, Albert Avenue and Coed Onn Road) are well within theoretical capacities.
- Public transport links will be extended into the proposed development, subject to reaching agreement with local bus companies
- Existing footpaths will be retained/enhanced

The assessment undertaken of the alterations will be marginal and have a minimal impact on the local road network when compared to the current situation.

7.09 The findings of the updated Transport Assessment are clearly relevant to the current application. The updated Transport Assessment was independently reviewed on behalf of the Council by the Transport Consultancy Atkins who have concluded that the proposed development is acceptable in highway terms.

7.10 The Council's Head of Assets and Transportation accepted the findings of the independently reviewed Transport Assessment and therefore offered no highway objections to that scheme, nor to the current application.

7.11 Education

The original planning permission/legal agreement required the setting aside of 1.5 hectares of land and its transfer for a school site. Since the original outline planning permission was granted the council's Head of Education and Resources has reviewed the funding of education facilities via the planning process i.e. an educational contribution is required based on the projected pupil numbers a development would generate and whether or not these would impact on adjacent schools resulting in pupil capacity issues. As regards the current proposal the Council are still in the process of quantifying the value of the "gifted" school site as detailed in the legal agreement attached to the outline planning permission and whether or not an additional financial contribution is required in addition to the "gifted" site. Members will be updated on this matter on the day of committee, however, it is anticipated that any consent would re-impose the previous planning permission requirements i.e. a site is set aside for a school (in addition to any further requirements for a financial

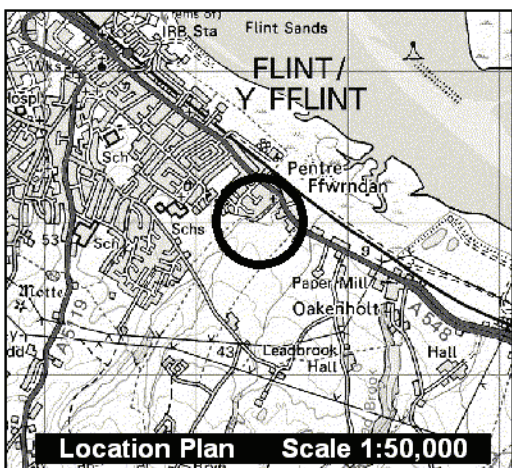
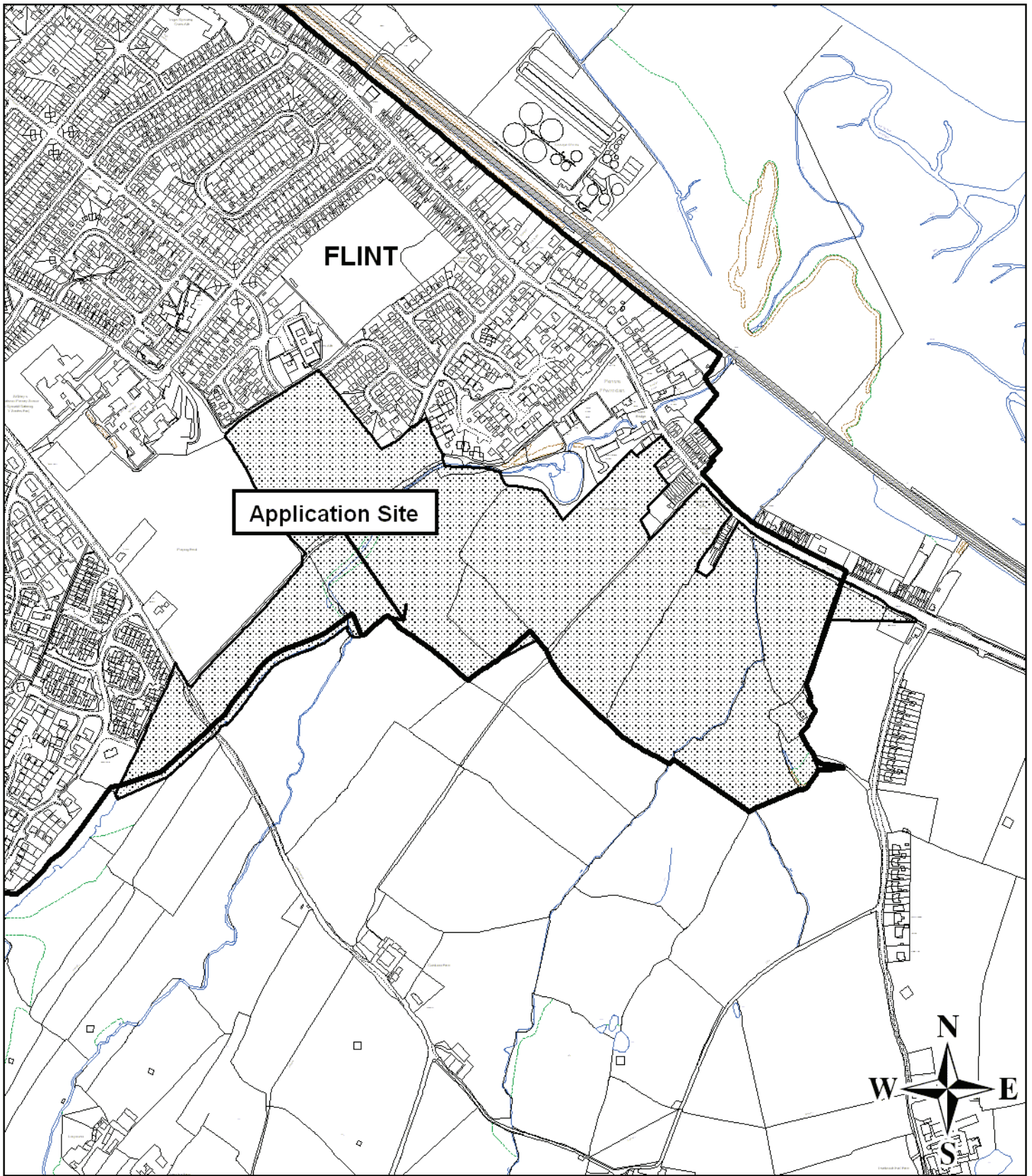
contribution if deemed appropriate by the Head of Education and resources).

**8.00 CONCLUSION**

8.01 I recommend approval subject to conditions and legal agreement as attached to the previously approved outline planning permission and revised at paragraph 2 of this report.

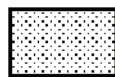
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

**Contact Officer: Declan Beggan**  
**Telephone: 01352 703250**  
**Email: [declan\\_beggan@flintshire.gov.uk](mailto:declan_beggan@flintshire.gov.uk)**



Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:7500

Ordnance Survey Sheet SJ 2571

Planning Application 49426

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** PLANNING AND DEVELOPMENT CONTROL COMMITTEE

**DATE:** WEDNESDAY, 18 APRIL 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** APPLICATION FOR REMOVAL OR VARIATION OF A CONDITION FOLLOWING GRANT OF PLANNING PERMISSION REF. 1240/90 TO ALLOW FOR STORAGE UP TO 8 METRES HIGHER THAN BASE DATUM POINT AT OLD QUARRY YARD, GWESPYR 049395

**APPLICATION NUMBER:**

**APPLICANT:** Delyn Metals Ltd

**SITE:** Old Quarry Yard, Gwespyr

**APPLICATION VALID DATE:** 30/01/12

**LOCAL MEMBERS:** Councillor Fred Gillmore

**TOWN/COMMUNITY COUNCIL:** Llanasa Community Council

**REASON FOR COMMITTEE:** Re-submitted application previously refused. Requested by Planning Chair.

**SITE VISIT:** No

### **1.00 SUMMARY**

1.01 This application is a re-submission of application 048496. This application was refused at Planning and Development Control Committee on 7<sup>th</sup> December, 2011 contrary to officer recommendation on the grounds of visual impact and highways impact. A report then went to the Planning and Development Control Committee on 11<sup>th</sup> January, 2012 to seek guidance regarding the above reasons for refusal. The outcome of this Planning and Development Control Committee was to refuse application 048496 solely on the grounds of visual impact. Since issue of the refusal decision notice the applicant has engaged with officers and the local member with the purpose of resolving the issues of visual impact.

Further to the refusal of application 048496 on the grounds of visual impact a new belt of planting is proposed to be undertaken to the south of the site. This is to mitigate the visual impact of an area where the scrap storage area can be viewed from the main road. The species mix would be controlled by a condition to ensure that a balance of screening and longer term aesthetics are maintained given that site is close to the Conservation Areas and historic gardens and the AONB.

Since application 048496 was refused, parking spaces have been created on site to address previous Member concerns. Highway issues would be controlled by way of condition including facilities for turning and parking of vehicles and the maintenance of a hardpaved area for loading, parking and turning within the site.

This application is to vary condition number 1 of planning permission reference 1240/90 to allow storage of scrap stockpiles on site up to 8 metres higher than base datum point. Condition number 1 of the planning permission states that “no waste shall be stored on any part of the site to a height greater than 4.6 metres (15 feet) above the base datum point of the floor slab at ground level of the weighbridge office”. Old Quarry Yard at Gwespyr is an existing scrapyard adjacent to the settlement of Gwespyr. The operations involve the receipt, sorting, storage and the subsequent removal of products from the site. All of these activities take place within the confines of the site and are permitted under the current planning permission. No change of use is proposed as the only purpose of the application is to increase the height of the storage areas of the scrap material from 4.6 metres to 8 metres. This application is to regularise the planning status of the site to retain the existing stockpiles at a height of up to 8 metres. No complaints about the site such as noise or visual impact have been received.

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

**2.01 Conditions:**

1. Time limit on Commencement
2. Development carried out in accordance with the approved documents
3. Copy of the permission to be kept at the site offices
4. Height restriction of stockpiles
5. Hours of operation
6. Hours of plant and machinery maintenance, testing and repair
7. Landscaping of site boundary and species mix
8. Wheel washing facilities
9. Provision and delineation on site for loading, unloading, parking and turning of vehicles

10. Limit on baler / crusher use
11. Storage of materials
12. Burning of waste materials prohibited
13. Vehicles and mechanical plant to be fitted with effective exhaust silencers
14. Limit of area for activities and operations to take place
15. Sheeting of lorries to prevent debris on the road

### **3.00 CONSIDERATIONS**

- 3.01 Local Member - Councillor Fred Gillmore:  
Councillor Gillmore has spoken with the applicant and is now happy with this current application.

Llanasa Community Council:  
No objection.

Pollution Control:  
No adverse comments to make regarding these proposals.

Rights of Way:  
Public Footpath Number 43 in the community of Llanasa abuts the site but appears unaffected by the development, therefore no observations to make.

Ramblers Association:  
Provided that the adjacent right of way remains unaffected by the proposed development, the Ramblers Association would not object to the application.

Environment Agency Wales:  
The consultation response for application 048496 remains valid. No objection to the proposed development in principle, however, the Environment Agency Wales have the following comments for consideration:

The applicant must be able to demonstrate that the increased waste heights will not impact on the health and safety of site staff and third party visitors to the site.

The operator must also ensure that an increase in height limits at the site will not cause a breach to the conditions set under their Environment Permit (EAWML37134).

Countryside Council for Wales:  
Countryside Council for Wales (CCW) does not object to the proposal subject to the following issues being addressed.

The proposals will not affect, either directly or indirectly, the features, functionality or integrity of any statutory protected sites of ecological, geological or geomorphologic interest. The proposals will not be detrimental to the maintenance of the favourable conservation status of any statutory protected species present in the environs of the application site.

CCW note that as part of the proposals the applicant is to undertake supplementary planting at the site for landscape and screening purposes. This includes the planting of species such as *cotoneaster* and *leylandii* species. CCW advise that such species be avoided and that an appropriate native tree planting scheme is undertaken instead. The applicant may wish to contact Flintshire County Council's Tree Officer or Ecologist to discuss appropriate species selection.

The Garden History Society:

No comments to date.

Welsh Historic Gardens Trust:

The Welsh Historic Gardens Trust would object to this application if an increase in height resulted in the scrap metal becoming visible from the Talacre parkland.

Head of Assets and Transportation

No Objection. Recommend conditions including facilities for turning and parking of vehicles and the maintenance of a hardpaved area for loading, parking and turning within the site.

**4.00 PUBLICITY**

- 4.01 Site notice posted on 10th February, 2012 on telegraph pole opposite site entrance. Press Notice in The Chronicle on 23rd February, 2012 and Neighbour Notification. There have been no objections by local residents for this application.

**5.00 SITE HISTORY**

- 5.01 Enforcement notice alleging material change of use from quarry to scrap metal business in March 1962.

- Planning permission Y560 – Use for dismantling cars and firewood business granted October, 1964.
- Planning permission 435/83 – Tipping on land and use of new area for storage of metals granted October 1983.
- Planning permission 10/90 – Rebuilding of boundary wall granted February, 1990.



- Planning permission 1176/89 – Erection of garage and store granted March 1990.
- Planning permission 11/90 – Conservation Area Consent, rebuilding of boundary wall granted March, 1990.
- Planning permission 263/90 – Installation of septic tank granted April, 1990.
- Planning application 416/90 – Amendment of hours of working refused May 1990.
- Planning application 375/90 – Established Use Certificate file closed November, 1990.
- Enforcement notice served alleging contravention of condition attached to planning permission 435/83 regarding height of material stored on site. Appeal held in abeyance pending outcome of planning application 1240/90.
- Planning permission 1240/90 – Continuation of use of site as scrapyards without complying with conditions previously imposed granted February, 1991.
- Planning permission 41/94 – Extension to existing metals storage shed to provide additional storage area granted February, 1994.
- Planning application 1249/90 – Rebuilding of existing boundary wall and landscaping file closed February, 1995.
- Planning application 98/691 – Change of use from scrap yard to residential mobile home park file closed January, 1999.
- Planning application 04/37427 – Change of use from scrapyards to residential mobile home park withdrawn October, 2004.
- Planning application 05/39022 – Siting of 28 residential park homes together with associated landscaping refused May, 2005.
- Planning application 05/23/39997 – Siting of 22 no. residential park homes, together with landscape planting refused December, 2005 and dismissed by an informal hearing appeal August, 2006.
- Planning application 06/42230 – Change of use from scrapyards to siting of 17 residential park homes together with associated landscaping refused January, 2007 and dismissed by a written representations appeal April, 2007.
- Planning application 048496 - application for removal or variation of condition restricting stockpile heights to allow stockpiles of up to 8 metres above datum point. Refused dated 18 January 2012

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
 Policy STR1 - New Development  
 Policy STR2 – Transport and Communications  
 Policy STR3 – Employment  
 Policy STR7 - Natural Environment  
 Policy STR10 - Resources  
 Policy GEN1 - General Requirements for Development  
 Policy GEN3 – Development Outside Settlement Boundaries  
 Policy GEN4 – Green Barriers  
 Policy GEN5 – Environmental Assessment  
 Policy D1 – Design Quality, Location and Layout  
 Policy D2 - Design  
 Policy D3 - Landscaping  
 Policy D5 – Crime Prevention  
 Policy HE1 - Development Affecting Conservation Areas  
 Policy HE5 – Protection of Registered Landscapes, Parks and Gardens of Special Historic Interest  
 Policy AC2 – Pedestrian Provision and Public Rights of Way  
 Policy AC13 – Access and Traffic Impact  
 Policy EM1 – General Employment Land Allocations  
 Policy EM3 – Development Zones and Principal Employment Areas  
 Policy EM5 – Expansion of Existing Concerns  
 Policy EM7 – Bad Neighbour Industry  
 Policy EWP7 - Managing Waste Sustainably  
 Policy EWP8 - Control of Waste Development and Operations  
 Policy EWP13 - Nuisance

Waste development is also guided by Regional and National guidance, including:

Regional:

North Wales Regional Waste Plan First Review, 2009

National:

Planning Policy Wales 2011  
 National Waste Strategy (2010)  
 TAN 21 - Waste (2001)  
 TAN 11 – Noise (1997)  
 TAN 18 – Transport (2007)  
 TAN 12 – Design (2009)

## **7.00 PLANNING APPRAISAL**

### **7.01 Site location:**

The site is located adjacent to the settlement of Gwespyr and is situated at the road junction of Tanrallt Road and another B Road, both of which lead to the A 548 Coast Road.

7.02 Description of and the need for the development:

The scrapyards provide employment within the County. The site acts as a location for waste scrap metals which are sorted, recycled and reused or passed on for reprocessing. National planning objectives seek to minimise waste and to maximise its re-use and recycling close to source. The application is therefore consistent for the delivering of waste management within the County in both a social and economic context.

7.03 Site boundaries:

The site is bounded to the adjacent highway by a stone wall. There is a belt of mature trees along the Northern and Western boundary of the site which shields the view of the site and the stockpiles. The site will be less shielded during the winter months when there are no leaves on the trees. Additional landscaping proposed as part of the application to supplement existing boundary tree belts assist in controlling any detrimental visual impact. The site is enclosed by Talacre Abbey Conservation Area and Gwespyr Conservation Area, however the site is not part of a conservation area or other sensitive area. Flintshire County Council Conservation Section were consulted on the application and have advised that if the application is to be approved a condition should require that notwithstanding the general 8 metre allowance, the scrap should not protrude above the quarry wall on its south and east sides. The opportunity should also be taken to require a slight expansion of the buffer strip between the storage area and the road and an increase of a further 3 metres along this edge, to be planted with a mix of native hardwoods and fast growing conifers, is recommended. The application site is located approximately 600 metres from the boundaries of the Clwydian Range Area of Outstanding Natural Beauty (AONB). Views from the AONB will not be affected by the development. There are no listed buildings on the site and the site does not contain any trees that are subject to a tree preservation order.

Public Footpath number 43 runs along the Northern site boundary. The footpath is protected from the site by a large steep bank which is heavily vegetated. The site is not visible from the footpath.

7.04 Environmental assessment:

It was not considered that the nature and scale of the proposal involved issues of more than local importance and consequently Environmental Impact Assessment was not required. An environmental statement is not required as the site area is below the appropriate thresholds.

The application makes efficient use of previously developed land and

is located close to an existing settlement. The deposit, recycling and re-use of metals is inherently a sustainable activity.

7.05 Pollution Control

Drainage arrangements for the site would remain unchanged.

7.06 Wildlife conservation:

There are no known protected species on the site.

7.07 Access:

The site is situated at the road junction of Tanrallt Road and another B Road, both of which lead to the A 548 Coast Road. The A 548 is also a key bus route. The existing vehicle movements by a variety of commercial vehicles would continue unaltered. The existing vehicular access point would also remain unaltered. Off-road parking is available for staff and visitors to the site within the site boundary. Since application 048496 was refused, parking spaces have been created on site to address previous Member concerns. The site is not open to members of the public other than under controlled circumstances and the site is only open to customers during normal business hours. Outside of these hours alarm systems and possibly CCTV would be used to monitor the site. This is a measure for the prevention of crime. There is no other public access over the land.

7.08 Policy context:

It is considered that the development is in compliance with all the relevant policies in terms of location and design and as a facility for the management of waste. The development will continue to assist in the achievement of Welsh Government waste recycling, diversion of waste from landfill and sustainability objectives. The development is in accordance with the objectives and policies set out in the Flintshire Unitary Development Plan which supports waste reduction by encouraging reduction in the amount of waste generated and it supports schemes which re-use and recycle waste materials. Policy EWP7 - Managing Waste Sustainably and Policy EWP8 - Control of Waste Development and Operations are particularly relevant to the proposed development. The North Wales Regional Waste Plan states that there is a need to ensure a network of facilities to assist with waste minimisation. The Councils objectives also reflect Welsh Government policies which provide for sustainable waste management and disposal.

7.09 Amenity and nuisances:

Issues that have been raised in the past by the Local Member and local residents are an increase in traffic, an increase in noise, an

increase in the height of storage, a visual impact due to the increased height, debris on the road from the lorries, lorries blocking the road and drives to residential properties, insufficient roads to accommodate the lorries, lorries bringing down overhead cables, in breach of permitted operating hours. These issues are general site issues and as the height of the stockpiles is currently 8 metres and has been for approximately the last nine months, these issues should not be exacerbated by the proposal to retain the stockpiles at this height. It would appear that the Highway Authority of Clwyd County Council was not consulted on the Original proposal approved under reference 1240/90 (dated 28<sup>th</sup> February 1991). There were no control measures imposed as part of the original planning consent in relation to highway conditions. There are no restrictions imposed on the current planning permission in relation to the amount of waste material that can be stored on site or the quantities of waste material transported to or from the site. There are also no restrictions imposed on the movement of waste, the size of vehicles permitted to move the waste or the frequency of movements. The only relevant condition in terms of highways is the provision of wheel washing facilities in order to prevent dirt and mud from the site causing a hazard to vehicles on the highway. New conditions are proposed to introduce improvements on traffic turning/loading and parking within the site, including dedicated parking, areas, and hard surfacing of loading areas.

The applicant advises that he is not aware of any such issues within the community of complaints regarding highway use.

The applicant has been unable to secure definitive figures for the level of traffic generation whilst scrap was at 4.6 metres high. The applicant advises that the site is currently visited by between 1 and 2 HGV vehicles per working day and approximately 5-8 smaller vehicles (such as flat beds pick-ups and the like). Typical movements are therefore in the region of 10 per day – although this figure varies from day to day.

#### 7.10 Visual Impact:

The site is set in a former sandstone quarry that provides some reduction in the visual impact. The site is bounded to the adjacent highway by a stone wall and there is a belt of mature trees along the Northern and Western boundary of the site which shields the view of the site and the stockpiles. The site will be less shielded during the winter months when there are no leaves on the trees. The boundary tree belts assist in controlling any detrimental visual impact. Further to the refusal of application 048496 on the grounds of visual impact a new belt of planting is proposed to be undertaken to the south of the site. This is to mitigate the visual impact of an area where the scrap storage area can be viewed from the main road. The landscaping proposals comprise a belt of deciduous and evergreen planting to the

south of the site. The planting proposed comprises of a mix of quick growing species, for example, *Leylandii*, *Ligustrum Superbum*, which is a quick growing evergreen privet, or silver birches (*Betula Pendula*) and Scots Pine (*Pinus Sylvestris*) interplanted in two rows 4.5 metres (15 feet) apart. To increase the effectiveness of the landscaping the two rows would be underplanted with cotoneasters, *Ilex aquifolium* (holly) and poplars which could be removed as the screen develops. Some of the species are not considered appropriate, notwithstanding that there are already long established *Leylandii* and Cypress evergreen boundary planting, which suffers a disadvantage that it eventually becomes unwieldy and over dominant if not managed. The species mix would be controlled by a condition to ensure that a balance of screening and longer term aesthetics are maintained given that site is close to the Conservation Areas and historic gardens and the AONB.

The site is not visible from Public Footpath number 43 that runs along the Northern site boundary. The footpath is protected from the site by a large steep bank which is heavily vegetated.

As the height of the stockpiles is currently 8 metres and has been for approximately the last nine months the visual impact should not be exacerbated by the proposed retention of the stockpiles at this height.

7.11

BPEO:

The Council must be satisfied that the development proposal is the Best Practical Environmental Option (BPEO) for the waste, management processes and location. The site is an existing operation and is capable of servicing scrap waste from across the County

**8.00 CONCLUSION**

8.01 The site is covered by appropriate Environmental Permitting regime which will need to be amended as appropriate. The development is in accordance with the objectives and policies set out in the Flintshire Unitary Development Plan. Policy EWP7 – Managing Waste Sustainably and Policy EWP8 - Control of Waste Development and Operations are particularly relevant to the proposed development. It is recommended therefore that permission be granted for the development.

In considering this planning application 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.

**Contact Officer: Neil A Parry**  
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**Email: [Neil.A.Parry@Flintshire.gov.uk](mailto:Neil.A.Parry@Flintshire.gov.uk)**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** PLANNING AND DEVELOPMENT CONTROL  
COMMITTEE

**DATE:** WEDNESDAY, 18 APRIL 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** FULL APPLICATION - PROPOSED  
CONSTRUCTION OF A VEHICULAR ACCESS  
ONTO BRYN ROAD, REMOVAL OF PART OF THE  
HEDGEROW AND ERECTION OF DOUBLE  
WOODEN GATES AT 9 HILL VIEW, BRYN Y BAAL  
049371

**APPLICATION  
NUMBER:**

**APPLICANT:** Mr York

**SITE:** 9 Hill View, Bryn Y Baal, CH7 6SL

**APPLICATION  
VALID DATE:** 30<sup>th</sup> January 2012

**LOCAL MEMBERS:** Councillor Q R H Dodd  
Councillor Hillary J McGill

**TOWN/COMMUNITY  
COUNCIL:** Argoed Community Council

**REASON FOR  
COMMITTEE:** Councillor Hilary McGill requested committee due to  
the impact on the turning facility at the end of Bryn  
Road, Bryn Y Baal

**SITE VISIT:** No

### **1.00 SUMMARY**

1.01 The application which is submitted by Mr York is a full application for the creation of an access, new dropped kerb and gates onto Bryn Road, from 9 Hill View, Bryn Y Baal

### **2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-**

#### **2.01 Conditions**

1. Time limit on commencement
2. In accordance with approved plans

### **3.00 CONSIDERATIONS**

3.01 Local Member:  
Cllr Hilary McGill  
Requested application to be referred to Planning Committee because of the effect on the hammerhead.

Cllr Q R H Dodd  
No objections

Argoed Community Council

Raised objections due to application being dangerously close to a school and restricts the turning circle for vehicles

Head of Highways and Transportation  
No adverse comments

Head of Public Protection  
No adverse comments

#### **4.00 PUBLICITY**

4.01 4 no. letters from the residents of Bryn Road, Bryn Y Baal objecting to the proposal have been received:

- The new access will encroach on a designated turning area.
- The new access will add to the congestion and hazards for pedestrians using the school entrance
- The access will intrude on green open space creating a precedent for number 10 Hill View
- The environmental impact of removing the hedgerow and green space
- Loss of the hammerhead and turning point would cause issues at peak times
- The access being used for a non residential use

#### **5.00 SITE HISTORY**

5.01 Relevant Planning History  
There is no relevant planning history

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
GEN 1 - General Requirements for Development  
GEN 2 - Development inside Settlement Boundaries  
D1 - Design Quality, Location and Layout  
D2 - Design  
TWH2 - Protection of Hedgerows  
L3 - Green Spaces

## **7.00 PLANNING APPRAISAL**

- 7.01 This planning application is seeking planning permission for the construction of a new access onto the existing service road which runs parallel to Bryn Road and the erection of a 1.5 metre high gate, within the existing plot boundary. The intervening space is a grassed area over which it is intended to construct a driveway with a tarmacadam surface. This land is owned by Flintshire County Council and is designated as a green space in the UDP. It is also crossed by a public right of way which runs along the existing hedge line which forms the rear boundary to No. 9, Hill View.
- 7.02

### **7.03 Site Description**

The site lies within the residential properties in Hill View and Bryn Road within the settlement boundary of Mynydd Isa. The property is a two storey detached dwelling with an existing vehicular access serving the property off Hill View and there is currently a pedestrian access from the rear of the property onto the grassed area.

7.04

### **Traffic Issues**

The access is to be provided with dropped kerbs in accordance with the Council's standards and concerns in relation to the traffic implications have been considered by the Head of Assets and Transportation who has no objection to the proposal based on the submitted information. (Standard supplementary note should be issued if minded to approve).

7.05

### **Amenity issues**

Concerns have been expressed That this application would set an unwanted precedent in relation to future applications for the creation of access from Hill View onto Bryn Road. However, the circumstances here are that no other properties on Hill View(apart possibly from No. 10) would be able to access this cul de sac and it should be noted that it already serves existing residential properties off its southern side . Concerns in relation to the possible commercial nature of the access have been raised but the application submitted is a householder application for access to a dwelling and should be considered as such. Any future commercial uses of the access or property would require consent.

7.06

Concerns have been raised about the loss of the grassed area (green space) and although this area is allocated as green space in the Unitary Development Plan Policy L3 (127), the construction of an access across it will not detract from its open nature and its amenity value will not be affected.

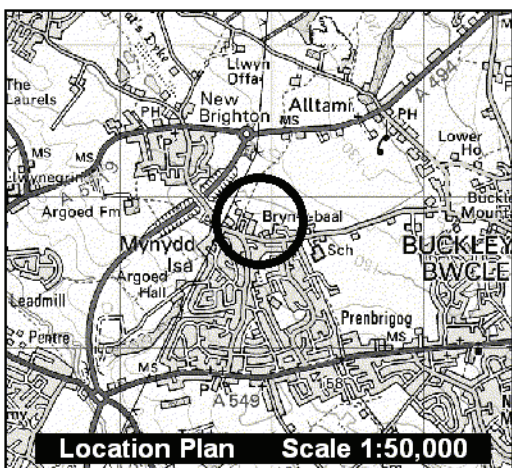
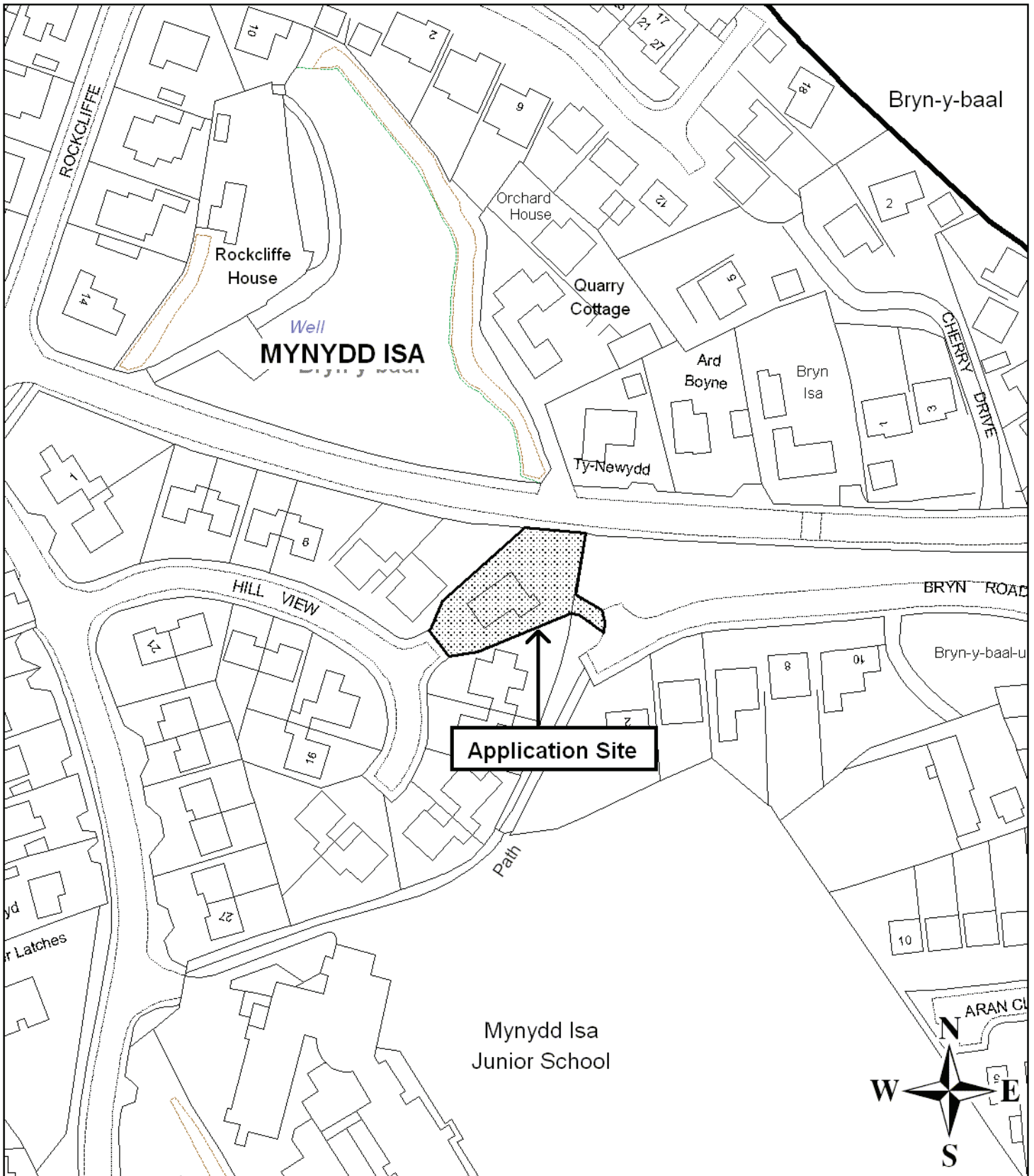
## **8.00 CONCLUSION**

- 8.01 It is considered that the proposal for the creation of an access and erection of a 1.5 meter high gate is acceptable at this location having

regard for the existing character of the area. Having taken all the relevant policies into consideration it is recommended that planning permission be granted.

- 8.02 In considering this planning application 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.

**Contact Officer: Daniel McVey**  
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**Email: Daniel.McVey@Flintshire.gov.uk**



Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary



Application Site Extent

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Ordnance Survey Sheet SJ 2564

Planning Application **49371**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** PLANNING & DEVELOPMENT CONTROL  
COMMITTEE

**DATE:** WEDNESDAY, 18 APRIL 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** GENERAL MATTERS - ERECTION OF 44 NO. TWO  
STOREY AND THREE STOREY DWELLINGS  
INCLUDING ASSOCIATED PARKING, OPEN SPACE  
AND FORMATION OF NEW ACCESS AT BRIGNANT,  
HALKYN ROAD, HOLYWELL.

**1.00 APPLICATION NUMBER**

1.01 48264

**2.00 APPLICANT**

2.01 WATKIN JONES HOMES

**3.00 SITE**

3.01 LAND WEST OF BRIGNANT, HALKYN ROAD, HOLYWELL.

**4.00 APPLICATION VALID DATE**

4.01 04/03/2011

**5.00 PURPOSE OF REPORT**

5.01 To seek an amendment to the resolution, with regard to the need for a Section 106 Obligation relating to the provision of the visibility splay on the southern side of Halkyn Road.

**6.00 REPORT**

6.01 Members will recall that this planning application was permitted at the 14<sup>th</sup>. March meeting of the Planning and Development Control Committee, subject to the completion of a Section 106 Obligation covering the following Heads of Terms:

a) The provision of 13 No. affordable homes, to be made available under the applicant's shared equity scheme at 75% of market value, with the Council retaining nomination rights for occupiers having regard to people registered upon its Affordable Home Ownership Register and to be assessed by Tai Clwyd to ensure that they meet the qualifying criteria at the developers expense (0.5% of the discounted sales price).

b) Ensure the payment of an educational contribution of £38,500 towards educational provision/improvements to Perth Y Terfyn Infants School. The contribution shall be paid prior to occupation of the first dwelling.

c) Maintaining visibility over area of land on southern side of Halkyn Road (if Section 278 Agreement not entered into).

d) Commuted sum for maintenance of play area/ open space for a period of 10 years, upon its adoption by the Authority

6.02 The planning permission will not be issued until the Section 106 Agreement has been prepared and signed but in relation to criterion (c) the proposed visibility splay is also referred to in one of the proposed conditions – Condition 16 – which states that a scheme is to be submitted to provide a 90 metre unobstructed stopping sight distance (SSD) on the southern side of Halkyn Road.

6.03 It is considered that this visibility splay is adequately covered by the proposed condition, the applicant having indicated for the purposes of the application that the land involved lies within his control. On this basis it is not necessary to repeat this control through the Section 106 Agreement and the Committee's resolution is therefore sought in respect of deleting clause 'c' from the Agreement.

## **7.00 RECOMMENDATIONS**

7.01 That the resolution to permit application ref. 48264 subject to the completion of a Section 106 Obligation (and conditions), taken at the Committee meeting on 14<sup>th</sup>. March, 2012, is amended to delete the reference to "maintaining visibility over area of land on southern side of Halkyn Road (if Section 278 Agreement not entered into)."

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** PLANNING & DEVELOPMENT CONTROL COMMITTEE

**DATE:** 18.04.2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** Appeal by Mr. R. Hetherington against the decision of Flintshire County Council to Refuse Outline Planning Permission for the residential development of land at 29/31 Wepre Park, Connah's Quay, Flintshire, CH5 4HJ.

### **1.00 APPLICATION NUMBER**

1.01 047641

### **2.00 APPLICANT**

2.01 Mr. R. Hetherington

### **3.00 SITE**

3.01 Land at 29/31 Wepre Park,  
Connah's Quay,  
Flintshire,  
CH5 4HJ.

### **4.00 APPLICATION VALID DATE**

4.01 27.06.2010

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision, following the refusal of planning permission by Members of the Planning and Development Control Committee at the Committee Meeting of the 7<sup>th</sup> December 2011 for the residential development of land at 29/31 Wepre Park, Connah's Quay, Flintshire, CH5 4HJ.

The appeal was considered by way of an exchange of written representations and was **ALLOWED**.

## 6.00 REPORT

### 6.01 Issues

The Inspector considered the main issues were the effect of the proposal upon the character and appearance of the area and the impact upon any ecological assets within the area.

### 6.02 Character and Appearance

The Inspector noted that the site comprised three areas of residential curtilage and for the most part had the appearance of rough grazing land. In considering the issue of the suggested 'open character of the land', the Inspector took the view that the site was not clearly visible from the public realm and was of little value to warrant special protection in the public interest. Furthermore, he considered that as UDP policy HSG3 envisaged the development of certain unallocated sites within settlement boundaries, there was a need to make a judgement upon the satisfactory development of such sites.

He concluded that, subject to the imposition of appropriate conditions, the scheme would not have such a harmful effect upon the character or appearance of the area as would warrant the dismissal of the appeal.

### 6.03 Impact upon Ecological Assets

The Inspector noted that the site carries special designations but is located between Special Conservation Areas and a SSSI. He noted that the application had been accompanied by ecological assessment reports which demonstrated no evidence of protected species and no evidence to suggest the destruction of habitat of European Protected Species. He noted that both the Council's officers and the Countryside Council for Wales accepted the contents of the ecological assessment and, subject to appropriate mitigation measures being implemented, had no objection to the proposals. He saw no basis upon which to take a different view.

He concluded that he was satisfied that the proposals could be undertaken in such a way as would not adversely affect wildlife interests in the area.

### 6.04 Other matters

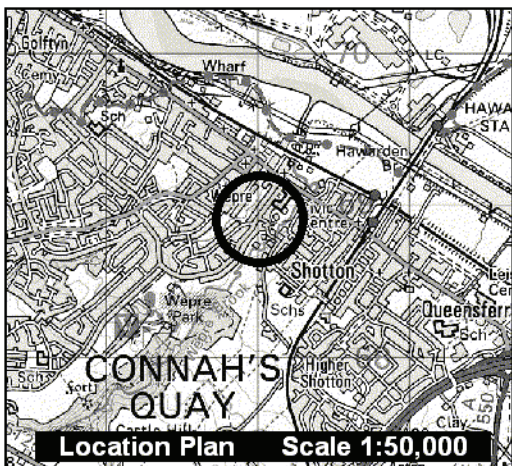
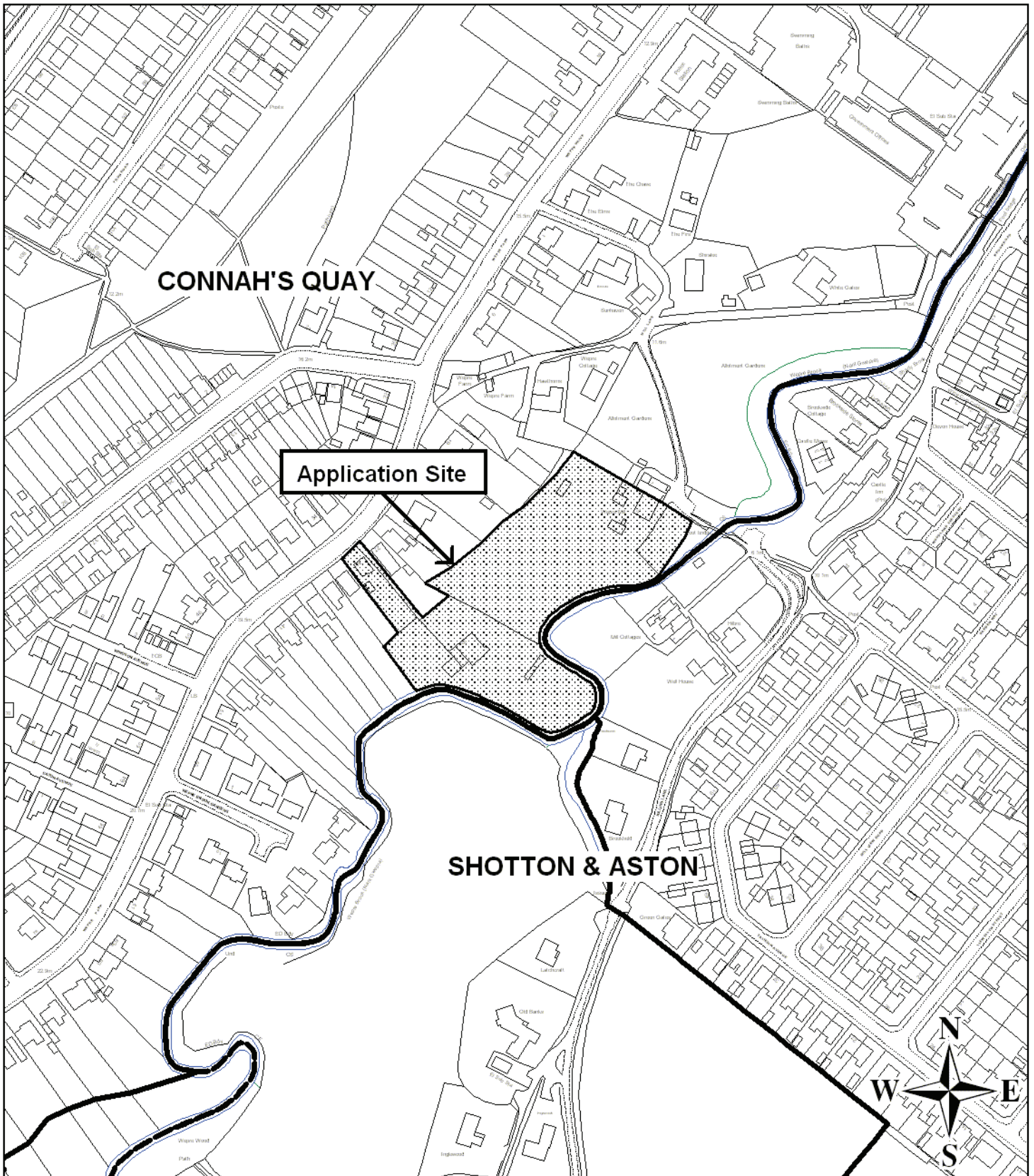
The Inspector considered the concerns raised by third parties where they amounted to material considerations. He concluded that he was satisfied that there were no issues in respect of access or site drainage which were neither satisfactory or to which suitable conditions could be directed so as to ensure the satisfaction of those concerns.

**7.00 CONCLUSION**

7.01 For the reasons given above and having regard to all matters raised, the Inspector concluded that, subject to the imposition of appropriate conditions, the appeal should be **ALLOWED**.

**Contact Officer: David Glyn Jones**  
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Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

### Key to Settlement Boundaries

-  Alyn & Deeside Local Plan Settlement Boundary
-  North Flintshire Local Plan Settlement Boundary
-  Emerging Flintshire Unitary Development Plan Settlement Boundary

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Map Scale 1:2500

Ordnance Survey Sheet SJ 3068

Planning Application 47641

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **18<sup>th</sup> April 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **Appeal by Mr W Hughes against the decision of Flintshire County Council to refuse roof alterations to provide en-suites together with additional bedroom floor space and erection of a detached single garage**

### **1.00 APPLICATION NUMBER**

1.01 049065

### **2.00 APPLICANT**

2.01 Mr W Hughes

### **3.00 SITE**

3.01 3 Garthorpe Avenue, Connah's Quay, CH5 4AE

### **4.00 APPLICATION VALID DATE**

4.01 20/09/2011

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal against refusal of planning permission under delegated powers for roof alterations to provide en-suites together with additional bedroom floor space and erection of a detached single garage at 3 Garthorpe Avenue, Connah's Quay. The appeal was considered under the written representations procedure and was DISMISSED.

### **6.00 REPORT**

6.01 The Inspector during his consideration of the appeal considered the main issue in the determination of this appeal to be the effect of the

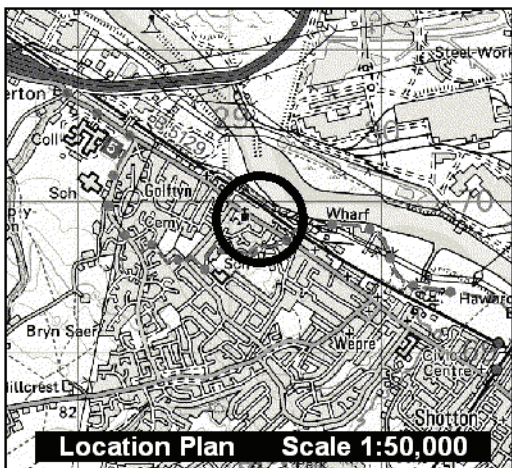
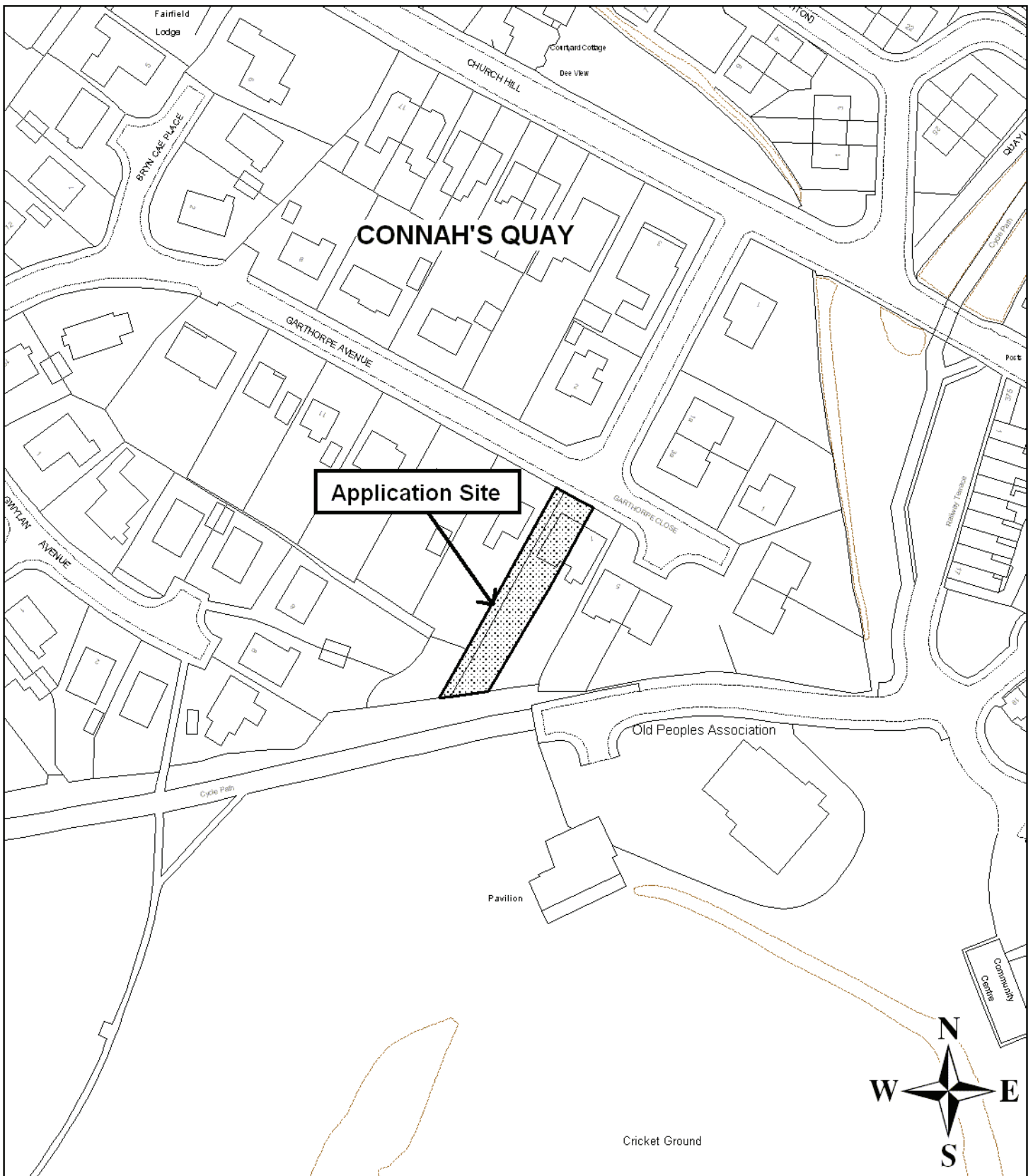
proposed roof alterations on the streetscene. The Inspector confirmed that he agreed with the Council regarding the acceptability of the proposed detached garage.

- 6.02 Garthorpe Avenue lies within a mature residential area where there is a mixture of houses and bungalows of a wide variety of designs, resulting in inconsistent building lines. The appeal site is the right-hand half of a pair of semi-detached dwellings which are prominent due to their position and distinctive due to the noticeably steeper roof-pitch than most surrounding bungalows.
- 6.03 The proposal involves the removal of two of the three existing side dormers in order to build up the wall of the property and make better use of the roof space. The Inspector agreed with the Council that doing so would unbalance the pair due to the resulting outline of the roof with the incongruity being exacerbated by the existing small flat-roofed dormer being viewed against a backdrop of the larger mass of the raised wall and shallow roof pitch.
- 6.04 Though the pair of semi-detached dwellings are not precisely balanced at present due to slightly different dormers, the Inspector deemed the overall design of the appeal scheme to be unacceptable and harmful to the streetscene.

## **7.00 CONCLUSION**

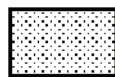
- 7.01 The Inspector concluded that the proposal would be harmful to the streetscene and though he understands the appellant's desire to upgrade his property, this does not outweigh the harm which the scheme would result in. He therefore considered the proposal to contradict Policies GEN1, D2 and HSG12 of the Flintshire Unitary Development Plan and for this reason, concluded that the appeal should be DISMISSED.

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Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application **49065**

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