

# Public Document Pack

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Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr David Wisinger (Chairman)

CS/NG

Councillors: Chris Bithell, Derek Butler, David Cox,  
Ian Dunbar, Carol Ellis, David Evans, Jim Falshaw,  
Veronica Gay, Alison Halford, Ron Hampson,  
Patrick Heesom, Ray Hughes, Christine Jones,  
Richard Jones, Richard Lloyd, Billy Mullin,  
Mike Peers, Neville Phillips, Gareth Roberts and  
Owen Thomas

19 July 2012

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Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **ALYN & DEESIDE ROOM, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 25TH JULY, 2012** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **A G E N D A**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **MINUTES** (Pages 1 - 20)

To confirm as a correct record the minutes of the meeting held on 20<sup>th</sup> June 2012 (copy enclosed).

- 4 **ITEMS TO BE DEFERRED**

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

5 **REPORTS OF HEAD OF PLANNING**

The report of the Head of Planning is enclosed.

**REPORT OF HEAD OF PLANNING**  
**TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 25 JULY 2012**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal, GM=General Matters)</u></b>		
5.1	049426 - GM	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 land at (whole site) (Pages 21 - 26)
5.2	049426 - A	Full 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 land at (whole site) (Pages 27 - 40)
5.3	049425 - A	Variation of condition no.15 attached to planning permission ref: 046595 at land at (whole site) Croes Atti, Chester Road, Oakenholt (Pages 41 - 50)
5.4	049448 - A	Full Application - Erection of 11 No. Dwellings at 105 The Highway, Hawarden. (Pages 51 - 62)
5.5	049709 - A	Full Application - Operation of an outdoor recreation activity known as Sphering at land opposite Bryn Coch Farm, Whitford, Holywell (Pages 63 - 74)
5.6	048983 - A	Full Application - Erection of a detached residential block at Kinsale School, Llanerch y Mor, Holywell (Pages 75 - 84)
5.7	048115 - A	Erection of additional educational / residential facilities to compliment existing school provision for children with autistic spectrum disorder at Kinsale Hall, Llanerch y Mor (Pages 85 - 98)
5.8	049796 - A	Full Application - Demolition of Store Building and Storage Compounds and Erection of a Salt Store at Fulbrooke Buildings, Halkyn (Pages 99 - 112)
5.9	049665 - R	Outline application for erection of a dwelling on land rear of Islwyn, Trelogan, Holywell (Pages 113 - 120)
5.10	049623 - A	Demolition of Existing Single Storey Rear Extension and Construction of New Single Storey Extension to Provide Bedroom, Bathroom and Living Space for Wheelchair Access at 15 Hawarden Drive, Buckley (Pages 121 - 130)
5.11	049617 - A	Full Application - Construction of waste transfer building and continuation of non-hazardous waste management operation at "Old Bridge Inn", Station Lane, Padeswood, Mold (Pages 131 - 148)
5.12	048855 - GM	General Matters - 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 (Pages 149 - 214)
5.13	049292 - A	Full Application - Erection of non-food retail units utilising existing vehicular access points, service yard, customer car park and pedestrian link and removal of existing petrol filling station canopy at Saltney Retail Park, River Lane, Saltney, Chester (Pages 215 - 224)
5.14	049641 - A	Full Application - Conversion of former public house with associated living accommodation to four dwellings of which three are for affordable rental housing at (Pages 225 - 234)

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**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**20 JUNE 2012**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 20 June 2012

**PRESENT: Councillor D. Wisinger (Chairman)**

Councillors: R.C. Bithell, D. Butler, D. Cox, I. Dunbar, J. Falshaw, V. Gay, A.M. Halford, P.G. Heesom, R. Hughes, C.M. Jones, R.B. Jones, R. Lloyd, W. Mullin, M.J. Peers, N. Phillips, H.G. Roberts and W.O. Thomas

**SUBSTITUTION:**

Councillor: M. Bateman for C.A. Ellis

**ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillor C.J. Dolphin - agenda items 5.1 and 5.6. Councillor R. Johnson - agenda item 5.11.

**APOLOGIES:**

Councillor D. Evans and R.G. Hampson

**IN ATTENDANCE:**

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Senior Planners, Manager (Minerals and Waste), Principal Solicitor and Committee Officer

**18. DECLARATIONS OF INTEREST**

Councillor A.M. Halford declared a personal interest in the following application:-

**Agenda item 5.2 – Erection of 11 No. dwellings at former North Wales Police Station, 105 The Highway, Hawarden (049448)**

Councillors D. Butler and W. Mullin declared a personal interest in the following application:-

**Agenda item 5.5 – Erection of up to 24 No. dwellings together with means of access from shopping park link road and removal of part of existing earth bund and change of use of land to domestic gardens at land west of Broughton Shopping Park, Broughton (049488)**

**19. LATE OBSERVATIONS**

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

## 20. MINUTES

The draft minutes of the meeting of the Committee held on 23 May, 2012 had been circulated to Members with the agenda.

Councillor P.G. Heesom referred to page 10 and said that at the meeting, he had queried whether the previous reserved matters decision on 12 Banks Road, Mancot had been taken by committee or by officers. He had since found out that it was dealt with by delegated decision which he felt was unacceptable. He asked for an inquiry into why it had happened that way and requested that an investigation be undertaken with its results reported back to Committee. In response, the Principal Solicitor said that the issue was not for the Committee to address and that if Councillor Heesom felt that the process had been inappropriately followed then he should raise it with the Head of Planning or the Monitoring Officer. Councillor Heesom responded that he reserved his right to write to the Monitoring Officer. Councillor A.M. Halford said that she intended to write to the Monitoring Officer on the issue.

Councillor R.C. Bithell referred to the resolution on minute number 11 and said that Members had requested that the windows be Georgian to match what was currently in place but this had not been reflected in the resolution. In response, the Principal Solicitor said that the decision notice might have been issued but if it had not, he suggested that the words "noting Members' request that the new windows be 'Georgian-style'" be included at the end of the resolution. The Development Manager confirmed that the decision notice had not been issued and could be amended.

Councillor R.B. Jones raised concern about the timing of the issue of the decision notice before the minutes had been amended or confirmed by the Committee at the subsequent meeting. He asked whether the minutes should be agreed before the decision notice was issued. The Head of Planning advised that a report regarding the drafting of reasons for refusal of applications was to be considered at the next meeting of the Planning Protocol Working Group, and the points made by Councillor Jones could be the subject of a broader debate.

### RESOLVED:

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

## 21. ITEMS TO BE DEFERRED

The Principal Solicitor advised that deferment of the following application was recommended:

**Agenda item 5.2 – Full application – Erection of 11 No. dwellings at 105 The Highway, Hawarden (049448) – due to the application not being in a form where it could be determined as formal notice of the**

application needed to be given to Flintshire County Council as the landowner of a strip of land to the front of the site.

Councillor M.J. Peers proposed deferment of the following application:-

**Agenda item 5.8 – Demolition of existing single storey rear extension and construction of new single storey extension to provide bedroom, bathroom and living space for wheelchair access at 15 Hawarden Drive, Buckley (049623)** - due to information being received which was relative to the application which the local Member had not had the opportunity to consider.

The Principal Solicitor said that in the view of officers, when reports were ready to be submitted they were included in the agenda. Councillor R.C. Bithell reminded Members that they should be mindful that the applicant could appeal because of non-determination.

Councillor P.G. Heesom proposed deferment of the following application and commented upon its complex nature:-

**Agenda item 5.4 – Erection of additional educational/residential facilities to compliment existing school provision for children with autistic spectrum disorder at Kinsale Hall, Llanerch y Môr (048115)** – to allow a site visit to be undertaken because it was a major application in the open countryside.

The Planning Strategy Manager said that this and the following application were for the same site, for similar uses with similar impacts. He felt that they should be considered, or deferred, together, and queried why Councillor Heesom was only asking for deferral of one of the two applications. Councillor Heesom then proposed deferring both applications for a site visit on the basis that he felt there was sense in looking at both sites:-

**Agenda item 5.3 – Erection of a detached residential block at Kinsale School, Llanerch y Môr, Holywell (048983)** – to allow a site visit to be undertaken.

Councillor R.C. Bithell stated that Members were issued with a notice of the application where they could put forward their comments and request a site visit if required; he found it disturbing that site visits were then being requested at Committee meetings. Councillor Halford agreed that site visits should be kept to a minimum but if something happened after the despatch of the agenda, it might be appropriate for a site visit to be undertaken.

All of the propositions for deferral were duly seconded and, on being put to the vote, agenda items 5.2, 5.3, 5.4 and 5.8 were deferred.

**RESOLVED:**

That agenda items 5.2 (105 The Highway, Hawarden), 5.3 (Kinsale School, Llanerch y Môr), 5.4 (Kinsale Hall, Llanerch y Môr) and 5.8 (15 Hawarden Drive) be deferred.

**22. FULL APPLICATION – OPERATION OF AN OUTDOOR RECREATION ACTIVITY KNOWN AS SPHEREING INCLUDING RETENTION OF CABIN, PORTALOO AND ALTERATIONS TO EXISTING ACCESS ON LAND OPPOSITE BRYN COCH ROAD, WHITFORD (049709)**

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 18 June 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 officer detailed the background to the report and drew Members' attention to the late observations and advised Members that the figure in the final sentence of paragraph 7.26 should read £15.9 M not £15,300. A similar application had been granted temporary permission in April 2011 in order for the impact of the development upon highway, horse and rider safety and usage of the bridleway to be monitored. He detailed some of the responses that had been received following consultation and advised that nine letters of objection had been received; he also detailed the objections put forward by the British Horse Society. One serious accident had been reported to the Flintshire Local Access Forum when a rider had been thrown from a horse which had bolted. The main issues for consideration were detailed at paragraph 1.01 and included the effects upon the users of the bridleway, the impact on the setting of the listed building, and the economic implications. The officer added that, if the application was approved, it would be the equivalent of closing the bridleway when the spherering was taking place and therefore the recommendation was one of refusal.

Mrs. A. Chamberlain spoke against the application, saying that in her opinion the site was in the wrong place. She said that no amount of screening would solve the problem faced by those using the bridleway. She said that she was an experienced rider horse owner and that the earlier reference to a rider being thrown from a horse had been to her. She said that the bridleway could not be used at weekends or in the school holidays because of the activity taking place. The sphereing activity could be relocated, the bridleway could not. The development site had increased the amount of traffic in the area and she felt that the lane was not suitable for extra traffic. The equine database showed that there were 5,300 horses registered in Flintshire and as a result nearly £16m was brought by horse owners into Flintshire's economy every year. She felt that sphereing did not bring tourism to the area as the vast majority of users of the site were day trippers. She asked Members to turn down the application.

Mr. R. Wotton, the applicant, spoke in support of the application and provided details of the company's background explaining that the site was only open for one to two days per week and employed ten local staff. He said



that many tourists stayed in the area, purchased local produce and revisited each year. He detailed the gift websites where tickets for the sphereing activity could be purchased, and which showcased Flintshire. He said that he had been a horse rider for 40 years, had spent time in the Household Cavalry and so knew how horses behaved. He said that one or two horses used the bridleway when sphereing was in operation; he was willing to keep the ball away from the bridleway when riders wanted to use it. He spoke of press coverage which he said had reported a problem about the area of the ball launch, of which he was not aware. Other sites operated next to riding schools without any problems being caused.

Councillor P.G. Heesom proposed approval of the application, against officer recommendation, for a period of five years, which was duly seconded.

Councillor R.C. Bithell said that it would appear that Members were being asked to decide between horse riders and sphereing. It was reported that the Tourism Manager supported the application as it was a scheme which allowed more diverse activities to boost the economy. It was operating successfully and Councillor Bithell referred to the late observations and the comments from Councillor D. Williams who had indicated that in his experience, the operators were very strict on health and safety matters and that the site was very well run. He said that it had also been noticeable that when groups of riders wanted to pass, the event stopped until all horses and riders were clear. Councillor Bithell said that he could see no reason to refuse the application but asked if it was possible to move the area where the ball was used slightly to the left of its current location.

The local member, Councillor C. Dolphin, spoke against the application. He said that the Committee had heard from an expert witness about horses and also heard an emotive statement from the applicant. He said that he had spoken to the Tourism Manager to request figures relevant to the issue. He said that the company's website did not advertise any local establishments, particularly in Holywell. The activity was in its third year on the site as it ran for the first year of operation without planning permission. He said that this was an enforcement-generated application which had been granted for one year to look at the impact on the bridleway. He said that the Environment Directorate, planners and British Horse Society had urged that the application be refused. The Tourism Manager's reported comments in support were subject to a proviso. If the original proposal had been the subject of a planning application in advance, it would have been refused as being contrary to policy. Councillor Dolphin felt that the application did not comply with policy GEN1, STR2 and STR7 and was in the wrong location. He highlighted paragraph 7.23 where it was reported that, if planning permission was granted, it would be the equivalent of closing the bridleway at weekends and holidays. He asked the Committee to refuse the application.

Councillor M.J. Peers said that temporary permission had been granted to see how it impacted upon the bridleway and its users. He noted the recommendation of the officer that the application was contrary to policy and the Unitary Development Plan (UDP) and took note of the local Member and

the comments in paragraph 7.23. He said that he did not feel that the bridleway should be closed because of this activity and added that he was minded to refuse the application. However, he felt that a further one year of operation could be approved to allow the operators to find an alternative site but if they did not, then the site should be closed at the end of that period. The proposal was duly seconded.

Councillor P.G. Heesom then suggested an amendment to his proposal so that the temporary permission would be for three years.

Councillor D. Butler felt that the bridleway should be safeguarded but pointed out that many bridleways in Cheshire had gates to prevent horses and riders coming into contact with other activities and added that the site could be screened. He said that diversification should be welcomed and that Whitford Community Council had not objected to the application. He also referred to the late observations sheet which reported that an alternative route had been used during the Mostyn Fun Ride which was away from the launch pad area; he felt that this would be a solution to the issues raised.

Councillor W.O. Thomas said that there was a need to encourage tourism into the area but that to put the activity next to the bridleway was not a good mix.

The officer said that the recommendation had been made based on the comments from consultees, particularly the Rights of Way Officer and the British Horse Society. On the comment made by Councillor Bithell about moving the activity to the left, it would still mean that the launch pad was in close proximity to the bridleway. Highways did not have any objections to the application and screening would not be appropriate as it would take a large amount of screening which would take time to become established.

Councillor Heesom said that it was not a planning matter to decide between users but that the management of the site was a material consideration. He questioned whether there was any demonstrable harm to the open countryside. No consultee responses were prejudicial, but he requested that proposed conditions be considered particularly in relation to the management of the site and reiterated his proposal for further temporary consent.

The Principal Solicitor said that it was important to bear in mind that the public bridleway had the status of a highway which walkers, horses and cyclists were entitled to use at all times without interruption, whereas the proposed development related to a private use of land.

Councillor Bithell asked if it was possible to condition that the sphereing stop when a horse and rider were using the bridleway.

The Principal Solicitor suggested that a management scheme could be submitted but added that a condition might be difficult to enforce.

Councillor R.B. Jones proposed deferment of the application to consider conditions about the management of the site; the proposal was duly seconded. The Principal Solicitor detailed the order in which Members would vote on the proposals put forward.

In response to Councillor Peers' proposal, the Head of Planning advised Members that there would be nothing to stop the applicant submitting another application and that it could not be determined now that the application would be refused. On being put to the vote, the proposal was LOST.

The Committee then voted on the amendment by Councillor Jones to defer the application in order to consider conditions on the management of the site to avoid conflict between the application site and the bridleway. On being put to the vote, the proposal was CARRIED.

**RESOLVED:**

That determination of the application be deferred to allow officers to look at possible conditions including one requiring management of the development site to avoid conflict with the use of the bridleway.

**23. OUTLINE APPLICATION – ERECTION OF UP TO 24 NO. DWELLINGS TOGETHER WITH MEANS OF ACCESS FROM SHOPPING PARK LINK ROAD AND REMOVAL OF PART OF EXISTING EARTH BUND AND CHANGE OF USE OF LAND TO DOMESTIC GARDENS ON LAND WEST OF BROUGHTON SHOPPING PARK, BROUGHTON (049488)**

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 18 June 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 officer detailed the background to the report and drew Members' attention to the late observation sheet which detailed the requested highway conditions. Condition 16 in the report was to be amended to require the submission of a biodiversity protection and conservation scheme instead of a Reasonable Avoidance Measures scheme; this had been agreed with the applicant and the Countryside Council for Wales. All matters except access were reserved for later approval. A development brief for housing at the Compound Site, West of Broughton Retail Park, Broughton had been adopted in March 2012.

Mr. M. Krassowski, the agent for the applicant, spoke in support of the application. The site was allocated for housing in the Unitary Development Plan (UDP) and a development brief had been adopted for the site, with which, following minor amendments, the development fully accorded. He explained that consultation had been undertaken with the owners of the properties which would be affected by the proposed removal of the bund

adjoining their properties, and they agreed with the proposals. There were no noise implications as a result of the removal of the bund. The continuation of the green corridor adjacent to the link road would enhance the biodiversity of the site and the area. Included in the proposal were six affordable homes which the applicant had agreed to even though the size of this site itself did not technically require the provision of affordable units.

Councillor W. Mullin, the local Member, thanked Members for attending the site visit and thanked the Planning Strategy Manager for the development brief for the site which he felt was vitally important. He indicated that because he was a school governor for Broughton Primary School, which and it was proposed would receive a financial contribution if the application was permitted, both he and Councillor D. Butler had been advised that they were able to speak for three minutes and then should leave the chamber during the debate. He said that he was minded to support the recommendation but still had some concerns about the bund, even though he said that most residents were happy about its removal. He said that the development brief indicated that some of the properties would be 2.5 storeys requiring the provision of dormer windows and roof lights. He disagreed with three storey units but felt that roof lights and dormer windows might be acceptable.

Councillor D. Butler said that he had been opposed to the site being in the UDP but now recognised that that the Inspector had designated the whole site for residential use. He concurred that one of the issues which needed addressing was the 2.5 storey buildings and said that there were no three storey buildings in Broughton. He also felt that three bedroom apartments would need three parking spaces. He had been involved in the preparation of the development brief, which needed to be followed. He did not understand why he was not permitted to take part in the debate on the application.

Councillors D. Butler and W. Mullin, having earlier declared an interest in the application, left the meeting after they had spoken for three minutes but prior to the debate.

Councillor M.J. Peers proposed the recommendation for approval which was duly seconded. He referred to the recommendation in paragraph 2.01 and felt that it should be conditioned that the shared equity scheme should be on a 70%/30% basis. He asked how many bedrooms would be in the affordable properties and said that the provision needed to be linked to local need. He sought assurance that buyers would not be disadvantaged by the affordable properties being of a lower specification than comparable properties.

The officer said that as this was an outline application, details on the number of bedrooms were reserved for the reserved matters application.

The Planning Strategy Manager commented that the value of having the development brief was that it gave guidance on what could be included in scheme. Councillor N. Phillips asked if it was appropriate to invite Councillor Butler back into the meeting to hear what was being said in answer to the

points he had raised. In response, the Principal Solicitor said that both of the Members had been given the same advice, and it was ultimately a matter for them whether or not to accept the advice and act upon it. As Councillor Butler had acted upon that advice and had declared an interest, it would be inappropriate to invite him back part way through the debate.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the completion of a Section 106 agreement requiring the following:-

- a) affordable housing – the provision of 6 units to be sold on a shared equity basis
- b) education provision - £21,000 financial contribution for improvements to local education facilities at Broughton Primary School
- c) public open space - £1,100 per dwelling to enhance existing recreation facilities in the community in lieu of on site provision
- d) public footpath link – the provision of a footpath link between roundabouts R2 and R3 linking the existing footway along the Shopping Park Link Road with the pedestrian link to Church Road to the north west of R3.

**24. PROPOSED EXTENSIONS AND ALTERATIONS AT GELLI FARM, GELLI ROAD, PEN Y ALLT, TRELOGAN (049629)**

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 18 June 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 detailed the background to the application and said that the application was the first of two relating to this former farmhouse, which was designated as a building of local interest (BLI). He referred to Policy HE4 which contained a strong presumption against the demolition of BLIs and that any alterations needed to be done sensitively so that the character of the building was retained. He also highlighted policy HSG12 which covered extensions to dwellings. He referred to the history of proposals and negotiations and said that the application before committee proposed to raise the ridge height of the existing building by 300mm. with two storey and single storey extensions to the rear. The percentage increase in floorspace amounted to 115% over the existing dwelling. If the outbuildings were retained and were taken into account in the calculation, it would still result in an increase of approx.80%. He reminded Members that the indicator referred to in policy HSG12 for increases in footprints was 50%. He added that officers were prepared to allow an increase in the region of 80% if other issues with the application were addressed. However, the current recommendation was for refusal as the application compromised the character of the BLI. He was confident that an acceptable scheme could be

achieved and added that officers were prepared to continue to negotiate with the applicant to seek an agreement.

Mr. J. Paul, the agent for the applicant, spoke in support of the application. He said that the property had been vacant for four years and the applicant had engaged in negotiation about a scheme. He raised concern at the designation of the BLI which had come as a surprise and which had been contested by the applicant. He had also put forward an amended scheme. His client wished to put a replacement dwelling on the site and the extension application was only because of the BLI designation. He disagreed with the reported percentage increase figures and said that the increased footprint was only 15%. Pre-application guidance had indicated that the caravan and outbuildings could be included in the calculation and that it would still comply with policy. He felt that the increase in the ridge height of the roof by 300mm would not have an impact. The property was currently empty and the proposal would be more practical for the family. There was visually no difference to what was there now but the proposal would be an enhancement and he felt that it was a scheme that Members could support.

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

Councillor W.O. Thomas said that the officer had indicated that they were nearly in agreement about a scheme and proposed that the application be deferred to allow for further discussion. The officer referred to sketch plans he had prepared which showed how the scheme might be amended to be acceptable. He disputed the figures which Mr. Paul had put forward but said that they were prepared to continue negotiation on the basis of the amendments which had been identified. Councillor Thomas then withdrew his proposal for deferment.

The local Member, Councillor C. Dolphin, spoke in support of the application which he felt would be a lovely family home. He said that the BLI designation had come as a surprise to the applicant. The raising of the ridge height by 300mm would be insignificant, there would not be any noticeable difference and objections had not been made by neighbours. He felt that there was not much of the original building left, and the current structure was completely out of character. The property was a small two bedroomed dwelling which was unsuitable for a family and so needed a significant extension scheme. He said that the proposal did conform to policy including HSG4, and on the issue of the calculation of the increase in the floorspace of 115%, he said that this depended on how the figures were calculated. He asked the Committee to support the application.

In response to the comments made, the officer said that the building, which was an early 19<sup>th</sup> century farm house, had been designated as a BLI and this was the basis upon which officers were prepared to discuss and negotiate with the applicant to see if a proposal which was acceptable in policy terms could be agreed. He said that officers' calculation of the increase of 115% in the floorspace was correct and was a significant extension, which

in terms of scale and design was damaging to the BLI. It was the applicant who was pressing for a decision and he asked Members to refuse the application to allow further discussion with the applicant to take place.

In response to a comment from Councillor R.B. Jones on the BLI designation, the Planning Strategy Manager said that he did not have the details to hand but that the issue had been to court as the applicant had disputed the designation, and the court had accepted that due process had been followed.

Councillor D. Butler said that he felt that officers had been very generous in allowing over 50% increase in the footprint. He felt that the outbuildings could not be seen from the front and that fact would help it to be developed into a family home. However, he was concerned about the increase in the roof height. He felt that a scheme could be negotiated between officers and the applicant and his agent but the roof height should be retained.

Councillor R.C. Bithell referred to the challenge of renovating a property of this age but felt that agreement could be reached through negotiation and that refusal at this time was correct.

**RESOLVED:**

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

**25. PROPOSED ERECTION OF A REPLACEMENT DWELLING AT GELLI FARM, GELLI ROAD, TRELOGAN (049630)**

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 18 June 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 introduced the item, stating that there was a clear presumption against the demolition of Buildings of Local Interest (BLIs) in Policy HE4 of the UDP.

Mr. J. Paul, the agent for the applicant, spoke in support of the application. He expressed his disappointment at the decision of the Committee to refuse the previous application for the same site. In referring to that application, he said that he had documentary evidence to prove that the outbuildings and the caravan could be included when calculating the overall percentage increase in the footprint. He also said that he had requested an appointment with officers but this had been declined. He said that a BLI could not be demolished. He referred to policy HE4 and said that a structural survey had shown that the building was deficient. Mr. Paul said that to insist the building remained did not comply with policy. He said that the proposal would provide greater energy efficiency and there was no greater impact than

the previous scheme. He added that the size was only slightly higher than the extension scheme, was DDA accessibility compliant, and complied with policy.

Councillor R.C. Bithell proposed the recommendation for refusal which was duly seconded. He said that he found it difficult to believe that the building was deficient and said that on the site visit, the building appeared to be structurally sound. He felt that it could be restored rather than demolished.

Councillor D. Butler referred to the fact that it was a BLI and said that officers had explained that a court had confirmed this. Councillor Bithell quoted from policy HE4 making particular reference to demolition only being permitted if the building was structurally unsound and could not be made safe without extensive alteration or rebuild, which officers did not feel was the case. The officer said that there was no evidence that the building was structurally unsound so as to warrant the demolition of the building. The Planning Strategy Manager reminded Members that even if the building was proved to be unsound then the proposal would not be compliant with Policy HSG6 which required that any dwelling to be replaced was habitable. He added that officers were being flexible in their negotiations.

**RESOLVED:**

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

**26. OUTLINE APPLICATION – FOR ERECTION OF A DWELLING ON LAND REAR OF ISLWYN, TRELOGAN, HOLYWELL (049665)**

The Chairman indicated that he had been asked by the local Member, Councillor N.R. Steele-Mortimer to defer the item as he was unable to attend the meeting. This was proposed by Councillor H.G. Roberts and was duly seconded.

**RESOLVED:**

That consideration of the application be deferred.

**27. OUTLINE APPLICATION – ERECTION OF A TWO BEDROOMED SINGLE STOREY BUNGALOW AT OAKSWOOD, BERTH DDU, RHOSMOR (049452)**

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.

The Development Manager explained that this application followed an appeal against the refusal of a similar application in 2011 which was dismissed by the Inspectorate. The site was outside the settlement boundary but was considered to comply with the infill policy HSG5 requirements as it was set within a row of dwellings where there was a clearly identifiable group



of houses within a continuously developed frontage. The application was considered primarily as an infill plot with the additional context of close care accommodation provision for the applicant's daughter. Policy HSG5 provision was made for limited infill, subject to the criterion that it was for a proven local housing need. At the appeal, the Inspector had suggested that if the applicant entered into a Section 106 legal obligation to offer the property back to the Council or a Registered Social Landlord if the property should come up for sale, on a first refusal basis, he would have allowed the appeal. On this application, the applicant had agreed to enter into the Section 106 obligation to provide for the property to be offered back to the Council for full market value, which recognised the cost to the applicant of providing the dwelling.

Councillor R.C. Bithell proposed the recommendation for approval which was duly seconded. He said that he was intrigued as to why the applicant was so vehemently opposed to the condition that it should be offered to a Registered Social Landlord or the Council for someone in a similar situation. He highlighted paragraph 7.05 which reported that this would only occur if there was at the time an identifiable need for such a specialised or adapted property. If this was not the case, the applicant could sell the property on the open market. Councillor H.G. Roberts raised concern at the application and said that he felt that it was finely balanced between approval and refusal.

The Planning Strategy Manager said that policy HSG5 within the UDP was not just about infill as the Inspector had stated that, within the policy, provision was made for limited infill, subject to the criterion that it was for a proven local need. The Committee had resolved to grant planning permission in October 2010 subject to the conditions in the report and to the completion of a Section 106 Agreement. The applicant had not signed the agreement as he thought that the property had to be offered at a reduced rate. He was not happy to do this due to the cost of the adaptations but he had now agreed to sign the Agreement as the property would be offered at full market value.

**RESOLVED:**

That planning permission be granted subject to the applicant entering into a Section 106 Obligation, requiring that before the property is offered for sale on the open market, the Council or a Registered Social Landlord (RSL) shall be given the option to purchase it at full market value, should the Council or RSL have identified a need for such a specialised or adapted property. (In the case of any dispute the full market value at the time of sale shall be established by the District Valuer), and subject to the conditions detailed in the report of the Head of Planning.

Councillor P.G. Heesom indicated that he wished it to be recorded in the minutes that he had voted against the granting of permission.

28. **GENERAL MATTERS – 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 GROES 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.

In introducing the item, the Development Manger reminded Members that at the meeting of the Committee held on 14 March 2012 they resolved had that the County Council's stance in respect of the appeal was to request that the Inspector allow the appeal subject to a Section 106 Agreement and conditions listed in the officer's report for that Committee. However, in addition to endorsing the conditions and legal agreement recommended by officers, the Committee had also stipulated a further condition requiring that the play area be up to adoptable standard, that it be offered to the County Council for adoption and that a 10 year maintenance sum be requested if the play area was adopted. Following the resolution, Counsel had been instructed in respect of the appeal and the advice given was that the condition requested by Members could not be reasonably advanced.

The officer also reminded Members that when the stance for the appealed application was presented to Committee, the Council was still in the process of clarifying whether or not an additional financial contribution would be required in addition to the land "gifted" over to the Council to provide for a school, as set out in the existing Section 106 Agreement relating to the site. The Committee endorsed the stance that, if deemed necessary, an education contribution be sought for schools served by the development. At the Committee on 18 April 2012, when duplicate application 044426 was considered, late observations received from the Head of Education and Resources confirmed that in addition to the "gifted" land to provide for a new school, an educational contribution of £290,500 would be required. Members had resolved to defer that application, so the decision had not been issued.

Officers progressed the Council's appeal stance on the understanding that a financial contribution would be required. During the progression of the Council's appeal statement, the Head of Education and Resources had reviewed the background data on justifying the need for an educational contribution and was now of the opinion that it would be unreasonable to require such a contribution. Therefore, it was recommended to Members that the clause that the play area be brought up to adoptable standard and offered to the Council for adoption be dropped and that, as the request for the commuted sum educational contribution could not be sustained, this should not be pursued.

Councillor R.C. Bithell proposed the officer recommendation as detailed in the report which was duly seconded.

The local Member, Councillor R. Johnson, said that she had been advised that neither she nor Councillor J. Yorke from Flint Town Council had

been permitted to speak at the Committee meeting on 14 March 2012. She said that the Monitoring Officer had recently confirmed that this decision was incorrect. She said that the appeal had been validated as a Section 73 application and she questioned whether this was correct as development had already started on the site. She highlighted paragraphs 6.06 and 6.07 of the report and referred to Councillor J.B. Attridge's question about the development brief and the response that this had been adopted in 2005; she believed this to be untrue and said that she felt that the 1999 development brief was the only formally approved brief. She asked that the County Council position be reviewed and further talks open with the developer so that the Council was not faced with further punitive costs.

Councillor Bithell said that he had read the report in detail and said that the legal advice which had been sought needed to be followed. He asked for an investigation of how the authority had arrived at this situation.

Councillor P.G. Heesom said that not much debate was needed on the recommendation and concurred that even though it had come in as a Section 73 application, it could not be granted under that process as the section stated that planning permission could not be granted to extend an outline planning permission. He said that the crux of Counsel's opinion was that non-determination raised a number of serious questions and said that there were grounds when an authority could decline to determine an application. He felt that there had to be another application for outline consent and that Members should support the officer recommendation.

In response to the comments made regarding the process of Section 73 applications, the Principal Solicitor said that he suspected that any misunderstanding regarding the process might have arisen from the fact that amendments made to the Section by the Planning and Compulsory Purchase Act 2004 only applied to England, not Wales. Notwithstanding the comments made, the Head of Planning said that the issues of validity could be raised with counsel.

**RESOLVED:**

That the Council's case to the appeal be amended in accordance with the recommendation in the report to the Planning & Development Control Committee meeting on 14 March 2012, and as set out in the Head of Planning's report.

**29. GENERAL MATTERS – ERECTION OF 10 NO. TWO BEDROOM APARTMENTS AT RISBORO, NANT MAWR ROAD, BUCKLEY (049451)**

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.

The officer explained that Members had resolved to refuse the application at the meeting held on 23 May 2012 on the grounds of

overdevelopment/overlooking; setting a precedent for redevelopment and additional traffic generation. Members were today being asked to reconsider their reasons for refusing the application and to consider refusal upon grounds other than that of highway impact; paragraphs 6.03 to 6.06 detailed why this was being requested.

Councillor H.G. Roberts said that he would vote against the reason for refusal on overdevelopment due to the existence of Llys y Nant.

Councillor R.C. Bithell proposed refusal on all grounds and referred Members to the minutes of the last meeting where he had voted against refusal of the application on all grounds. The Principal Solicitor said that the application was not for re-determination at this meeting and said that the advice which had been provided was that the reason for refusal on highway grounds was not sustainable. The Head of Planning reminded Members that they had taken the decision at the last meeting to refuse on three grounds but that it was now officers' recommendations that the highways reason was indefensible. The appeal could be advanced on the other two reasons for refusal.

Councillor N. Phillips proposed the recommendation in the report to remove the highways reason for refusal from the resolution which was duly seconded.

Councillor R.B. Jones queried why the suggested reasons for refusal shown on pages 143 and 144 were not specific in relation to policy and in response the officer advised that if the decision was appealed, then more specific details would need to be provided.

**RESOLVED:**

That the reason for refusal on the grounds of highways be not included in the decision notice and that the reasons for refusal be shown as being on the grounds of overdevelopment/overlooking and setting a precedent for redevelopment, as set out in the Head of Planning's report.

Councillor R.C. Bithell indicated that he wished it to be recorded in the minutes that he had voted against the resolution.

**30. CONSTRUCTION OF AN EDUCATION CENTRE WITH CONTINUATION OF ACTIVITIES AT ADJOINING MATERIALS RECYCLING FACILITY, IMPROVEMENTS TO EXISTING OFFICE/STAFF FACILITIES BUILDING AND RETENTION OF CAR PARK COMPOUND REF. 049740 AT SPENCER INDUSTRIAL ESTATE, BUCKLEY (049740)**

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.

The officer detailed the background to the report. There had been no objections to the application but Countryside Council for Wales (CCW) had requested that a condition be included on any permission to ensure the implementation of the Ecological Method Statement prior to the commencement of works. He explained that no objections had been received through the public consultation process. The site had been in existence for a number of years and was a response to the reorganisation of Streetscene. He commented on the hours of operation which were detailed in the report and advised Members that the current five day working pattern was changing to a six day pattern with the hours of operation being 7am to 8pm Monday to Saturday with no working on Sundays or bank holidays. He identified the range of waste streams which would be dealt with at the site and in highlighting page 152 of the report said that some of the land would be turned into a car park. He highlighted the section on ecology and on the issue of highways. It was proposed that the 11 collection vehicles would leave the materials recycling facility (MRF) at 7am and would return at 5pm. During the day, the vehicles would make two or three trips to the site, resulting in approximately 88 collection vehicle movements per day assuming that three trips were made to the MRF by each vehicle during the working day. The road was currently unadopted, might be adopted in the future, but was currently adequate. As the adjacent West Penning Recycling centre and the landfill site had now closed, this had reduced the potential for conflict between vehicles operating from either site.

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

The local Member, Councillor M.J. Peers, said that in principle he supported the recommendation, particularly the introduction of the educational centre. However he had concerns about the extended operating hours which would result in an additional 18 hours working per week. He commented on the area which had been planned for public parking for the Standard Landfill Site and said that he had enquired about this but had not received a response. He felt that efficiency savings could be found to relieve the pressure on residents. He suggested an amendment that the extended hours not be accepted until further work had been done, supported by evidence, to justify why the extended hours were required; the amendment was duly seconded. In response, the Head of Planning said that extended hours had been requested but this was on an industrial estate so queried what impact it would have on the area. Councillor Peers felt that the impact was because of the time of the returning vehicles and that there was no justification set out in the report for the extended hours.

On the issue of public parking for the Standard Landfill Site, the Manager (Minerals and Waste) said that Streetscene were looking at parking at the other end of the industrial estate for that facility to keep them separate. He added that the waste collection rounds had been prepared making use of the fleet which the Council already had. The hours of operation for recycling had been extended from 7pm to 8pm with the vehicles returning at 5pm; he did not feel that this would have a detrimental impact on the area.

Councillor R.B. Jones referred to the conditions reported on page 148 and highlighted conditions 4, 12, 14 and 20 which he felt did not contain enough detail; he added that conditions were needed to protect amenity. In response, the Head of Planning said that the report contained summary conditions and the Development Manager reminded Members that the full text of the conditions had been placed in the Members' Library as had been requested by Members.

In supporting Councillor Peers, Councillor A.M. Halford said that residents in her ward had been dogged by large wagons going to and from the site. The proposed extra hours were not fair to residents, and she asked for evidence to show that they were required.

Councillor W. Mullin said that he understood the comments of Councillor Peers but he could not see any reasoning in refusing the extra hours as there was a need for them. Councillor Bithell said that industrial estates worked shift systems and that vehicles going in and out 24 hours per day was a fact of modern living.

The Manager (Minerals and Waste) said that the application was a significant improvement as black bag waste would not be dealt with at this site, only the recycling from the kerbside collection vehicles.

Councillor Peers said that his amendment was that he agreed with the proposal for the parking facility and education centre but that there was no evidence to extend the working day. His amendment was to accept the report with normal working days with the addition of Saturday working. There was nothing in the report to justify why there was a need to extend the hours.

On being put to the vote, the amendment suggested by Councillor Peers was lost. The Principal Solicitor advised that Members now needed to vote on the substantive motion which was the officer recommendation in the report. On being put to the vote, the proposal was CARRIED.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

Councillors M.J. Peers and A.M. Halford indicated that they wished it to be recorded in the minutes that they had voted against the granting of permission.

31. **APPEAL BY MR. N. JONES AGAINST FLINTSHIRE COUNTY COUNCIL AGAINST FAILURE TO GIVE NOTICE, WITHIN THE PRESCRIBED PERIOD OF A DECISION ON AN APPLICATION TO GRANT CONSENT, AGREEMENT OR APPROVAL TO DETAILS REQUIRED BY A CONDITION OF A PLANNING PERMISSION AT AEL Y BRYN, CARMEL ROAD, CARMEL (048347)**

**RESOLVED:**

That the decision of the Inspector to allow this appeal be noted.

32. **APPEAL BY MR. R. BROUGHTON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL FOR A FIRST FLOOR EXTENSION TO DWELLING, TOGETHER WITH SINGLE STOREY EXTENSIONS TO NORTH-WEST AND SOUTH-WEST ELEVATIONS, DEMOLITION OF EXISTING GARAGE AND VARIOUS OUTBUILDINGS AND ERECTION OF A NEW DETACHED DOUBLE GARAGE AT DELFRYN, AXTON, HOLYWELL (048431)**

**RESOLVED:**

That the decision of the Inspector to dismiss this appeal be noted.

33. **APPEAL BY MR. JONATHAN OWEN AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A FIRST FLOOR EXTENSION AND A TWO STOREY EXTENSION TO DWELLING AT GILFACH, WALWEN LANE, AXTON, HOLYWELL (048831)**

**RESOLVED:**

That the decision of the Inspector to dismiss this appeal be noted.

34. **DURATION OF MEETING**

The meeting commenced at 1.00 p.m. and ended at 4.20 p.m.

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

There were 20 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: 20 JUNE 2012</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
Councillor A.M. Halford	Erection of 11 No. dwellings at former North Wales Police Station, 105 The Highway, Hawarden	21
Councillors D. Butler and W. Mullin	Erection of up to 24 No. dwellings together with means of access from shopping park link road and removal of part of existing earth bund and change of use of land to domestic gardens at land west of Broughton Shopping Park, Broughton	23



## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 25 JULY 2012**

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

**SUBJECT:** **GENERAL MATTERS ITEM RELATING TO APPLICATION 049426 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 RATHER THAN THE 5 YEARS ORIGINALLY GRANTED RELATING TO "CROES ATTI", CHESTER ROAD, OAKENHOLT, FLINTSHIRE**

**1.00 APPLICATION NUMBER**

1.01 049426

**2.00 APPLICANT**

2.01 ANWYL HOMES LTD

**3.00 SITE**

3.01 "CROES ATTI", CHESTER ROAD, OAKENHOLT, FLINTSHIRE

**4.00 APPLICATION VALID DATE**

4.01 06/02/2012

**5.00 PURPOSE OF REPORT**

5.01 For the committee to determine whether it wishes to maintain its previous stance of deferring determination of this application or whether in the light of changed circumstances it now wishes to determine it.

## **6.01 BACKGROUND**

- 6.01 This application is identical to planning application reference 049154 which is currently the subject of an appeal against non determination which will be considered at a planning inquiry due to commence on 20 August 2012.
- 6.02 At its meeting on the 14 March 2012 the committee determined its stance on the appeal against non determination of application number 049154. The committee agreed a stance supporting the grant of planning permission subject to the completion of a section 106 undertaking and the conditions detailed in the report of the Head of Planning. It also resolved that a condition should be sought requiring that the play area be up to adoptable standard and that it be offered to the County Council for adoption, together with a 10 year maintenance sum.
- 6.03 At its meeting on the 18 April 2012 the committee considered the current application 049426 which the Head of Planning recommended for permission. The committee decided to defer determination of the application.
- 6.04 At its meeting on the 20 June the committee received a report on the stance the Council was taking on the appeal relating to application 049154. The report explained that Counsel's advice had been obtained to the effect that the authority could not impose the condition it was seeking to impose at its March meeting requiring the play area to be offered to the County Council for adoption with a 10 year maintenance sum. The report also explained that in preparing the Council's case for the inquiry, the Head of Education and Resources had reviewed the background data and ascertained that the financial contribution for education could not be justified. The committee therefore determined that its stance on the appeal be amended to no longer pursue these two points being part of the permission.
- 6.05 The applicant's agent has recently written to the Council to indicate that should the current application be determined positively by the committee, then the non determination appeal would be withdrawn and serious consideration would be given to not applying for an award of costs against the Council for unreasonable behaviour.

## **7.00 CONSIDERATIONS**

- 7.01 In the time since the committee decided at its April meeting to defer determination of this application there have been changes of circumstance that warrant the committee deciding whether it wishes to continue to defer determination of the application or not.
- 7.02 Firstly, the committee has accepted at its last meeting advice from

Counsel that it could not seek to impose a condition to transfer to the Council the play area or seek a sum for its maintenance.

7.03 Secondly, the committee has decided at its last meeting that it can not justify seeking a financial contribution for education purposes.

7.04 Thirdly, the applicant's agent has indicated that should the current identical application to that being appealed not be determined, it will make a claim for costs on the basis that the Council is acting unreasonably. It has however, indicated that should the current application be determined positively by the committee then the non determination appeal would be withdrawn and serious consideration given to not applying for an award of costs against the authority.

7.05 The view of officers and the advice given by the authority's Counsel is that continuing with the stance the authority has currently adopted is quite likely to result in a successful application for costs. Counsel urges the authority to reconsider its position as he has serious concerns that an application for costs would be successful.

7.06 The majority of costs relating to the forthcoming inquiry will be incurred by both the applicant and the Council in the period immediately before and during the inquiry and at the present time the authority has the opportunity of at least limiting and possibly eliminating the costs it is likely to have to meet if it maintains its current stance.

7.07 Accordingly Members are being given the opportunity to determine whether or not they wish to determine the current application. The options open to the committee are either:

Option 1: In the light of the changed circumstances referred to above to determine the application at today's Planning Committee as a separate agenda item.

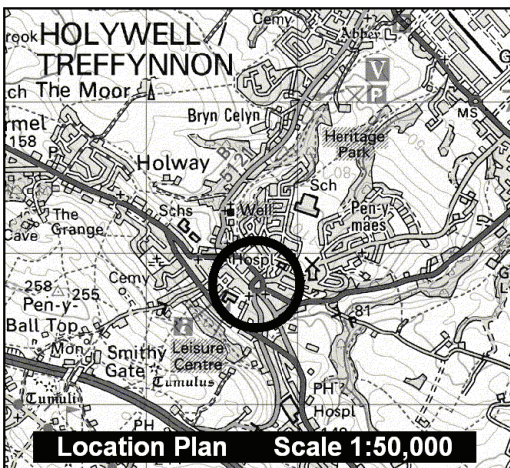
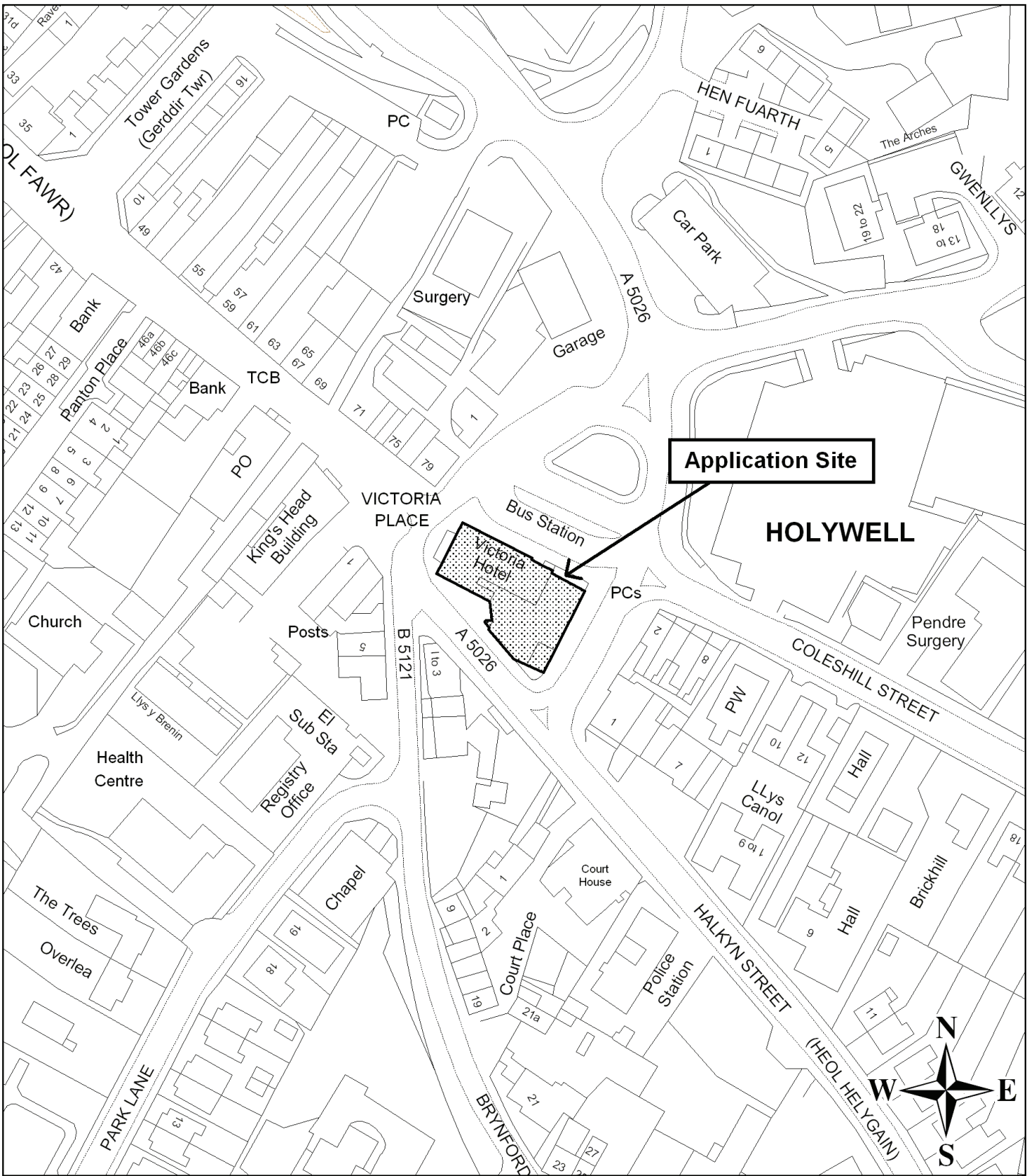
Option 2: To continue, notwithstanding the changed circumstances to defer determination pending the appeal decision on application reference 049154.

## **8.00 RECOMMENDATIONS**

8.01 It is recommended that the committee follow option 1 and determine the application at this committee meeting.

**Contact Officer:** Declan Beggan  
**Telephone:** 01352 703250  
**Email:** Declan.beggan@flintshire.gov.uk

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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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Map Scale 1:1250

OS Map ref SJ 1875

Planning Application **48426**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> JULY 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:** **YES**

### **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. However subsequent to that Committee stance, Members at last month's Planning committee resolved that the Council stance on the appealed application should be not to pursue the adoption of public open space, nor to seek an educational contribution.
- 1.04 At the April committee meeting, certain members queried the validity of this application (and the one the subject of the appeal) in circumstances where (in the view of those members) Section 73 did not allow the period for the submission of reserved matters to be extended. Those members were also concerned that inconsistent information had been given on the relevant application forms, i.e. the box on the application form in Section 5 (Description Of Your Proposal) "Has the development already started?" had been ticked "Yes" for application 049154 (the application the subject of the appeal), but "No" for this application.
- 1.05 The Principal Solicitor advised the meeting that he suspected that any misunderstanding regarding the process might have arisen from the fact that amendments made to the Section by the Planning and Compulsory Purchase Act 2004 only applied to England, not Wales,



and that an error of that nature on the application form would not affect the applications' validity. Notwithstanding the advice given, I confirmed that we would also seek the advice of Counsel regarding the issues raised by members.

- 1.06 The advice of Counsel has now been received which is summarised as follows:-
- the prohibition on granting permission under Section 73 where it has the effect of extending the time, e.g. for the submission of an application for approval of reserved matters does not (at present at least) apply in Wales. Accordingly, the applications do not seek permission for something which the Local Planning Authority (or the Welsh Government) could not lawfully grant.
  - errors on the application form do not of themselves necessarily make an application invalid. In this case, Counsel does not see why such an error would have that effect. As stated above, in Wales an application of this sort can still be made under Section 73 to extend time by which applications for reserved matters can be submitted. Mistakenly stating that development has commenced does not of itself take it outside that provision.

**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 and an extension to the school site of not less than 1.0 hectare,
  - 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 CONSULTATIONS**

#### 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 a public inquiry in August.

**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).

As regards the status of the Development Brief that relates to the Croes Atti site Members should be aware that at the Planning Committee of 08.02.06 the following was resolved :

"RESOLVED: That planning permission be granted, subject to completion of a satisfactory Section 106 Agreement to ensure development of the site accords with the provisions of the approved Development Brief, including the provision of off- site highway works and the upgrading of existing services, as appropriate, and to the other conditions detailed in the report to the Chief Planning Services Officer. "

It is the officers opinion that this must have referred to the revised brief of which had been prepared at that time.

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. As regards the validity of the outline planning permission to be varied by way of a planning condition – in the interests of clarity it should be noted that within Wales Section 73 of the 1990 Act does allow for the submission of such an application.

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.
- 7.06 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%.
- 7.07 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.
- 7.08 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.

7.09 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.

7.10 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.

7.11 The findings of the updated Transport Assessment to the last reserved matters application 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 concluded that the proposed development was acceptable in highway terms.

7.12 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.

7.13 Education

The original planning permission/legal agreement required the setting aside of 1.5 hectares of land and its transfer for a school site, in addition to an extension to the school site of not less than 1.0 hectare. The council's Head of Education and Resources has stipulated that the previous requirements in the original planning permission to set aside a site for a school should be re-imposed.

**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.

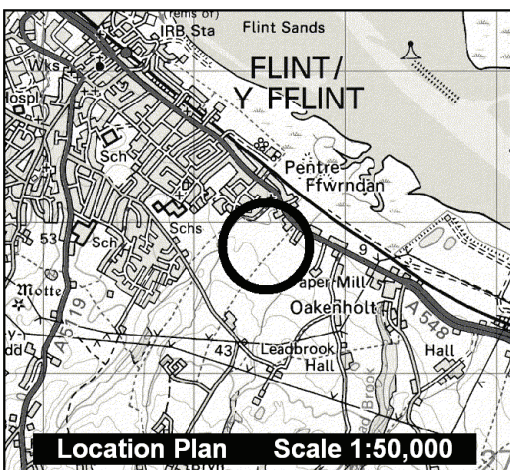
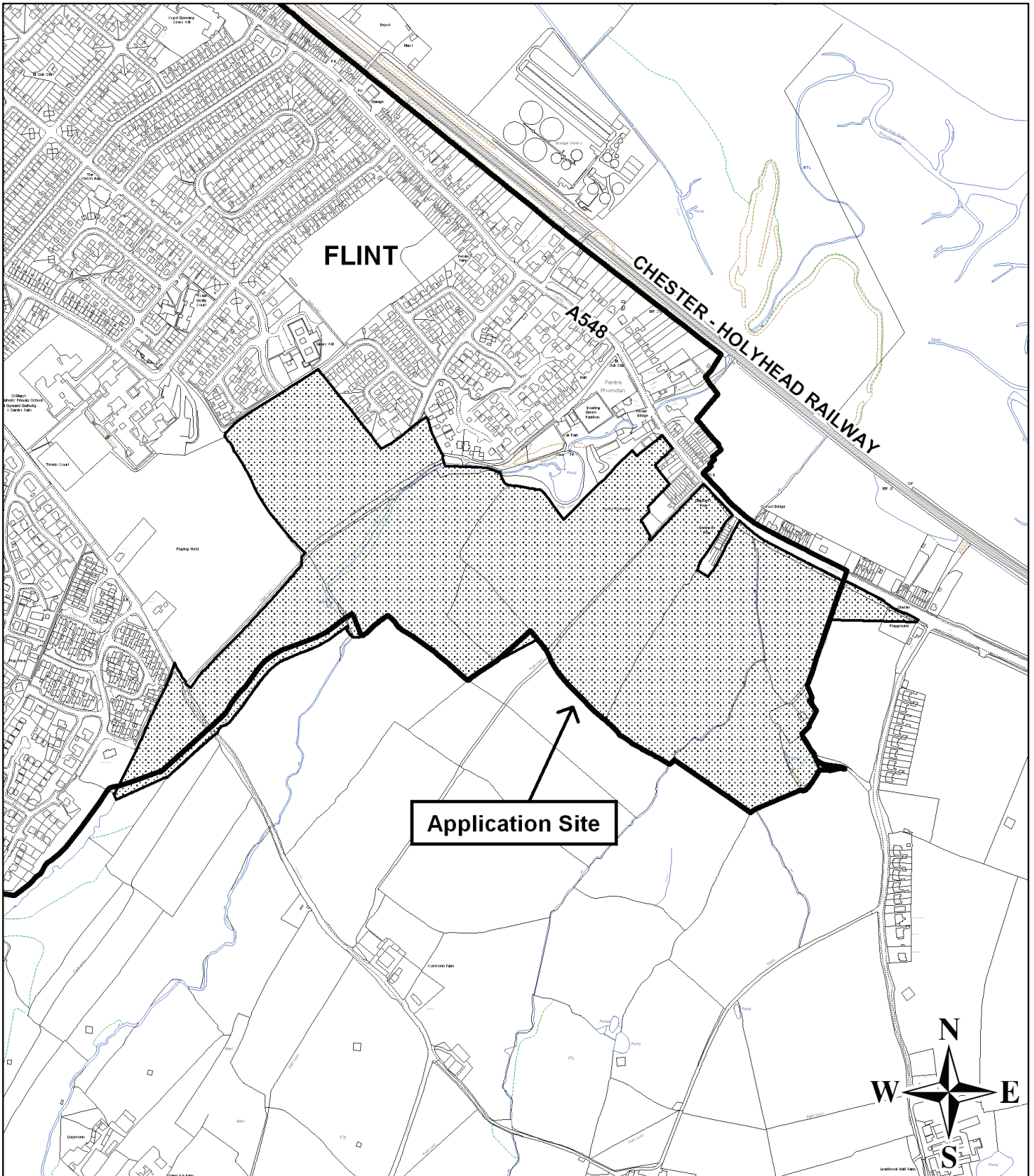
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

**Contact Officer:** Declan Beggan  
**Telephone:** 01352 703250  
**Email:** declan\_beggan@flintshire.gov.uk





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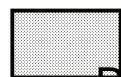


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:7500

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Planning Application 49426

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 25<sup>TH</sup> JULY 2012**

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

**SUBJECT:** **VARIATION OF CONDITION NO.15 ATTACHED TO PLANNING PERMISSION REF:046595 "CROES ATTI", CHESTER ROAD, OAKENHOLT, FLINTSHIRE**

**APPLICATION NUMBER:** **049425**

**APPLICANT:** **ANWYL HOMES LTD**

**SITE:** **"CROES ATTI", CHESTER ROAD, OAKENHOLT, FLINTSHIRE**

**APPLICATION VALID DATE:** **06.02.2012**

**LOCAL MEMBERS:** **COUNCILLOR R. JOHNSON**

**TOWN/COMMUNITY COUNCIL:** **FLINT TOWN COUNCIL**

**REASON FOR COMMITTEE:** **Nature of application to delete a Committee imposed planning condition**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 The proposed development is for the variation of Condition No.15 on the decision notice attached to reserved matters application Ref: 046595. Condition 15 was imposed by Members at the 11<sup>th</sup> January 2012 Planning Committee. The condition related to the provision of a barrier to vehicles at the end of Prince of Wales Avenue and was imposed due to highway impact on the amenity of existing residents. The applicant does not consider the condition is necessary and is contrary to the outline planning permission previously granted and the development brief that accompanied the outline planning application. The applicant seeks removal of that condition.

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

2.01 To allow the deletion of Condition 15 attached reserved matters application Ref: 046595.

### **3.00 CONSULTATIONS**

3.01 Local Member Councillor R. Johnson  
No response received at time of writing report

Adjacent Flint Members:  
Councillor Aldridge  
Agrees to determination under delegated powers.

Councillor Howarth  
Agrees to determination under delegated powers

Councillor Cox  
Agrees to determination under delegated powers

Flint Town Council  
No response at time of writing report.

Head of Assets & Transportation  
No objections

Public Protection Manager  
No adverse comments

Welsh Transport Government  
No direction to be issued.

Environment Agency Wales  
No objection.

### **4.00 PUBLICITY**

4.01 Press Notice, Site, Notice, Neighbour Notification:-  
The application has been advertised by way of site notices and neighbour letters. 18 letters of objection have been received in addition to petition signed by 97 objecting to the proposal.

- Does not support removal of vehicular restriction onto Prince of Wales Avenue as it would create a rat run and greatly increase traffic along that stretch of road which is already busy.
- Removal of the condition will greatly increase traffic on the Prince of Wales Avenue and the risk of accidents involving children.
- Does not consider the condition is ultra vires and is in breach of Circular 35/95.
- Roads in the locality were never designed for an increase in

traffic if the condition 15 was removed.

- Removal of condition would be detrimental to children and elderly in the locality due to increased traffic use.

## **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.

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### **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 a public inquiry in August.

**049426**

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 – 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).

As regards the status of the Development Brief that relates to the Croes Atti site Members should be aware that at the Planning Committee of 08.02.06 the following was resolved :

"RESOLVED: That planning permission be granted, subject to completion of a satisfactory Section 106 Agreement to ensure development of the site accords with the provisions of the approved Development Brief, including the provision of off- site highway works and the upgrading of existing services, as appropriate, and to the other conditions detailed in the report to the Chief Planning Services Officer. "

It is the officers opinion that this must have referred to the revised brief of which had been prepared at that time.

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 Primary Issue

The primary issue in consideration of the application is whether or not it is acceptable to allow for the deletion of Condition 15 attached to the previously granted reserved matters comment. Condition 15 states ,



Prior to commencement of development, a scheme shall be submitted to the Local Planning Authority for approval for the provision of a barrier to vehicles (except for emergency access) at a point where the main "Boulevard" serving the site meets Prince of Wales Avenue. Any subsequently approved details shall be implemented in full prior to any occupation of dwellings on the site and thereafter retained.

REASON: The highway impacts of the proposed development would be detrimental to the amenity of existing residents in compliance with Policy GEN1 of the adopted Flintshire Unitary Development Plan.

The applicant is of the opinion that the condition is " ultra vires" for the following reasons,

- it contravenes the granted outline which allowed vehicular access onto Prince of Wales Avenue,
- the Council and an independent Highway Engineer have confirmed Prince of Wales Avenue is suitable to accept the additional traffic generated,
- it unreasonably takes away a right of access granted by the outline planning permission and is an onerous requirement on the applicant.
- the Croes Atti Development brief and legal agreement support the vehicular access of the development from Prince of Wales Avenue.

7.02 The received objections to the removal of condition are primarily related to highway safety but also refer to amongst other issues, the detriment to general amenities due to increased noise and pollution. Highways The proposed development will have its principal access point into Prince Of Wales Avenue. The proposed new link into Prince Of Wales Avenue which serves the development links into the spine road for the overall site (which will ultimately feed into other points of access at Coed Onn Road and the A548 Chester Road).

7.03 Before discussing the highway issues related to Prince of Wales Avenue, it is worth considering the historical aspect of access for the development onto Prince of Wales Avenue as follows,  
- When the outline planning permission was granted in July 2006 for the overall site the submitted Design Statement that accompanied the application at Page 15 referred to:-  
"The spine road which will provide the principle 'through route' for the development signal controlled junction from Chester Road and can link directly (or as a public transport link only) to Prince of Wales Avenue in the north west". This is reiterated again in the Environmental Statement at Volume 1 at 4.3.14.

- At 5.46 of the previously submitted Environmental Statement at Volume 1, "Traffic generated by the proposed residential development

off Prince of Wales Avenue (Plots F1 - F5 i.e., the "Thomas Land") can be accommodated by the existing road network without improvement".

- The outline application as permitted in July 2006 referred to condition 19 which stated:-

"No works associated with the proposed development of that part of the site lying immediately to the south of Prince of Wales Avenue shall commence until a detailed scheme for the extension of the existing highway has been submitted to and approved by the County Council. The approved works shall be completed within a timescale agreed with the Local Planning Authority.

REASON: To ensure the formation of a safe and satisfactory means of access to the site in the interests of maintaining highway safety".

- Subsequently on July 2008, under Ref. 044033 the first reserved matters application for the site was permitted. This application in addition to providing for 189 No. dwellings, public open space, games/play areas, also allowed for a new access onto Prince of Wales Avenue.

7.04 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 reserved matters application for the "Thomas Land", the applicant was requested to submit an updated Transport Assessment for the proposal. The updated Transport Assessment was 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.

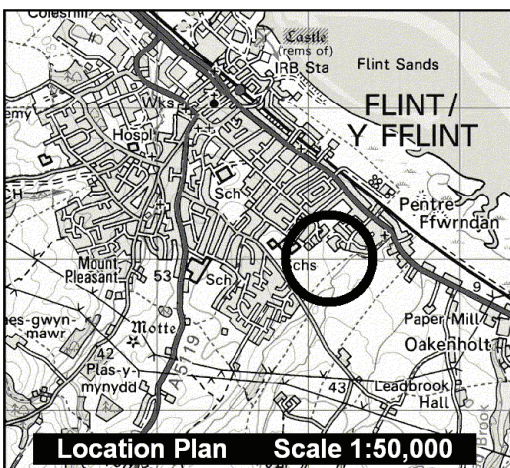
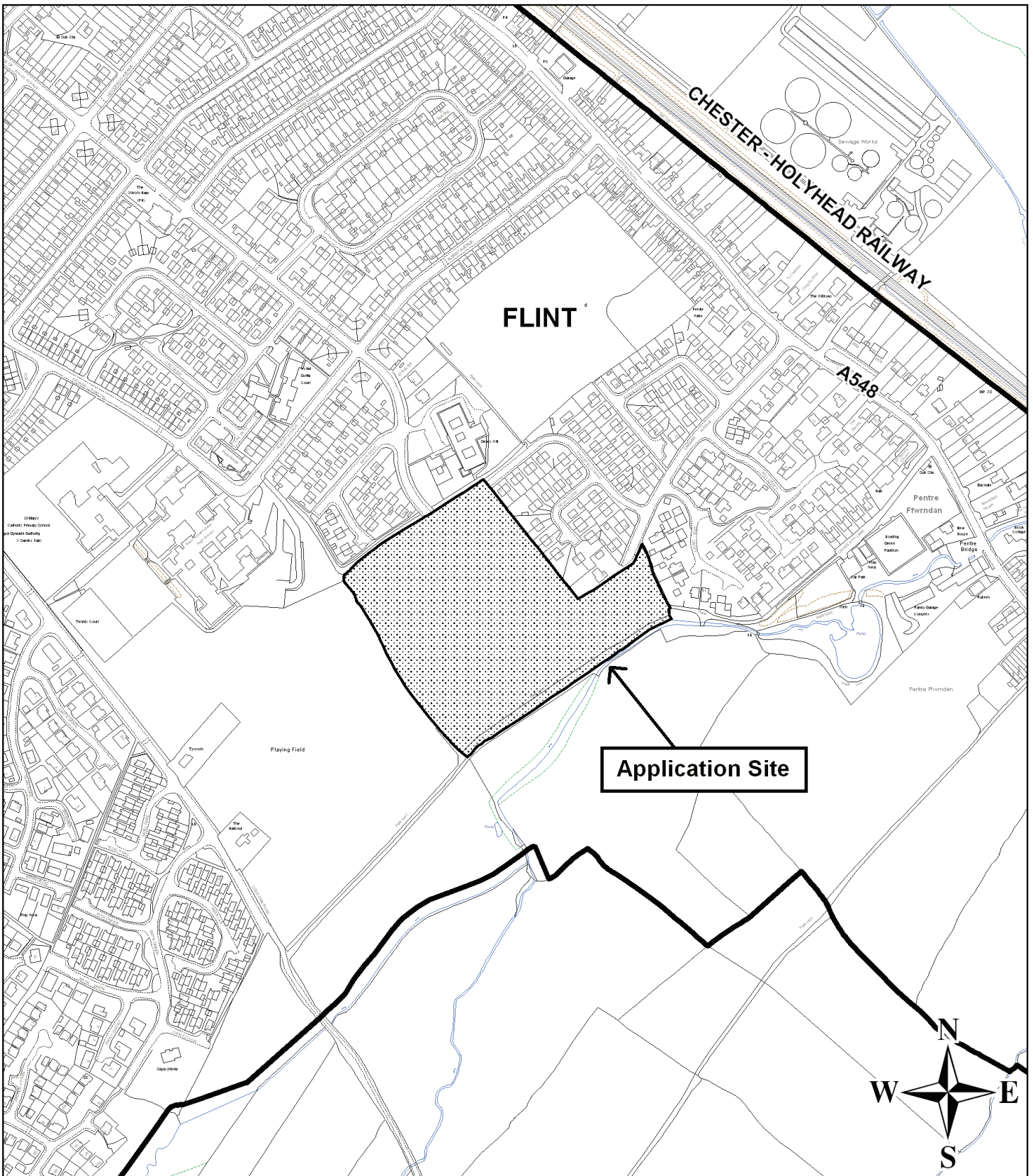
- 7.05 The revised Transport Assessment was independently reviewed on behalf of the Council by the Transport Consultancy Atkins who have concluded that the proposed development is acceptable in highway terms.
- 7.06 The Council's Head of Assets and Transportation has previously accepted the findings of the independently reviewed Transport Assessment and therefore offers no highway objections to the deletion of condition 15. Therefore the restriction of vehicular traffic from the Croes Atti onto Prince of Wales Avenue cannot be judged to unduly detrimental to highway safety.
- 7.08 As regards highway impacts on the amenity of existing residents, the Council's Head of Public Protection has not objected to the removal of the condition, nor raised any concerns in regards to noise or pollution nuisance. It is considered it would be difficult to maintain a reasonable case for the imposition of a condition restricting vehicular access from the site onto Prince of Wales Avenue, on grounds of detriment to residential; amenity due to highway impacts and therefore I consider the condition should be deleted.

## **8.00 RECOMMENDATIONS**

- 8.01 It is considered at officer level there are no reasonable highway nor amenity grounds for the imposition of Condition 15 attached to reserved matters application Ref: 049425 and consequently its removal is supported.

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)

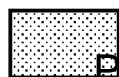


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:5000

OS Map ref SJ 2572

Planning Application 49425

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25 JULY 2012**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF 11 NO. DWELLINGS AT FORMER NORTH WALES POLICE STATION, 105 THE HIGHWAY, HAWARDEN, DEESIDE, FLINTSHIRE.**

**APPLICATION NUMBER:** **049448**

**APPLICANT:** **F.G. WHITLEY & SONS CO. LTD**

**SITE:** **FORMER NORTH WALES POLICE STATION, 105 THE HIGHWAY, HAWARDEN, DEESIDE, FLINTSHIRE.**

**APPLICATION VALID DATE:** **13/2/2012**

**LOCAL MEMBERS:** **COUNCILLOR C. CARVER**

**TOWN/COMMUNITY COUNCIL:** **HAWARDEN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **DEVELOPMENT PROPOSAL IS OF SCALE FOR WHICH DELEGATED POWERS TO DETERMINE DO NOT EXIST.**

**SITE VISIT:** **YES, AT REQUEST OF LOCAL MEMBER TO HIGHLIGHT TO COMMITTEE CONCERNS IN RESPECT OF THE IMPACT UPON A NEARBY LISTED BUILDING AND TO ILLUSTRATE DENSITY OF EXISTING DEVELOPMENT IN THE AREA.**

Members will recall that consideration of this application was deferred at the committee meeting held on the 20<sup>th</sup> June 2012 upon the advice of the Legal Officer at committee.

Since that date, the requisite amendments to the planning application form have been made and submitted to the Local Planning Authority and the requisite Notice of Application has been served upon the Council as both landowner and Local Highway Authority.

The substance and recommendations within the report remain unaltered.

## **1.00 SUMMARY**

- 1.01 This is a full planning application for the erection of 11 No. dwellings and associated works on land at 105 The Highway, Hawarden. The site measures 0.21 hectares in area. The proposed development provides dwellings which vary in design and make provision for 3 bed accommodation in a variety of plan forms. Vehicular access is proposed to be derived from the western side of the site, via Birch Rise. Pedestrian access is proposed to be specific to each dwelling and is derived via the frontage boundaries of properties which front The Highway, Birch Rise and a private road off Birch Rise.
- 1.02 The issues for consideration are the principle of development, design and appearance, visual/amenity impacts, recreation and educational contributions and highway impacts.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following:-

- a) Payment of an educational contribution of £10,500 towards primary educational provision/improvements to local education facilities at Hawarden Infants School and £7000 towards similar secondary education level provision and Hawarden High School. The contributions shall be paid prior to occupation of the first dwelling.
- b) Ensure payment of a commuted sum payment in lieu of on site recreation/open space provision of £12,100 with such monies to be used to enhance existing play and recreation facilities within the community. Such sum payable upon sale or occupation of the 5<sup>th</sup> dwelling.

### **2.02 Conditions**

1. 5 year time limit
2. In accordance with approved plans
3. Approval of external materials to roofs and walls, including finish colours.
4. No development to commenced until developer has proposed a scheme for comprehensive and integrated drainage of site, had been approved in writing by the Local Planning Authority.
5. No surface water drainage to discharge into the adopted drainage system.
6. Submission for approval of landscaping scheme.
7. Implementation of landscaping scheme.
8. Scheme for hours of working to be agreed.



9. Construction traffic management scheme to be agreed.
10. Code for Sustainable Homes - Code 3 "Interim Certificate" to be submitted before work commences.
11. Code for Sustainable Homes - Code 3 "Final Certificate" to be submitted before houses occupied.
12. Scheme for 10% reduction of carbon outputs.
13. Removal of Permitted Development Rights for future extensions.
14. Removal of Permitted Development Rights for future openings in walls and roofs.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

##### Councillor C. Carver

Requests Committee determination and a Committee Site Visit. Objects to the application on the following grounds;

1. Considers the proposals amount to overdevelopment by virtue of development being too dense.
2. Considers proposals will give rise to increased on street parking by residents, visitors and any visiting services with consequent impacts upon the free flow of traffic;
3. Concerned that existing grass verge will be used for parking of vehicles.
4. Access to parking court in emergencies;

##### Hawarden Community Council

Objects on the basis that the proposal is an overdevelopment of the site and would be out of character with the area.

##### Head of Assets and Transportation

No objections to the proposal. Requests the imposition of notes upon any subsequently granted permission.

##### Head of Public Protection

No adverse comments

##### Public Open Spaces Manager

Advises that on site recreation provision is not required. Requests a commuted sum equivalent to £1100 per dwelling be sought in lieu of on site provision. Sum to be paid upon 50% sale or occupation of dwellings.

##### Head of Lifelong Learning

Advises that contributions towards existing education provisions will be required. Details as set out in the appraisal.

##### Dwr Cymru/Welsh Water

Objects on basis that proposals would overload existing public sewerage system. However, in view of fact that site is a Brownfield site, advises would consider a foul only connection to the public system if surface water can be discharged by other means.

Airbus

No objection. If cranes are required during construction phase, permit will be required.

Coal Authority

No adverse comments. Standing advice applies.

**4.00 PUBLICITY**

4.01 The application has been publicised on 2 separate occasions by way of a press notice, site notice and neighbour notification letters, most recently in May 2012.

4.02 At the time of writing this report, the publicity exercise has resulted in the submission of 37 No. letters of objection, including letters from Mr. D. Hanson MP and Mr. C. Sargeant AM, in respect of the proposals. These representations raise objections upon the following grounds:

1. Increased traffic generation resulting in adverse impacts upon highway and pedestrian safety due to inadequate visibility at proposed point of access;
2. Proposed houses are not reflective of the character of the locality;
3. Adverse impact upon visual amenity of area;
4. Insufficient drainage capacity to accommodate further development;
5. Adverse impacts upon residential amenity arising from overbearing, over dense and overlooking development.
6. Concerns in respect of the impact upon local schools and their capacity to accommodate additional pupils.
7. Proposals will result in increased on street parking to detriment of amenity and highway safety.
8. Impacts upon setting of listed building, Stafford House, opposite the site.
9. Building should be re-used for commercial purposes.

**5.00 SITE HISTORY**

5.01 **4/1/2111**  
Security fence to compound.  
Permitted 7.1.1992

**00/1/00861**  
Change of Use to offices.  
Permitted 27.9.2000

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy STR1 - New Development  
Policy GEN1 - General Requirements for Development  
Policy GEN2 - Development inside settlement boundaries  
Policy HSG3 - Housing upon unallocated sites within settlement boundaries  
Policy HSG8 - Density of Development  
Policy HSG9 - Housing Type and Mix  
Policy D1 - Design Quality, Location and Layout  
Policy D2 - Design  
Policy AC13 - Access and Traffic Impacts  
Policy AC18 - Parking Provision and New Development  
Policy SR5 - Outdoor Playing Space and New Residential Development  
Policy EPW2 - Energy Efficiency in New Development  
Policy EWP3 - Renewable Energy in New Development

## **7.00 PLANNING APPRAISAL**

- 7.01 Site Description  
The site comprises a former police station and its associated compound and parking areas and is located to the north of The Highway. The site is presently vacant. The site is bounded to the north, east and south by existing residential built form. To the west of the site is the Gladstone Playing Fields recreational space. The boundaries are made up of a low brick wall to the southern and western boundaries, a security style fence to the north and part of the eastern boundary, with the remainder formed by a hedgerow to the adjacent 99, The Highway.
- 7.02 The site amounts to 0.21 hectares in area and is located within the settlement boundary of Hawarden as defined in the Flintshire Unitary Development Plan. The site is flat across each axis and is reflective of the surrounding landform.
- 7.03 This full application seeks approval for the development of this site with 11No. 3 bedroomed dwellings. 5No. of the proposed dwellings are 2 storey in height with the remainder of the dwellings providing accommodation on 3 floors within the roof space providing the upper storey. All dwellings have pitched roofs and are proposed to be constructed with slate/tile roofs and a combination of brick/render external walls.
- 7.04 Principle of Residential Development  
The principle of the development of this site for residential purposes is established via the location of the site within the settlement boundary

of Hawarden, where a presumption favour of development exists. The settlement is a category B settlement which has undergone 9.1% growth over the plan period. The UDP provides for growth of 8 – 15% in category B settlements over the plan period. Accordingly the proposal would be acceptable in principle.

7.05 Site Layout, Design and Materials

The site is prominent on the main thoroughfare to Hawarden village centre and conservation area and occupies a position opposite the listed Stafford House. The existing building upon the site offers very little to the character or enclosure of the street and is of indifferent design. The proposals have been the subject of extensive discussions and have been amended in line with the comments of the Council's Design Officer. The layout is reflective of the Queen Mary Cottages located further to the east of the site and seeks to utilise the wrap around style to create a focal point along the street scene at this point. Properties have been deliberately moved towards the adjacent road frontages to create the sense of enclosure and frontage currently lacking at this site. This ensures that the proposals are reflective of the traditional street frontage urban form of the adjacent cottages and mirrors the well defined front boundaries which enclose front gardens which reflect the opposite villas on The Highway.

7.06 The amendment of the originally submitted scheme to remove the street frontage parking and relocate the built form closer the roads has ensured that adequate separation distances between the existing/proposed dwellings are secured in the interests of safeguarding privacy and amenity. The curtilage areas are in accordance with the guidelines specified in the Council's Space About Dwellings standards and provide acceptable standards of amenity.

7.07 Concerns have been raised in respect of the relationship of the proposed dwellings with existing properties. However, I would advise that the layout has been the subject of discussion between the applicant and Officers and has been amended in response to these concerns such that separation distances accord with those required by the Councils standards. It should be noted that the design of those plots which provide for accommodation within the roof space ensures that windows or rooflights look into the site over the communal parking area. The windows in the front elevations of plots 7, 8 and 9 overlook Birch Rise and Gladstone playing fields beyond. Accordingly, I do not consider that there is adverse overlooking resulting in impacts upon amenity in this case. Where a side elevation relationship is proposed (Plots 1 and 10) there are no windows proposed within the side elevations of the dwellings. In the interests of safeguarding future amenity further, I propose to remove the Permitted Development Rights which would normally be afforded to the dwellings in order to ensure that future extensions are considered via the planning process. I also intend to remove the right to make any further window and door openings in the walls or roofs for the same reasons.

- 7.08 Whilst the scheme provides only 3 bedroomed accommodation, the mix of house design introduces an interesting mix of built form which is referenced from traditional existing cottage and house types within the locality. Despite representations in respect of the area being characterised by low density development, it is clear from an appraisal of the area that the density of existing development in the locality is varied. I do not therefore agree that that the proposals are an overdevelopment of the site. The proposals accord with the aims of both national and local planning policy which seeks to achieve the best use of land, especially where that land is previously developed land within a settlement boundary.
- 7.09 Details of the application illustrate a mix in the use of traditional materials for the proposed dwellings. It is considered that this would help the development to relate sympathetically to the character of existing development in proximity to the site and would also serve to relate the development to the wider traditional vernacular. The use of materials can be covered by way of the imposition of a condition if Members are mindful to grant permission for the proposed development.
- 7.10 Drainage  
Concerns have been expressed in relation to the capacity of the existing drainage and sewerage systems to accommodate the proposed development of this site. In response to consultation, Dwr Cymru/Welsh Water have raised an objection on the basis of capacity of the existing public sewerage system. However, Dwr Cymru acknowledge that as the proposal is the development of a brownfield site, it would be possible to accommodate foul only discharges in the system. Accordingly, I propose to attach a condition to the permission prohibiting the commencement of development until such time as the drainage proposals for the site have been agreed. Such scheme shall provide for surface water to be disposed of via other means than the public system.
- 7.11 Highway Matters  
Concerns have been raised in respect of the adequacy of the existing highway network to accommodate the proposals without detriment to highway safety. These concerns relate to both the adequacy of the parking provision proposed at the site, with a perceived increase in on street parking, and the increase of traffic utilising the existing highway junction between Birch Rise and The Highway.
- 7.12 The proposals provide for a single point of vehicular access to the application site to be created at the western side, off Birch Rise. Access to the site is derived via existing accesses within both the west and north boundaries of the site. These issues have been considered by the Head of Assets and Transportation who advises that there is no concern over highway safety and therefore, no objection to the

proposals.

7.13 Open and Play Space

The Council's Leisure Services department recommend that on site provision of recreational facilities is not required given the close proximity of existing provision. Accordingly, It is requested that a commuted sum for use in upgrading existing facilities within the community is sought. The sum sought equates to £1100 per dwelling, a total of £12,100. This sum will be secured via the proposed S. 106 Agreement.

7.14 Educational Contributions

It is calculated that the development of this site will give rise to 3 children of primary school age and 2 children of secondary school age. Existing primary school provision in the locality is at the nearby Hawarden Infants school, which is already exceeding its capacity by 37 pupils, with secondary provision at Hawarden High School which is similarly 20 pupils over capacity.

7.15 Accordingly, contributions of £10,500 and £7000 are sought towards providing the capacity required at the above mentioned primary and secondary schools. These sums will be secured via the S.106 agreement.

7.16 Other matters

Queries were raised in relation to the re-use of the premises for commercial uses. The site is not located within an area identified for commercial or employment uses nor is it a building which would, in itself, merit retention for architectural or historic reasons in a commercial or employment function. As stated previously, the presumption exists in favour of development of a variety of forms, subject to the details.

**8.00 CONCLUSION**

8.01 The site is located within the settlement boundary of Hawarden, where a presumption in favour of new development exists. The proposals have been considered having regard to the applicable planning policies and to all other material considerations and, for the reasons outlined above, is considered to be an acceptable form of development in this location.

8.02 Accordingly, my recommendation is one of approval subject to the legal agreement and conditions specified above.

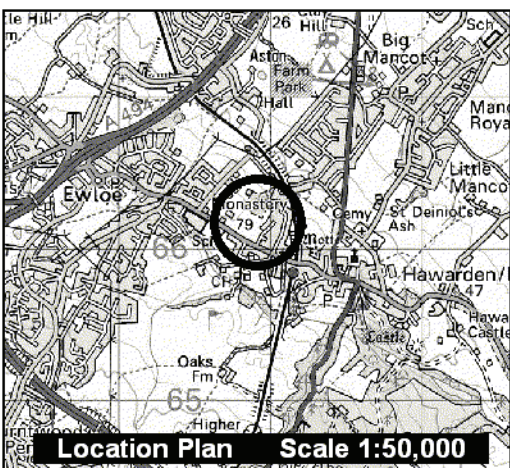
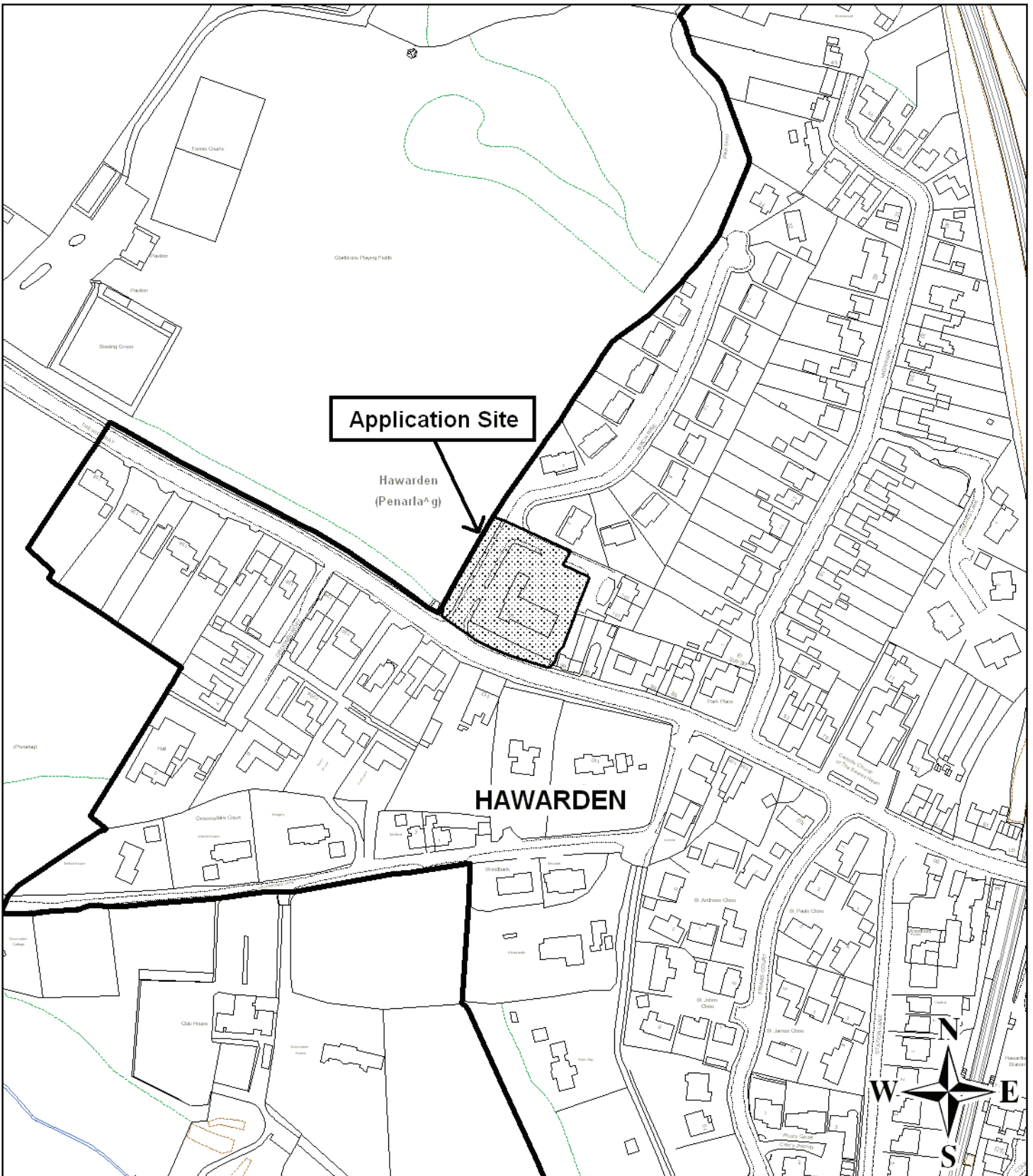
8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the

Convention.

**Contact Officer:** Glyn Jones  
**Telephone:** 01352 703281  
**Email:** [glyn\\_d\\_jones@flintshire.gov.uk](mailto:glyn_d_jones@flintshire.gov.uk)

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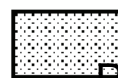


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:2500

OS Map ref SJ 3066

Planning Application 49448

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> JULY 2012**

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

**SUBJECT:** **FULL APPLICATION – CONTINUATION OF AN OUTDOOR RECREATION ACTIVITY KNOWN AS SPHEREING INCLUDING RETENTION OF CABIN, PORTALOO AND ALTERATION TO EXISTING ACCESS ON LAND OPPOSITE BRYN COCH ROAD, WHITFORD, HOLYWELL.**

**APPLICATION NUMBER:** **049709**

**APPLICANT:** **HAVE YOU GOT THE BALL LTD.**

**SITE:** **LAND OPPOSITE BRYN COCH FARM. WHITFORD, HOLYWELL. CH8 8SN**

**APPLICATION VALID DATE:** **30<sup>TH</sup> APRIL 2012**

**LOCAL MEMBERS:** **COUNCILLOR C.J. DOLPHIN**

**TOWN/COMMUNITY COUNCIL:** **WHITFORD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST DUE TO CONCERN OF CLOSURE OF BRIDLEWAY FOR HORSE RIDERS DURING TIMES OF OPERATION, NORMALLY SUMMER WEEKENDS.**

**SITE VISIT:** **ALREADY UNDERTAKEN ON 18<sup>TH</sup> JUNE 2012**

Members will recall that this application was reported to the Planning and Development Control Meeting on 20<sup>th</sup> June 2012 whereby it was resolved to defer the application to allow officers to look at conditions including one requiring management of the development site to avoid conflict with the use of the bridleway. Conditions have now been looked into and a management plan submitted. It is considered that the activity can now be operated without compromising the enjoyment of horse riders using the adjacent bridleway. Therefore, it is recommended to approve this application subject to conditions, for a temporary period of three years given the temporary nature of the buildings and their impact upon the area and for the Authority to monitor the effect upon the bridleway.

## **1.00 SUMMARY**

- 1.01 This application is for the continuation of an outdoor recreation activity known as sphereing including retention of earthworks, portacabin and portaloos, car parking and alteration to existing access at land opposite Bryn Coch Road, Whitford, Holywell.

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

- 2.01
1. Temporary 3 year permission.
  2. In accordance with approved plans.
  3. Use limited to Saturdays through to Sundays with one Friday per calendar month in the season 25<sup>th</sup> April to 31<sup>st</sup> October.
  4. Times restricted 10am – 4pm Saturdays and Sundays, and 4pm – 8.30pm on the one Friday per calendar month.
  5. Activity shall take place in strict accordance with the submitted and agreed management plan.
  6. Details of any windsocks to be submitted and agreed within one month of the date of this permission.
  7. No flags shall be erected on the site unless otherwise agreed in writing by the Local Planning Authority.

## **3.00 CONSULTATIONS**

### **3.01 Local Member**

#### **Councillor C.J. Dolphin**

Requests application be referred to Planning Committee. The bridleway is immediately adjacent the launch pad. This in effect closes this facility for horse riders during times of operation, normally summer weekends. Requests site visit also to specifically see the bridleway/launch pad locations. There is a huge health and safety danger there for rider and horse.

#### **Whitford Community Council**

No objection as long as it complies with Planning Officer guidelines.

#### **Head of Assets & Transportation**

Recommends that any permission to include suggested conditions.

#### **Environment Directorate**

##### **(Rights of Way)**

In the light of safety concerns expressed by horse riders over this, recommends application be refused.

#### **Head of Public Protection**

Been advised by our Health & Safety Section that they wish to make

some observations/recommendations on this application and that they will advise me of the detail in due course.

#### British Horse Society

Objects on the following grounds:-

- Difficult to see how Flintshire benefits financially.
- Roads are a lot busier now, especially at weekends when horses are more likely to be around.
- Flintshire has a thriving equine industry which is dependent on bridleways.
- Warning signs were put out when use is in operation. These have been regularly moved. The operator does not own the bridleway and cannot legally stop anyone using it. Where a right of way can be blocked up by a padlocked gate they can throw a rider and if signs are removed then there is no warning that horse riders are in great danger.
- Ball is so frightening to a horse or pony, it bolts. Operation constitutes a real impediment to the free access of horse riders on the bridleway or adjacent roads. Difficult to acclimatise a horse to the activity.
- Currently of the rights of way in the whole of Wales, only 22% are bridleways, but in Flintshire only 10% are.
- Plenty of places in Chester, Kinmel Bay or elsewhere in Flintshire activity can take place.
- Flintshire Local Access Forum had one serious accident reported to it when one rider was thrown from a horse which bolted off.

#### Ramblers Association

Development appears to have a minimal impact on local rights of way and RA is content to adopt a neutral stance.

#### Tourism Manager

During the past 12 months, 1,300 people have participated in the activity. Creates part time employment for upto 10 people and the philosophy of the operators is to seek to source locally for goods and services. Prospective visitors who wish to stay are given information about local accommodation providers and are informed of other places to visit in the area. Aware that some concerns have been raised by horse-riders using the adjacent bridleway and hopes the planning process will resolve any potential issues to mitigate against any detrimental effect. In relation to tourism and with the proviso that all other statutory and safety requirements are in place, wishes to

support this application.

#### **4.00 PUBLICITY**

##### **4.01 Site Notice and Neighbour Notification**

3 letters of support received. Grounds of support being:-

- Benefit to local pubs, shops, petrol stations, hotels etc.
- Horse riders and local business need to co-exist and compromise if they wish rural life to continue and local businesses to flourish.
- Annual 'Mostyn Fun Ride' of approximately 100 riders, this year the ball was in operation and no horses were seen to react.
- Getting horses used to strange sights and objects is nothing but a good thing as it makes them and any other equine a much safer ride in the long term.
- Rides horse on the bridleway adjacent to the activity and has no problems.

11 letters of objection and a petition with 5 signatories received. The grounds of objection being:-

- Proximity of the activity to bridleway – horses are fright animals and will react at the sight of a large moving object. This includes noise.
- The horses natural reactions will endanger their riders and other users of the bridleway, i.e., walkers.
- Would be in favour of solid timber screening approximately 4 m in height to block out the vision and noise for the length of the bridleway affected.
- Cannot ride horse in this area due to screams and shouts that activity generates.
- Increased traffic on narrow road.
- A spooked horse poses a danger to walkers as well.
- Quiet enjoyment of countryside is spoiled.
- Activity is not 'sustainable tourism' as people have to get in their cars to go to it.
- Horse riders now have to go on the road which carries a greater

risk to horse and rider.

- Even when activity is temporarily stopped at launch site, it is likely that the horses will still spook at a large inflatable ball.
- Suspension of activity for horse riders does not cover those passing by on the road where horses would still see the spheres.

## **5.00 SITE HISTORY**

### **5.01 047928**

Retrospective application for the operation of an outdoor recreation activity known as “sphereing”, including retention and resiting of cabin, retention of ‘portaloo’, and alteration to existing access – Temporary Permission Granted 5<sup>th</sup> May 2011.

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

STR1 – New Development

STR6 – Tourism

STR7 – Natural Environment

STR11 – Sport, Leisure & Recreation

GEN1 – General Requirements for Development

GEN3 – Development in the Open Countryside

D1 – Design Quality, Location & Layout

D2 – Design

D3 – Landscaping

D4 – Outdoor Lighting

L1 – Landscape Character

HE2 – Development Affecting Listed Buildings & Their Settings

AC2 – Pedestrian Provision & Public Rights of Way

AC13 – Access & Traffic Impact

RE4 – Small Scale Rural Enterprises

RE5 – Small Scale Farm Diversification

SR2 – Outdoor Activities

### **National**

Planning Policy Wales 2011

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010).

Technical Advice Note (TAN) 11: Noise (1997)

Technical Advice Note (TAN) 12: Design (2009)

Technical Advice Note (TAN) 13: Tourism (1997)

Technical Advice Note 16: Sport, Recreation and Open Space (2009)

In principle, the developments are supported in Planning Policy terms. The detailed matters of access, impact upon the character and appearance of the landscape, setting of the listed building and impact upon the bridleway together with the economic implications need to be

considered.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description & Developments**

The site comprises the western part of an existing piece of agricultural land which slopes steeply downwards from Public Bridleway 120 (which runs east-west) at its southern end to Bryn Coch Road to its northern, southern and part western boundaries, with a new stock proofed fence along the eastern boundary. The site is accessed off the existing agricultural access onto Bryn Coch Road.

It is situated upon the southern side of Bryn Coch Road, opposite the existing complex of buildings at Bryn Coch Farm, Whitford.

7.02 The proposals involve the continuation of the use of the land for the outdoor recreation activity known as sphereing, and retention of a portacabin, portaloo, car park and access. Sphereing is an adventure sport known as “hill rolling” and involves rolling down the hill at high speed in a large inflatable ball.

7.03 The farmer, as well as the landlord, Mostyn Estates have consented to the activity on the land as it provides a ‘useful form of diversification’ for the land use. However, the land is still managed by the farmer in as much as, sheep are allowed to graze on the site to control the grass height naturally. This is possible because the events only occur 3-4 days a week, and then during a restricted season of April to October. Activity within the site is strictly controlled. All visitors have to attend an induction meeting in the cabin provided on the site. They are then taken to the upper launch area, and assisted throughout. The spheres are recovered at the base and taken to the restart for the process to be continued. Sensible time is allowed between party arrivals so as to restrict numbers on site at any one time, in accordance with health & safety requirements.

7.04 Two long grassed bunds were created along both the eastern side and part northern end of the site to form barriers to control both the direction and stopping of the rolling of the ball. At the top of the slope (southern boundary) lies the “launch pad” which has been created by clearing the vegetation etc.

7.05 A small car park area has been created close to the access of the site which has also been enclosed by a timber railed fence. Alterations to the existing agricultural access to the north-eastern corner of the site have been undertaken to serve the development.

7.06 The developments also involve the siting of both a portacabin (used for the training of customers in health and safety and to a café/booking office etc) measuring approximately 10 m x 3 m x 2.5 m (height) and a portaloo measuring approximately 2.3 m x 1.2 m x 1.2



m (height) alongside the hedgerow upon its northern boundary.

7.07 The main issues to be considered within the determination of this planning application are the principle of the developments in planning policy terms, the highway implications, the effects of the developments upon the character and appearance of the area, the impact upon the setting of the listed building, the impact upon the bridleway and the effects upon the economy of Flintshire.

7.08 Background

Members will recall that retrospective planning permission for this activity and retention of buildings, earthworks, access, car parking etc was granted for a temporary period of one year at the meeting on 13<sup>th</sup> April 2011 under planning ref. 047928. The reasons for granting a one year permission only were because of the temporary nature of the buildings and in order for the impact of the developments upon highway, horse and rider safety and usage of the bridleway to be monitored. There has been no traffic accidents or noise complaints resulting from this activity. However, there have been many complaints by the British Horse Society of the activity to the Flintshire Local Access Forum on the grounds that horse riders are put off using this part of the bridleway for fear of an accident to either themselves or their horses. Also, there has been one reported incident whereby one rider was thrown from a horse which bolted off and was not found until much later. The applicant has complied with all the conditions imposed upon 47928. These include screening of the temporary buildings, approval of their colour, no flags erected on buildings etc.

7.09 Principle of Developments

The application site is situated within open countryside to the north west of the settlement boundary of Whitford as defined by the Flintshire Unitary Development Plan (FUDP). Policy GEN3 of the FUDP is permissive of development related to tourism, leisure and recreation. In addition, as the proposal constitutes an outdoor activity, Policy SR2 contained in the FUDP would also be relevant. In order for the proposal to satisfy Policy SR2, the activity needs to be of a type, scale and intensity so not to unacceptably harm the character and appearance of the site and its surroundings, residential or other amenity, or any landscape, nature conservation or historic interest. The policy also requires proposals to be located on sites accessible by a choice of modes of travel other than private motor car.

7.10 Also, the proposals would have to comply with Policy L1 of FUDP, which requires new development to maintain or enhance the character or appearance of the landscape.

7.11 Therefore, the principle of the developments are acceptable in Planning policy terms. What needs to be assessed are the detailed matters of access, the impact of the developments upon the visual appearance and character of the landscape together with the effects

of the developments upon the setting of the listed building and  
bridleway and the implications upon Flintshire's economy.

7.12 Highway Implications

The site is served by the altered agricultural access. Members may recall that the Head of Assets & Transportation requested a temporary consent be granted in order for the authority to monitor the situation over a period of time to ensure that there are no potential problems and associated with the developments in terms of highway safety upon the previous application. No problems have been reported and therefore it is considered that the access is acceptable.

7.13 Character & Appearance

The developments are only immediately visible from the public footpath, bridleway and the existing access.

7.14 The 'launch pad' which lies at the top of the slope had been created by only clearing part of the existing vegetation. The two bunds that have been created are low in height and have been fully grassed over. These together with the slope are not mown but grazed by the sheep in between events. As it has been sometime since these features were created they are becoming well vegetated and are settling into landscape.

7.15 Given the above, it is considered that these developments appear to be not 'alien', but natural features upon the landscape and therefore do not significantly detrimentally affect the visual appearance or character of the landscape in this location.

7.16 Both the portacabin and portaloo are sited alongside the hedgerow upon the northern side and are now of a green colour. The colours of the portacabin work exceptionally well with the existing landscape with the paler green losing itself naturally against the sky and grassed landscape. Landscaping has also been undertaken upon the eastern side of the portaloo and portacabin to screen this more visible part of the buildings. Both the car park and altered access are also located upon this eastern side. All the developments above are also located in close proximity to the existing farm complex of Bryn Coch opposite whereby it is considered that they will to some degree be assimilated into the existing landscape.

7.17 The buildings are however of a temporary nature and are not normally appropriate in a rural area. Given this, it is considered that only a temporary permission be granted for three years.

7.18 Impact on Setting of Listed Building/Scheduled Ancient Monument

The 'launch pad' of the development is located approximately 272 m from the Grade II listed building of Mynydd y Garreg tower. From our records it is not a scheduled ancient monument. Given the long distance away and that the earthwork of the 'launch pad' has settled

into the landscape, it is considered not to affect the setting. It is also considered that the activity does not significantly affect the tranquillity and public enjoyment of the listed structure, its approach or its wider rural setting.

7.19 Impact Upon Bridleway

Bridleway 120 which is located at the top of the site (southern end) and runs east-west, abuts the launch pad, but physically is not affected by the development.

7.20 It is considered that the enjoyment of walkers using the bridleway is not significantly affected by the activity.

7.21 However, the bridleway is very well used by horse riders. Given that horses are prey animals, whose only defence is flight and who have all round vision and extremely acute hearing, it is considered that they are distressed by this activity taking place in close proximity to the bridleway and cause accidents to their riders. There have been many complaints by the British Horse Society of the activity to the Flintshire Local Access Forum on the grounds that horse riders are put off using this part of the bridleway for fear of an accident to either themselves or their horses. In addition, a petition with 5 signatories upon it and 2 letters of objection to this application have stated that they have not used the bridleway for fear of an accident. Also, there has been one reported incident whereby one rider was thrown from a horse which bolted off and was not found until much later.

7.22 The fear of an accident also puts many horse riders off using this part of the bridleway whilst the activity is taking place. Effectively, it closes the bridleway between the end of April until the end of October at weekends for the enjoyment of horse riders.

7.23 Measures to mitigate against the above concerns have been explored and discussed with the applicant. They include the imposition of conditions upon any planning permission granted restricting the season, days and times of operation as to when the activity can take place and that the operation also has to be undertaken strictly in accordance with the submitted and approved management plan.

7.24 Details within the management plan include a designated bridleway monitor at the launch pad checking for horse riders and informing the operators when to temporarily stop their activity, signage along the bridleway and informing customers that the activity is adjacent to the bridleway to keep noise to a minimum, days and times of operation will also be publicised on their website so that horse riders know when the activity is taking place. It is considered that these conditions can be enforced against should the operator breach them.

7.25 Given the above, it is considered that both activities can take place and be enjoyed by all parties without a detriment to one another.

7.26 A temporary three year permission has been recommended to allow officers to further monitor the impact of the activity upon the bridleway.

7.27 Economy

It appears that during the past 12 months, approximately 1,300 people have participated in this activity. It creates part time employment for up to 10 people and the philosophy of the operators is to seek to source locally for goods and services. Prospective visitors who wish to stay, are given information about local accommodation providers and are informed of other places to visit in the area.

7.28 In addition, the activity is a Farm Diversification Scheme providing another form of income to either the landlord, Mostyn Estates or the tenant farmer.

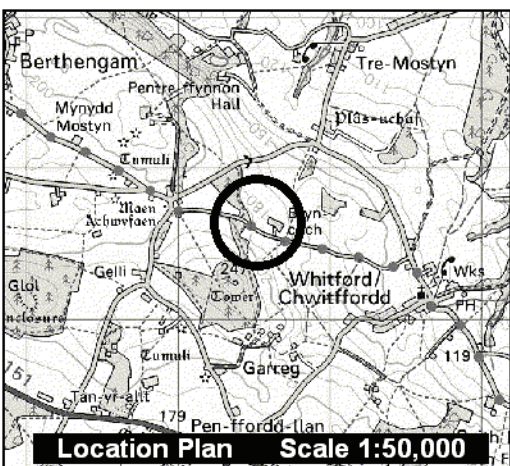
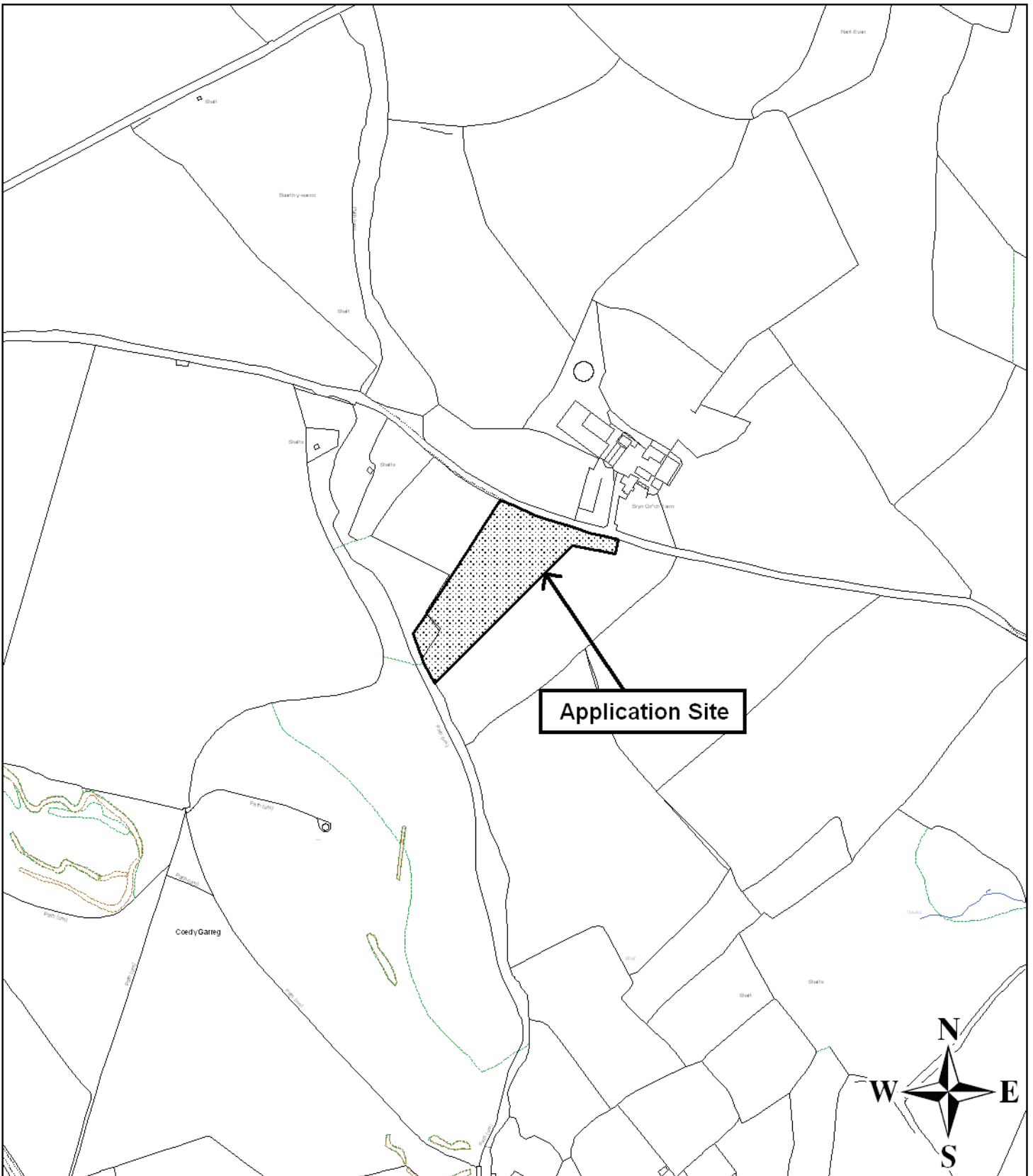
7.29 However, the national equine database shows that there are 5,300 horses registered in Flintshire, there are a number of horses brought in to the county to compete, to receive tuition and to take part in regular events. With the average annual maintenance cost of a horse is £3,000; this means that at least £15,300 is brought by horse owners into Flintshire's economy every year.

**8.00 CONCLUSION**

8.01 It is considered that through the compliance of the suggested conditions and management plan, that the activity can now take place alongside the bridleway without having a detrimental impact upon the enjoyment of the horse riders. However, there are still concerns over the temporary nature of the buildings and their impact upon the area and that is why only a temporary permission is recommended.

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:** Alan Wells  
**Telephone:** (01352) 703255  
**Email:** alan.wells@flintshire.gov.uk

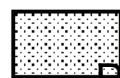


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:5000

OS Map ref SJ 1378

Planning Application 49709

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>th</sup> JULY 2012**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF A DETACHED RESIDENTIAL BLOCK AT KINSALE SCHOOL, LLANERCH Y MOR, HOLYWELL**

**APPLICATION NUMBER:** **048983**

**APPLICANT:** **OPTIONS GROUP**

**SITE:** **KINSALE HALL,  
LLANERCH-Y-MOR,  
HOLYWELL,  
CH8 9DX**

**APPLICATION VALID DATE:** **24/08/2011**

**LOCAL MEMBERS:** **COUNCILLOR P. HEESOM**

**TOWN/COMMUNITY COUNCIL:** **MOSTYN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST GIVEN BACKGROUND HISTORY, SCALE OF DEVELOPMENT AND SENSITIVITY OF LANDSCAPE**

**SITE VISIT:** **YES**

Members will recall that consideration of this application together with the following application on the agenda (Code No.048115) were deferred at the Planning & Development Control Committee held on 20<sup>th</sup> June 2012 pending a Committee Site visit. The site visit is to be held on Monday 23<sup>rd</sup> July 2012.

### **1.00 SUMMARY**

- 1.01 This full application proposes the erection of a building for additional residential accommodation at the Options Group (Kinsale) School which is an existing school for providing residential, day care and education for autistic children/young adults. The application has been resubmitted following the refusal of a previous application for an additional residential

accommodation building at this location under Code No. 046920 on 14th October 2010.

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

- 2.01
1. Time limit on commencement.
  2. In accordance with approved details.
  3. Facilities to be used by and limited to persons up to the age of 25.
  4. Construction materials to be submitted for consideration and approval.
  5. Details of hard/soft landscaping to be submitted and approved.
  6. Details of management/maintenance of landscaping to be submitted and approved.
  7. All trees/hedgerows to be retained to be protected during engineering/construction works.
  8. Site levels to be submitted and approved.
  9. Details of external lighting to be approved.
  10. Safeguarding of public sewer which crosses the site.

**3.00 CONSIDERATIONS**

3.01 Local Member  
Councillor P. Heesom

Request planning committee determination given background of planning history, scale of development and sensitivity of landscape at this location.

Mostyn Community Council

Oppose the application as it is contrary to the planning policy identified for this location.

Head of Assets & Transportation

Recommend that any permission includes conditions relating to parking and turning of vehicles within site.

Welsh Water

Request that any permission includes a condition to ensure the safeguarding of a public sewer which crosses the site.

Lifelong Learning (Advisor for Autism)

Confirm that there is a recognised need for additional transitional educational placements for young adults (18 – 25 years) at this location.

**4.00 PUBLICITY**

4.01 Site, Notice, Neighbour Notification

No responses received at time of preparing report.



## **5.00 SITE HISTORY**

### **5.01 674/84**

Change of use to golf Course - Permitted 30th June 1986.

### **118/93**

Golf course, club house and driving range - Permitted 18th May 1993.

### **98/1112**

Alteration/extension to provide for equipment store - Permitted 18th November 1998.

### **041549**

Change of use from hotel to C2 use residential institution for establishing an independent school for young people with complex Autistic Spectrum Disorder age 10 to 19 - Permitted 3rd August 2006.

### **040402**

Layout of trails for walking, jogging and cycling; extension of existing clubhouse to provide gymnasium, swimming pool, sauna, steam room and creche; new putting course, tennis court, siting of 78 holiday lodges and sales lodge; associated access drives, car parking, modifications to golf course and comprehensive landscaping scheme - Appeal to The Planning Inspectorate allowed 18th October 2007.

### **045395**

Construction of 5 No. 4 x person accommodation buildings, 3 No. linked two person independent living buildings and a communal centre to replace 30 previously approved holiday lodges to provide specialist placements for young children with autism - Permitted 11th December 2008.

### **047095**

Erection of an autistic college facility including associated residential units - Withdrawn 5th October 2010.

### **046920**

Erection of a detached residential building - Refused 14th October 2010.

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

Policy STR1 - New Development

Policy STR2 - Transport and Communications

Policy STR6 - Tourism

Policy STR7 - Natural Environment

Policy STR8 - Built Environment

Policy GEN1 - General Requirements for Development

Policy GEN3 - Development Outside Settlement Boundaries

Policy CF2 - Development of New Community Facilities

Policy D2 - Location and Layout  
 Policy D3 - Building Design  
 Policy D4 - Landscaping  
 Policy D5 - Outdoor Lighting  
 Policy D6 - Crime Prevention  
 Policy TWH2 - Development Affecting Trees and Woodlands  
 Policy TWH3 - Protection of Hedgerows  
 Policy TWH4 - Woodland Planting and Management  
 Policy L1 - Landscape Character  
 Policy WB5 - Undesignated Wildlife Habitats, Flora and Fauna  
 Policy WB6 - Enhancement of Nature Conservation Interest  
 Policy HE1 - Development Affecting Conservation Areas  
 Policy HE5 - Protection of Landscapes, Parks and Gardens of Special  
 Historic Interest  
 Policy AC1 - Facilities for the Disabled  
 Policy AC2 - Pedestrian Provision and Public Rights of Way  
 Policy AC3 - Cycling Provision  
 Policy AC13 - Access and Traffic Impact  
 Policy AC14 - Traffic Calming  
 Policy AC18 - Parking Provision and New Development  
 Policy HSG4 - New Dwellings in the Countryside  
 Policy SR1 - Sports, Recreation or Cultural Facilities  
 Policy SR2 - Outdoor Activities  
 Policy SR3 - Golf Facilities  
 Policy T1 - Tourist Attractions  
 Policy T4 - New Static Caravans and Chalets  
 Policy T7 - Holiday Occupancy Conditions

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

Options Group (Kinsale) School, a residential home for autistic children/young adults between the ages of 8-25 is located within the open countryside, to the south of the A548 at Llanerch y Mor. The school which currently has 25 bedspaces was initially established in 2007, as a result of the conversion of the former Kinsale Hall Hotel and comprises a significant range of existing educational facilities within the site including for example a number of vocational classrooms, horticultural centre, adventure playground and sports hall.

### **7.02 Site Description/Background History**

The site lies within an open countryside location outside any settlement boundary but partly within a conservation area as defined in the Flintshire Unitary Development Plan.

7.03 For Member's information there is a complex background of planning history relating to development at this location which is referred to in paragraph 5.00 of this report.

In summary, planning permission was allowed on appeal to The

Planning Inspectorate under Code No. 040402 on 18th October 2007 for a tourism development at Kinsale Golf Course comprising: the layout of trails for walking, jogging and cycling, extension of the existing clubhouse to provide a gymnasium, swimming pool, sauna, steam room and creche; the provision of a new putting course, tennis courts, siting of 78 holiday lodges and a sales lodge, associated access drives, car parking and modifications to the golf course.

- 7.04 The 78 holiday lodges are proposed to be sited in two areas, on the periphery of the golf course, these being:-
- a. The Lower Lodge site to the south of Rhydwen House alongside the main entrance driveway to the school and golf course.
  - b. The Upper Lodge site to the west of Mostyn Isaf a Grade II Listed Building next to the highest part of the golf course.
- 7.05 At the time that the above application and appeal were under consideration Kinsale Hall, a former hotel, had been bought by the New Options Group and converted into a residential home for autistic children, this being granted under Code No. 045139 on 3rd August 2006.
- 7.06 Following the grant of planning permission in 2007 for a holiday lodge development, permission was subsequently granted under Code No. 045395 on 11<sup>th</sup> December 2008 for 8 No. independent living accommodation buildings and a communal centre to replace 30 previously approved lodges, providing specialist placement for children with autism in connection with the existing school. This permission proposed the replacement of 24 previously approved holiday lodges on the upper part of the site and 6 lodges on the lower part.
- 7.07 The applicants and their agent have however advised that due to recent management changes at the (Options Group) with associated land ownership implications, the previously approved independent living accommodation units granted under Code No. 045395 are no longer available for use by the existing school.
- 7.08 A previous application for the erection of a building to compensate for the loss of the units to the Options School was refused under Code No. 046920 on 14<sup>th</sup> October 2010. This was on the grounds that it was considered that permission currently exists for the erection of transitional accommodation buildings at this location and as there is no prospect of a legal agreement being entered into to relinquish this permission, the proposed development could lead to the duplication of such facilities at this location.
- 7.09 Proposed Development  
This resubmitted application proposes the erection of a building to provide additional residential accommodation for 10 young adults,

together with classroom facilities to enable the school to offer transitional options for older pupils (16 – 25) to move towards semi-independent living in a planned structured manner. The Council's Senior Advisor for Autism has been consulted on the application and has confirmed that there is a need for additional transitional educational placements for young adults (18 – 25 years) at this location.

- 7.10 The two-storey building measures approximately 30 m x 18.5 m x 7.5 m (high) and would be located adjacent to the main entrance driveway, at 90 degrees to existing vocational classrooms and approximately 23 m to the north of the existing sports hall. It is proposed that the building be constructed having a zinc roof, and stone/timber cladding external walls to reflect those used in the construction of the sports hall, which in turn was designed to reflect a range of ancillary buildings so as not to detract from the prominence and architectural significance of the original Kinsale Hall.
- 7.11 Planning Policy/Principle of Development  
Policy CF2 of the Flintshire Unitary Development Plan provides guidance on the development of new community facilities. These policies direct such facilities to locations within defined settlement boundaries. Outside settlement boundaries, such development will only be permitted through (a) the conversion of existing buildings (b) by an extension to an existing facility or (c) on land with a previous built use.
- 7.12 Despite being given a further opportunity to enter into a dialogue with the landowner to secure the use of the previously consented residential accommodation units granted under Code No. 045395, it is clear that these will not be made available for use by the existing school.
- 7.13 Policy CF2 provides a clear policy context for the extension of an existing community facility, subject to other policies which seek to control detailed planning considerations. The existing school has become well established over a number of years and it has been confirmed by the Council's Senior Advisor for Autism that there is a need for additional transitional placements at this location. There is therefore no in principle policy objection to the expansion in the form of the extension to the existing facility subject to the safeguarding of relevant amenity considerations.
- 7.14 Impact on Landscape/Conservation Area  
The site is located on the eastern side of the main access drive with the topography at this location being such that it is at a much lower level than the existing sports hall, which forms a backdrop to the development. The site is well screened by existing trees/hedgerows and partly by an existing linear range of outbuildings. It is considered that the development can be assimilated into the landscape and subject to the imposition of conditions to ensure the use of satisfactory materials and supplemental landscaping, the application can be supported.

7.15 Design

The design of the proposed building has been influenced by its functional requirements given the specialist educational requirements of the school and the character of existing development on the site most notably the sports hall extension which forms a visual backdrop to this current proposal. The acceptability of the design of the building has been carefully considered and can be supported subject to control over the use of materials to ensure that the development is sympathetic to the character of existing development at this location.

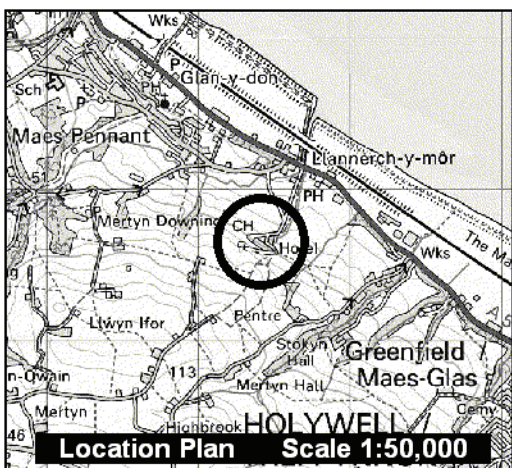
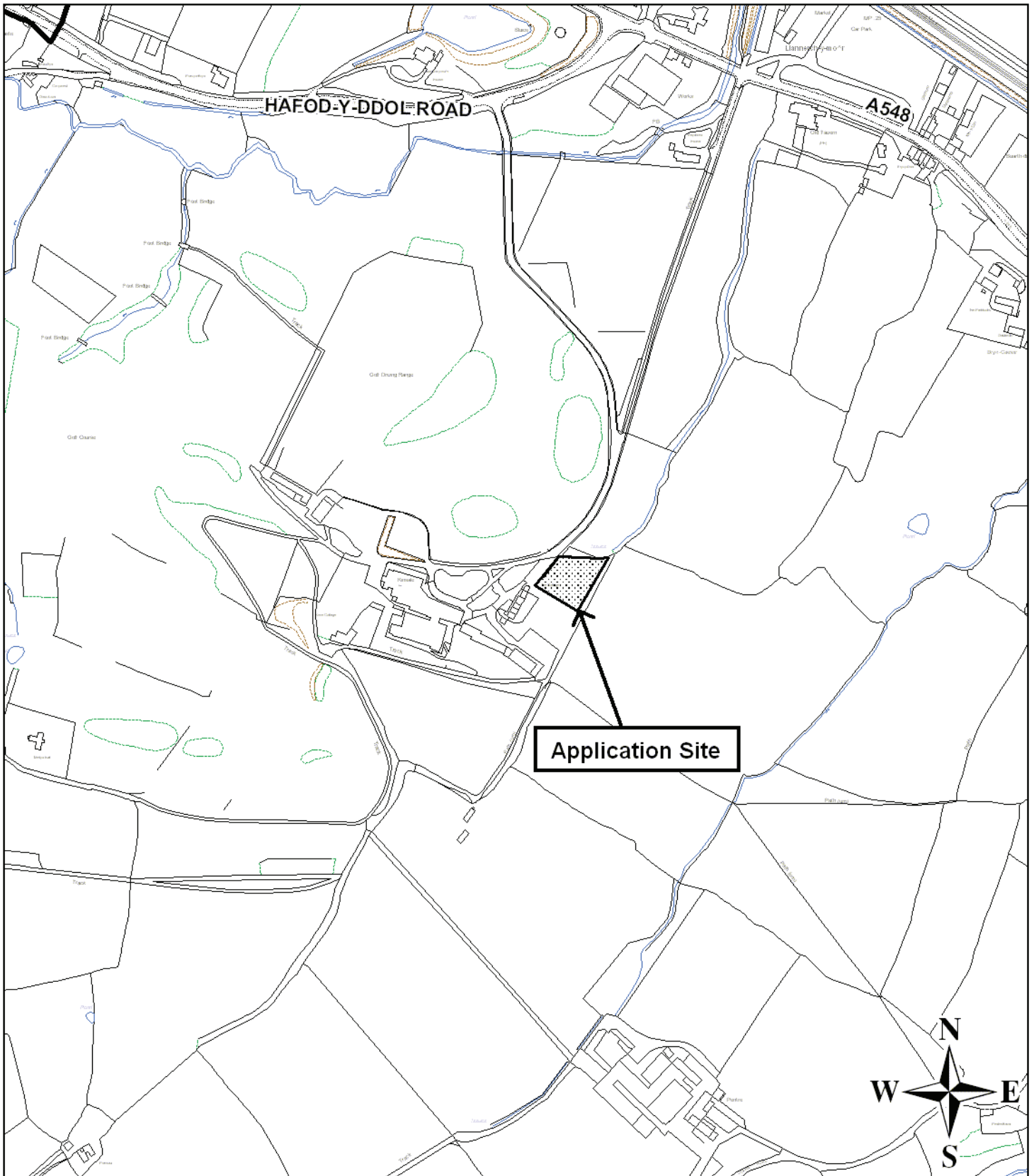
**8.00 CONCLUSION**

8.01 It is my view that the principle of development at this location can be supported as it meets the requirements of Policy CF2 of the Flintshire Unitary Development Plan, which allows for consideration to be given for an extension to an existing community facility within an open countryside location. The site is extremely well screened by existing buildings/landscaping which help to minimise its visual impact and subject to controls over the use of satisfactory materials, I recommend that conditional planning permission be granted.

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:** Robert M. Harris  
**Telephone:** 01352 703269  
**Email:** robert\_m\_harris@flintshire.gov.uk


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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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Map Scale 1:5000

Ordnance Survey Sheet SJ 1778

Planning Application 48983

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## FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: 25<sup>th</sup> JULY 2012

REPORT BY: HEAD OF PLANNING

SUBJECT: FULL APPLICATION - ERECTION OF ADULT EDUCATIONAL/RESIDENTIAL FACILITIES TO COMPLEMENT EXISTING SCHOOL PROVISION FOR CHILDREN / YOUNG ADULTS WITH AUTISTIC SPECTRUM DISORDER AT "KINSALE", LLANERCH-Y-MOR, HOLYWELL

APPLICATION NUMBER: 048115

APPLICANT: THE TREVOR PRICE PARTNERSHIP LTD

SITE: KINSALE,  
LLANERCH-Y-MOR,  
HOLYWELL,  
CH8 9DX

APPLICATION VALID DATE: 03/12/2010

LOCAL MEMBERS: COUNCILLOR P. HEESOM

TOWN/COMMUNITY COUNCIL: MOSTYN COMMUNITY COUNCIL

REASON FOR COMMITTEE: MEMBER REQUEST GIVEN BACKGROUND HISTORY AND SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME.

SITE VISIT: YES

Members will recall that consideration of this application together with the previous application on the agenda (Code No.048983) were deferred at the Planning & Development Control Committee held on 20<sup>th</sup> June 2012 pending a Committee Site visit. The site visit is to be held on Monday 23<sup>rd</sup> July 2012.

## **1.00 SUMMARY**

1.01 This full application proposes the erection of additional educational/residential facilities at Kinsale, Llanerch y Mor, Holywell for adults with Autistic Spectrum Disorder (ASD). The application has been resubmitted following the withdrawal of a previous application submitted under Code No. 047095 for an autistic college facility at this location, from the Planning & Development Control Committee on 6th October 2010. Amended plans have been received in progression of the application and a further round of consultation and publicity undertaken.

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

- 2.01
1. Time limit on commencement.
  2. In accordance with approved details.
  3. Phasing plan to be submitted and approved.
  4. Facilities to be used by and limited to post 25 age group.
  5. Construction materials to be submitted for consideration and approval.
  6. Details of hard/soft landscaping to be submitted and approved.
  7. Details of management/maintenance of landscaping scheme to be submitted and approved.
  8. All trees/hedgerows to be retained to be protected during engineering/construction works.
  9. Details of external lighting to be submitted and approved.
  10. No part of the building(s) to be permitted within 3 m of either side of the centre line of public sewer.
  11. Protected species survey to be undertaken prior to the commencement of site works.
  12. Facilities to be provided within the site for the parking/turning and unloading of vehicles.
  13. Foul/surface water discharges to be drained separately.
  14. No surface water to connect into public sewerage system.
  15. Land drainage shall not discharge into public sewerage system.
  16. No development shall commence until a scheme for the comprehensive and integrated drainage of the site has been submitted to and approved.
  17. Measures to safeguard bridleway from accumulation of surface water.

## **3.00 CONSIDERATIONS**

3.01 Original Submission  
Local Member  
Councillor P. Heesom

Request planning committee determination given background of planning history, scale of development and sensitivity of landscape at this location.

Mostyn Community Council

The Council are strongly opposed to this application on the grounds that it is contrary to policy, would have an adverse impact on the countryside and highway network

Welsh Water

Recommend that any permission includes conditions in respect of foul, surface and land drainage.

Clwyd-Powys Archaeological Trust

Although the development lies close to an area of archaeological significance, it appears that no known features will be affected by the intended work.

Public Rights of Way

Express concerns that the development would result in the potential for conflict with existing users of a public bridleway and that given the topography of the site that this would result in a build up of surface water on the bridleway.

Airbus

No comment as the proposal is outside the required area for Civil Aviation Authority consultation purposes.

Countryside Council for Wales

Satisfactory ecological site surveys have been undertaken prior to and post the planning appeal decision in 2007 for a tourist related development of the site. No objection in principle subject to the imposition of a condition requiring an updated ecological survey being undertaken prior to the commencement of site works.

Amended Submission

Local Member

Councillor P. Heesom

Request planning committee determination given background of planning history, scale of development and sensitivity of landscape at this location.

Head of Assets & Transportation

No objection, subject to the imposition of a condition requiring the provision of facilities for the loading, unloading, parking and turning of vehicles.

Lifelong Learning (Advisor for Autism)

Considers that the proposal will provide for a continuum of provision for children, young people and adults with ASD on one site from the age of 8 upwards. This will help to reduce anxieties of young people and their families in securing a continuation of specialist education.

Countryside Council for Wales

Satisfactory ecological site surveys have been undertaken prior to and post the planning appeal decision in 2007 for a tourist related development of the site. No objection in principle subject to the imposition of a condition requiring an updated ecological survey being undertaken prior to the commencement of site works.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

Original Submission:

1 letter of objection received, the main points of which can be summarised as follows:-

- Proposal would be contrary to planning policy.
- There is no functional link with the existing school.
- Proposals would have a substantial and detrimental visual impact upon the character and appearance of the area.

2 letters of support which consider that:-

- Proposal would provide for a much needed specialist facility for education/learning within North Wales.
- In locational terms this facility is for more advantageous within an open countryside location.
- Proposal would be linked to holiday lodges/facilities already permitted which could be used by families with young people with Autistic Spectrum Disorder.

#### Amended Scheme

11 letters received which re-iterate/re-enforce previous objections and are summarised as follows:-

- Proposal is contrary to planning policies and is not in accord with the principles established on appeal for tourist related development within this open countryside location.
- There is no direct linkage with the existing school.
- Proposals would have a detrimental visual impact on the open countryside/parkland setting and conservation area.
- Impact on wildlife habitats.
- Development would be out of scale/character with existing school.
- Detrimental impact on privacy/amenity.
- Inadequacy of highway and drainage system to serve further development.

## **5.00 SITE HISTORY**

### **5.01 674/84**

Change of use to golf Course - Permitted 30th June 1986.

### **118/93**

Golf course, club house and driving range - Permitted 18th May 1993.

### **98/1112**

Alteration/extension to provide for equipment store - Permitted 18th November 1998.

### **041549**

Change of use from hotel to C2 use residential institution for establishing an independent school for young people with complex Autistic Spectrum Disorder age 10 to 19 - Permitted 3rd August 2006.

### **040402**

Layout of trails for walking, jogging and cycling; extension of existing

clubhouse to provide gymnasium, swimming pool, sauna, steam room and creche; new putting course, tennis court, siting of 78 holiday lodges and sales lodge; associated access drives, car parking, modifications to golf course and comprehensive landscaping scheme - Appeal to The Planning Inspectorate allowed 18th October 2007.

**045395**

Construction of 5 No. 4 x person accommodation buildings, 3 No. linked two person independent living buildings and a communal centre to replace 30 previously approved holiday lodges to provide specialist placements for young children with autism - Permitted 11th December 2008.

**047095**

Erection of an autistic college facility including associated residential units - Withdrawn 5th October 2010.

**046920**

Erection of a detached residential building - Refused 14th October 2010.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR2 - Transport and Communications

Policy STR6 - Tourism

Policy STR7 - Natural Environment

Policy STR8 - Built Environment

Policy GEN1 - General Requirements for Development

Policy GEN3 - Development Outside Settlement Boundaries

Policy CF2 - Development of New Community Facilities

Policy D2 - Location and Layout

Policy D3 - Building Design

Policy D4 - Landscaping

Policy D5 - Outdoor Lighting

Policy D6 - Crime Prevention

Policy TWH2 - Development Affecting Trees and Woodlands

Policy TWH3 - Protection of Hedgerows

Policy TWH4 - Woodland Planting and Management

Policy L1 - Landscape Character

Policy WB5 - Undesignated Wildlife Habitats, Flora and Fauna

Policy WB6 - Enhancement of Nature Conservation Interest

Policy HE1 - Development Affecting Conservation Areas

Policy HE5 - Protection of Landscapes, Parks and Gardens of Special Historic Interest

Policy AC1 - Facilities for the Disabled

Policy AC2 - Pedestrian Provision and Public Rights of Way

Policy AC3 - Cycling Provision

Policy AC13 - Access and Traffic Impact

Policy AC14 - Traffic Calming

Policy AC18 - Parking Provision and New Development

Policy HSG4 - New Dwellings in the Countryside

Policy SR1 - Sports, Recreation or Cultural Facilities

Policy SR2 - Outdoor Activities

Policy SR3 - Golf Facilities  
Policy T1 - Tourist Attractions  
Policy T4 - New Static Caravans and Chalets  
Policy T7 - Holiday Occupancy Conditions

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

The Options Group (Kinsale) School, a residential home for autistic children and Kinsale Golf Course are located within the open countryside to the south of the A548 at Llanerch-y-Mor. They occupy an area of approximately 40 hectares of which the playing area of the golf course amounts to approximately 26 hectares.

7.02 The school and golf course are approached by a private driveway which passes through open land comprising the golf course to the west and open land to the east.

### 7.03 Background History

For Member's information there is a complex background of planning history relating to development at this location which is referred to in paragraph 5.00 of this report.

7.04 In summary, planning permission was allowed on appeal to The Planning Inspectorate under Code No. 040402 on 18th October 2007 for a tourism development at Kinsale Golf Course comprising: the layout of trails for walking, jogging and cycling, extension of the existing clubhouse to provide a gymnasium, swimming pool, sauna, steam room and creche; the provision of a new putting course, tennis courts, siting of 78 holiday lodges and a sales lodge, associated access drives, car parking and modifications to the golf course.

7.05 The 78 holiday lodges are proposed to be sited in two areas, on the periphery of the golf course, these being:-

- a. The Lower Lodge site to the south of Rhydwen House alongside the main entrance driveway to the school and golf course.
- b. The Upper Lodge site to the west of Mertyn Isaf a Grade II Listed Building next to the highest part of the golf course.

7.06 At the time that the above application and appeal were under consideration Kinsale Hall, a former hotel, had been bought by the New Options Group and converted into a residential home for autistic children, this being granted under Code No. 045139 on 3rd August 2006.

7.07 Following the grant of planning permission in 2007 for a holiday lodge development, permission was subsequently granted under Code No. 045395 on 11th December 2008 for independent living accommodation buildings and a communal centre to replace 30 previously approved lodges, providing specialist placement for children with autism in connection with the existing school. This permission proposed the replacement of 24 previously approved holiday lodges on the upper part of the site and the replacement of 6 holiday lodges on the lower part.

7.08 A further application was also submitted under Code No. 047095 for the erection of an autistic college facility including associated residential units. This application was included on the agenda for consideration by the Planning & Development Control Committee meeting held on 6th October 2010, but was withdrawn by the applicants given officers recommendation at that time for refusal as:-

- i. the proposal did not comply with the established planning policy framework as it proposed a duplication of previously consented facilities.
- ii. it was considered that the scale/form of the proposal would have a detrimental impact on the character of the landscape at this location.

7.09 Proposed Development

This current application proposes the erection of educational/residential facilities for adults who suffer from ASD. Although not directly related to the Options Group School at Kinsale Hall (which caters for children/young adults), it would allow for those adults (post 25 years of age) either as a follow on from the existing site, or within the North Wales region, to continue with further specialist education.

7.10 The current application has been resubmitted in order to seek to address the areas of concern highlighted in consideration of the previously withdrawn application (047095). The application has been amended since its initial submission as a result of the deletion of a leisure centre and two accommodation blocks with amendments to the scale/form of the Resource Centre. The proposal now comprises:-

- i. the erection of a rectangular shaped building measuring approximately 50 m x 20 m for use as a Resource Centre accommodating teaching rooms offices. This would be located on the eastern side of the main driveway into the site. The Resource Centre and associated car parking would replace 16 No. existing consented holiday lodges.
- ii. the erection of 4 No. H shaped accommodation blocks measuring approximately 30 m x 17 m x 5.5 m (high) to the east of the main access driveway and north of the existing school. Members are asked to note that two of the four accommodation blocks are already consented but are proposed to be re-sited.

A further round of consultation and publicity has been undertaken on this amended application.

7.11 In support of the application, the applicant's agent has advised that:-

- an open countryside location is a more preferable environment for children adults with (ASD) to be based rather than an urban site within an existing settlement boundary. The proposal is considered to be well suited to the site given the existing/consented facilities, the existing school and its open character and that this environment is the most appropriate for this form of development as it offers:-

- Space to provide an unparalleled living and learning environment.
  - Adventure trails to enable young people to explore the countryside in a controlled manner.
  - Controlled risk assessment.
  - Sports facilities to enable individuals to take part in a range of activities.
  - Outside education with ecology and woodlands.
  - Existing approved holiday lodges which can be occupied by families of children/adults with ASD.
  - Existing approved residential facilities to enable people with ASD to lead a degree of independence at the site.
  - Work experience providing a range of employment opportunities.
- The proposal would be a private development, taking referrals from other bodies including local councils and would allow for pupils at the existing school on site to take advantage of the 'move-on' facilities if required.
  - All of the sports and recreational facilities and some of the holiday lodges will remain available for use by the general public, including residents and tourists as previously approved.
  - In terms of proposed new build at this location, this comprises the resource centre and 2 No. H shaped accommodation blocks which is additional to that which currently has consent.

7.12 The main planning considerations can be summarised as follows:-

- Principle of development having regard to planning policy framework.
- Consideration of alternative sites for the proposed development.
- Impact on character of landscape.
- Linkages with existing and consented development.

7.13 Planning Policy

It is recognised that consideration of an application for the erection of new community facilities, must be undertaken having regard to Policy CF2 of the Flintshire Unitary Development Plan.

7.14 This policy seeks to direct such facilities to locations within defined settlement boundaries. Outside settlement boundaries, such development will only be permitted though (a) the conversion of existing buildings (b) by an extension to an existing facility or (c) on land with a previous built use.

7.15 The supporting material submitted by the applicant's agent indicates that the proposal is for an adult service as distinct to the childrens/young adults service currently operating from the site. It has been confirmed that there is no direct managerial relationship with the operation of existing facilities at this location.

7.16 In this respect and following the withdrawal of the previous application submitted under Code No. 047095, the principle of re-considering the



current application has been requested and is necessary given that:-

- a. there is an existing autistic school and consented associated facilities at this location.
- b. the case advanced in paragraph 7.11 of this report which highlights the importance of these facilities being provided within an open countryside location, has to be assessed.

7.17 It is my view in re-consideration of this application, in light of the additional supplementary material provided, that the existing school is well-related/located in terms of its use, being self-contained yet close to community facilities and a key transport corridor. It is also considered that there is merit in looking at the role of the site in meeting the wider needs of this specialist educational provision, which is recognised and supported by the Council's Advisor for Autism as it will provide for a continuum of provision on the site for children, young people and adults with ASD. In looking at the broader context of the consented holiday development allowed on appeal, the key objective was to secure a package of tourist attractions, facilities and accommodation which functioned alongside the specialist school use. This was recognised by the Inspector in allowing the appeal under Code No. 040402, where there was a requirement for the developer to enter into a legal obligation to ensure that all staff/visitors to the site are made aware of the specialist needs of the children on site at the Kinsale Hall School/Residential Home.

7.18 The applicant has advised that the remainder of the lodges proposed on site (32 No.) will still operate as holiday accommodation and that the golf course and range of proposed associated facilities will still be open to the wider public. In this context I do not consider that this proposal is a departure from that considered by the appeal Inspector. Additionally, the facilities will also be available for use by pupils at both schools ensuring that there will be an inter-relationship between the various elements of the scheme which was recognised by the appeal Inspector. Bearing in mind (i) the planning history of the site (ii) its evolution since the appeal decision and (iii) the policy context in particular criterion (b) of Policy CF2, the proposed development is therefore considered acceptable in principle.

#### 7.19 Consideration of Alternative Sites for the Proposed Development

It has been considered necessary in the progression of this application to seek clarification from the applicant/agent as to why this site which is within an open countryside location, has to be developed for this facility, in preference to a site within an urban area or appropriately located brownfield site.

7.20 To this effect a sequential test has been undertaken by the applicant and I have been advised that:-

- i. the proposal is not a stand alone facility but is an integral part of a comprehensive service to be developed at Kinsale much of which has been already approved.
- ii. the locational requirements for such a facility have been set out. (These are referred to in paragraph 7.11 of this report).
- iii. a Resources Centre would not function from a remote site as

- autistic children cannot be satisfactorily moved from one site to another.
- iv. alternative sites have been considered but are considered unacceptable in practical terms and are not economically viable given remedial costs involved.
  - v. some of the sites previously considered are very small in terms of area, whereas Kinsale amounts to approximately 40 hectares.
  - vi. The basic principle for wishing to locate the facility at Kinsale is based on the need for open space which is important in caring for people with Autistic Spectrum Disorder.

7.21 Scale/Design and Impact on Character of Landscape

Of particular importance in consideration of this application is the impact of the proposed development on the character of the landscape at this location. It is acknowledged that permission has been allowed on appeal under Code No. 040402 for a tourist related development, with a subsequent permission (Code No. 045395) allowing for the development of residential accommodation blocks on both the upper and lower site.

7.22 In allowing the appeal under Code No. 040402, the Inspector essentially concluded that the Kinsale Site “is largely a man-made landscape of terracing and slopes with tree planting around and between fairways. It has neither a natural appearance nor the farmland character of much of the surrounding landscape.” In addition it was considered by the Inspector that the wooden holiday lodges would blend relatively well into the rural landscape. The subsequent permission allowed under 045395 proposed the development of what in visual terms are larger conjoined units, their design/orientation helping to reduce their overall form, massing with associated landscaping helping to assimilate the development into this parkland setting.

7.23 For Members information, this application which has been amended following concerns expressed by officers on the scale of development of the Resource Centre initially proposed, relates to development on the lower part of the site only, to the east of the access drive and north of the existing school. It comprises:-

- i. The erection of a rectangular shaped building measuring approximately 50 m x 20 m for use and a resource centre accommodating teaching rooms and offices. The building is vernacular in its form and design, having the characteristics of a simplistic agricultural building with traditional window/door openings. The building is sited parallel to the sites western boundary and east of the proposed car parking area adjacent to the driveway. This helps to screen the development and helps to provide for a more traditional/sympathetic form of building which is more appropriate to its rural location/setting.
- ii. The erection of 4 No. H-shaped accommodation blocks measuring approximately 30 m x 17 m x 5 m high on the eastern side of the main access driveway. Two of the four blocks currently have consent under Code No. 045395 with this application proposing that they be resited together with the construction of 2 No.

additional blocks of the same type already approved. It is my view that the revised scale/design will help to ensure that the development is sympathetic to the character of the site and its surroundings and is therefore considered acceptable.

7.24 The resource building has been 'stepped' in order that it sits more comfortably in the landscape and also incorporates first floor accommodation within the roofspace in order to reduce its height and bulk. The building and the adjacent residential blocks are set behind an existing hedgerow and will be framed by the landscaped car park when viewed from the driveway up to Kinsale Hall. It is considered that the careful siting of the buildings and the simple styling, detailing and materials should ensure that they are not harmful to the character and appearance of the local landscape, nor compete for attention with the existing established buildings comprising Kinsale Hall Conservation Area.

7.25 Linkages with Existing/Proposed Development

In support of the application, the agent has advised that the additional educational facilities proposed will operate alongside the existing school, golf course and tourist development allowed on appeal under Code No. 040402. The adults with ASD who will be able to take advantage of these facilities, will be provided with the opportunity to use/work at the golf course, with respite accommodation being available for use by the families of individuals at both the existing school and proposed development. This will help to foster significant linkages to existing/proposed uses at this location, providing opportunities for disadvantaged individuals to access leisure, social enhancement, work experience and learning programmes which are designed to enable the individual to develop and enhance their independence.

7.26 Impact on Bridleway

Whilst concerns relating to the impact of development on an existing bridleway are duly noted, the principle of development on the lower part of the site has been established on appeal and by the proposed erection of independent living buildings permitted under Code No. 045395.

7.27 It is considered that if Members are mindful to grant permission that concerns relating to the accumulation of surface water on the bridleway can be ameliorated by the imposition of a condition requiring the developers to undertake a surface water drainage scheme to minimise the conflict with the potential users of the bridleway.

7.28 Ecological Impact

The application site is not located within or adjacent to the boundary of any statutory designated site of ecological importance and in determination of the appeal under Code No. 040402 the Inspector concluded as a result of survey information undertaken at that time that there was no significant impact on protected species. A condition was however imposed on the appeal decision by the Inspector requiring a further survey to be undertaken prior to the commencement of development.

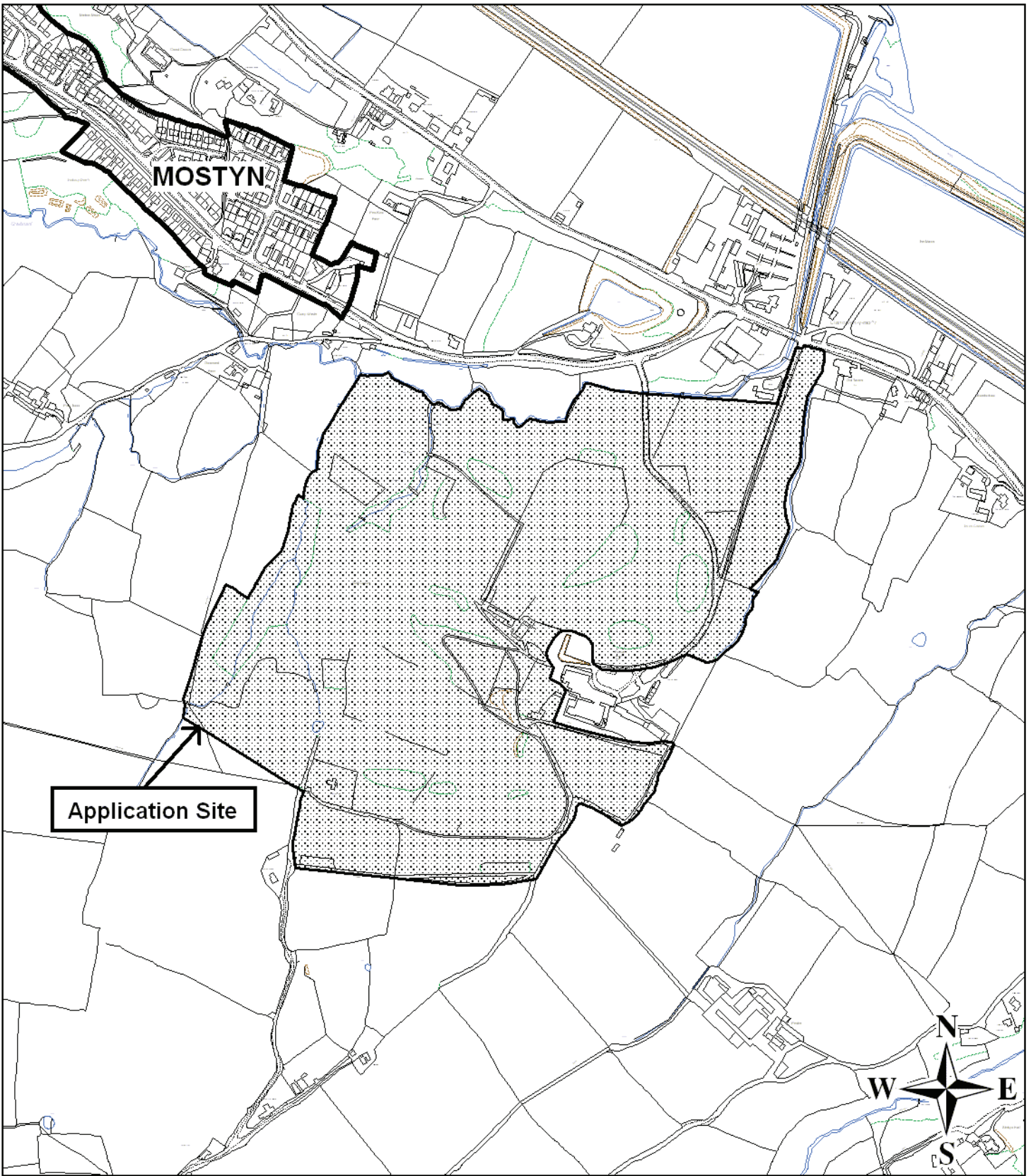
7.29 A subsequent survey has been undertaken the conclusions of which are acceptable the Countryside Council for Wales (CCW) to comply with this condition imposed on the appeal decision. Consultation on this current application has also been undertaken with CCW who have confirmed that there is no objection to the principle of development subject to the previously submitted report being updated prior to the commencement of any site works. This can be covered by the imposition of a further planning condition.

## **8.00 CONCLUSION**

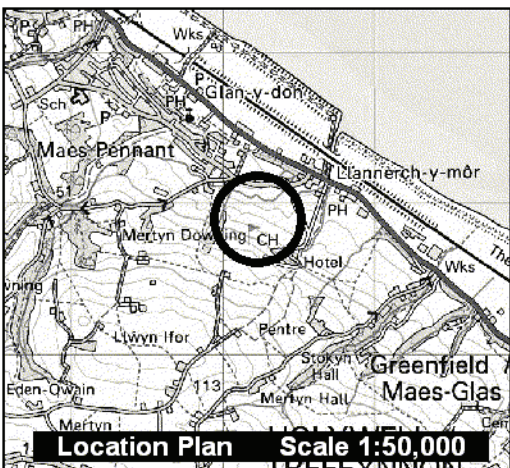
8.01 It is considered having regard to the background of planning history at this location, the sites existing usage and details submitted, that this open countryside location is considered to be a preferable and acceptable location for the establishment of a follow on specialist educational facility for adults with Autistic Spectrum Disorder. Although it is recognised that there is no direct management link between the existing and proposed establishments, the proximity of the respective facilities to each other will help to ensure a functional link in the provision of specialist educational provision within North Wales. This functional relationship however, has not been considered in isolation to important landscape requirements as outlined and highlighted in the determination of previous applications and appeals. To this effect significant amendments and reductions to the scale/form/design of development have been secured which help to ensure that it respects the open countryside location and parkland setting in which it is sited. The amount of new development has been minimised by seeking to devise a scheme within the context of previously consented development. The resultant scheme is considered to sit comfortably within the original concept of a comprehensive tourism development in that there are clear benefits to be derived from bringing about a specialist residential and holiday facility for young persons/adults suffering from autism within a controlled and safe environment and also the tourism concept previously approved is still a viable and workable proposition. I therefore recommend that permission be granted subject to the imposition of conditions including the need to ensure the use of suitable materials and the undertaking of a comprehensive landscaping scheme as part of 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:** Robert M. Harris  
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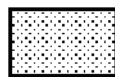


Application Site



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 1778

Planning Application 48115

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**DATE:** **25<sup>th</sup> JULY 2012**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT:** **FULL APPLICATION – FOR THE DEMOLITION OF AN EXISTING STORAGE BUILDING AND STORAGE COMPOUND AND ERECTION OF A SALT STORE.**  
**APPLICATION NUMBER:** **049796**  
**APPLICANT:** **WELSH GOVERNMENT**  
**SITE:** **FLINTSHIRE COUNTY COUNCIL, FULBROOKE BUILDINGS, HALKYN.**  
**APPLICATION VALID DATE:** **28<sup>TH</sup> MAY 2012**  
**LOCAL MEMBERS:** **COUNCILLOR C LEGG**  
**COMMUNITY COUNCIL:** **HALKYN COMMUNITY COUNCIL**  
**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT**  
**SITE VISIT:** **NO**

### **1.00 SUMMARY**

- 1.01 This is a full planning application for the demolition of an existing store building and storage compound and the erection of a new salt store building at Fulbrooke Buildings, Halkyn, Holywell, CH8 8BY. The new building is located at the existing highways depot which has an area of 1 hectare. The building is to be located in the north western corner of the site in the location of an existing storage building and near to the existing salt dome on the site.
- 1.02 The main issues are considered to be the principle of development in this location, the appropriateness of the scale and design of the building in this location, highways issues, pollution and noise the impact of the proposal on amenity of adjoining occupiers, impact on the conservation area and Listed Buildings in the area.

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

2.01

1. Time limit on commencement
2. In accordance with submitted plans
3. Prior to any works commencing a suitable lighting scheme to be submitted and approved.
4. Landscaping scheme to be submitted
5. Landscaping scheme to be implemented
6. Traffic management plan to be submitted to and agreed prior to works commencing
7. In accordance with the Highway management plan
8. Samples of proposed colours to be submitted and agreed
9. Tree and hedge protection
10. Land level details

**3.00 CONSULTATIONS**

3.01

Local Member

Councillor C Legg

Agrees to determination of this application under delegated powers, personally am totally in support of this application but on behalf of a number of my constituents who live in the vicinity of Fulbrooke I must record strong objections to this application on their behalf.

Halkyn Community Council

Agreed to support the application. In particular, as it would benefit the road transport system in North Wales, including the Halkyn area, during adverse weather conditions in winter months.

Head of Assets and Transportation

Note from the design and access statement that the applicant proposes to implement a management plan which will limit the potential impact on the adjoining approach roads. On this basis confirm that raise no objection to the proposal from highway perspective. Notwithstanding the above, the proposal has a direct affect on the trunk road and comments have been forwarded onto the NWTRA on behalf of the Welsh Government and request that await formal direction from the Welsh Government prior to determining the application.

Head of Assets and Transportation (Rights of Way)

Public footpath 3 abuts the site but appears unaffected by the development.

Welsh Office Transport

The response being to advise that the Welsh Government as Highway Authority for the A55 trunk road does not issue a direction in respect



of this application.

#### Head of Public Protection

No objections in principle regarding the proposal. Although aware that problems arose at the time of the existing salt dome which involved lighting and some operational noise. Discussions have take place with the agent and allowances have been made in the planned development to address any concerns.

They note that the store is a strategic emergency facility and once the store is commissioned and filled it will not be in regular use until prolonged bad weather depletes the regular stores and supplies are interrupted. On this basis the proposal will not increase the operational noise associated with the site on a daily basis. In addition they would expect that any lighting being introduced should not cause a statutory nuisance and in order this is achieved they require that any lighting scheme should adhere to the guidance published by the institution of Lighting Engineers. And request a condition relating to this aspect of the application.

#### Environment Agency

Have no objection to the proposed development in principle, however, have the following comments for consideration. Following complaints in the past the applicant should ensure that the drainage be clearly separated, with only clear rainwater entering surface water drains. Any areas with the potential for contaminated water to be generated should go to sewer or treatment before discharge.

#### Airbus Operations

The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, have no aerodrome safeguarding objection to the proposal.

#### CCW

CCW does not object to the proposal.

### **4.00 PUBLICITY**

#### **4.01 Press Notice, Site Notice, Neighbour Notification undertaken**

4 letters of objections have been received (two from the same resident) the main points of which can be summarised as follows:-

- Ombudsman investigated previous application found Councillors had been misled no press notice, limited consultation limited consultations.
- Environmental impacts of locating on this site.
- Past experience and blatant avoidance of following correct

- protocols and procedures.
- Pollution and environmental considerations, previous requirement to put uncovered salt in building does not apply in this case.
  - Highway issues previous application justification based on death of cyclist at time due to bad weather.
  - Open salt storage previously claimed to cause health issues this is not the case and no detrimental impact on cars to justify building this time.
  - Building another structure is contrary to conservation policy.
  - Original salt dome claimed at time to improve amenity of occupants of three properties near the site. Never at that time discussed residential amenity, current scheme has no such argument.
  - Store can be located anywhere more appropriately on an industrial area.
  - Conflict of interest between conservation policy and demands no mitigation of environmental pollution, improving amenity, health and safety.
  - Conditions imposed were not complied with for at least two years.
  - No good argument to locate salt store at Halkyn Depot. Negative impact, industrial building next to conservation area, increased traffic, and noise.
  - Size/Design dominates area.
  - Impact on conservation area and Listed Buildings
  - Lighting on site wakes birds need for blinds.
  - Access to the site/traffic issues.
  - Lack of landscaping.

## **5.00 SITE HISTORY**

### **5.01 3/HA/2147/77**

Conversion of existing storage areas to provide office accommodation – Permitted 4<sup>th</sup> July 1977

### **3/HA/460/77**

Erection of additional storage building - Permitted 10<sup>th</sup> October 1977.

### **3/HA/352/82**

Sitting of 2 No portable buildings – Permitted 19<sup>th</sup> October 1983

### **05/20/39340**

Installation of a 13.85 metre high 21.0 metre diameter salt storage dome - Permitted 4<sup>th</sup> August 2005.

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
 GEN 1 General Requirements for Development  
 GEN 3 Development in the open countryside  
 D1 design Quality, Location and layout.  
 D2 Design  
 D3 Landscaping  
 D4 lighting  
 L1 Landscape Character  
 HE 1 Development Affecting Conservation Areas.  
 HE2 Development Affecting Listed Buildings and their Settings.  
 AC13 Access and Traffic Impact
- 6.02 National Planning Policy  
 Planning Policy Wales  
 Technical Advice Note 5- Nature Conservation and Planning  
 Technical Advice Note 12 – Design  
 Technical Advice Note 22 – Planning for Sustainable Buildings.  
 Technical Advice Note 18 – Transport
- 7.00 PLANNING APPRAISAL**
- 7.01 Site Description  
 The full planning application for the proposed 5,000 ton salt storage facility at Halkyn which is situated within the existing Halkyn Highway Depot. In area the site measures approximately 150 metres in length with the width varying from 45 to 75 metres wide giving a total area of approximately 10,000 square metres or 1 hectare in area. In shape the depot forms a rectangular wedge that gets wider from the south western boundary and slopes in a north eastern direction towards the A55 direction. The access to the site is gained from the adjoining road network in the south eastern corner of the site adjacent to number 1 Fullbrooke Villas.
- 7.02 In terms of location the site is situated on the north eastern edge of Halkyn Village and the designated Halkyn Conservation Area which abuts the site in its south western corner and is in close proximity to a number of listed buildings located within the area. Halkyn Depot is bounded to the north, east and west by existing hedgerows and trees along with security fencing. The boundary to the south eastern side is formed by the depots access and also three properties along this boundary. A road from the A55 which is located approximately 200 metres to the north east of the application site runs along this boundary past the site and connects with the B5123 to the west.
- 7.03 The site for the proposed new salt store building lies on the north western boundary of the site near to an existing salt dome and associated Highway Depot buildings. The north western boundary of the site as noted is defined by security fencing with mature trees

within the boundary of the adjoining lane that runs north east past the depot, towards a bridge which crosses the A55 trunk road. The north eastern and southern boundary is also defined by security fencing and some mature trees beyond which are fields set to grazing. To the south along the eastern boundary, three properties stand adjacent to the existing depot. The southern boundary is also defined by security fencing and the entrance to the depot off the B5123 minor road that runs south east towards the A55 trunk road.

7.04 Access to the proposed salt store will be via the present access to the depot which is to be maintained from the minor road on the south eastern boundary of the site. Access to the proposed salt store will be from the central yard area which is used to access the other buildings within the complex. The central yard is also used to act as a parking facility for highway maintenance vehicles such as road sweepers and salt spreaders.

7.05 Need for a New Salt storage Building  
As the result of the recent harsh winters in Wales, difficulties were experienced in maintaining the supplies of road salt as a result of high demand together with restricted supplies available in the UK and Europe.

7.06 This shortage had particular social and economic consequences at both regional and UK national levels. Restricted salt supplies created difficulties in Wales in maintaining adequate levels of winter service leading to major disruption in services and supplies.

7.07 To help minimise the disruption to the highway network and reductions in the level of service in Wales that were experienced, the Welsh Government is coordinating efforts to ensure that adequate supplies are available to meet future requirements. As part of this objective, the Welsh Government has committed to provide salt storage facilities at strategic geographic locations in Wales to ensure that salt supplies can get to where they are required. In order to achieve this, additional and appropriately located facilities to be in place in readiness for any further bad weather conditions.

7.08 The new salt storage facility, proposed at Halkyn Depot, is required in order to ensure that there is a strategic reserve of salt stored at key locations along the trunk road network to support local authorities' road maintenance teams during extreme winter weather conditions.

7.09 At present there is already a salt storage facility at the Halkyn highways depot that is operated by Flintshire County Council Highways Department. This facility, which is close to the A55, and provides a source of salt for the trunk road and local highway network. The additional salt storage facility proposed at the depot, will provide much needed reserves to be on hand in North Wales should quantities fall during severe winter conditions and new supplies of salt

are not readily available.

#### 7.10 Sites Considered

Issues have been raised by objectors regarding the selection of the site in question, although the consideration is the site submitted by the Welsh Government and not the other sites considered by them. Notwithstanding this for information, a range of options were considered by the applicants and their agent.

The agents have shown that there was a presumption made in favour of:-

- Sitting facilities adjacent to trunk roads where possible.
- Making best use of current Welsh Government assets where possible.
- Utilising local authority existing facilities where shared benefits are likely to accrue.
- Purchasing sites outright rather than rent due to likely punitive dilapidation costs to buildings arising from corrosive nature of salt.
- Sites with the potential for further operational uses.
- Location in considering distribution and rotation of salt stocks.

7.11 Consideration was given to purchasing and storing salt at supplier's premises. This was discounted due to the probability of stocks being commandeered under emergency conditions.

7.12 A number of vacant industrial units in the Bodelwyddan, Kinmel Bay and Queensferry areas were also identified. These were found to be relatively remote in terms of access to the A55 and offered little advantage in terms of the criteria identified. When these alternatives were compared with the provisions available at Halkyn and its existing function as an operational highways maintenance depot and base for Flintshire winter maintenance operations, this was the preferred location

#### 7.13 Proposed Development

The proposed salt store is shown as 12.6 metre high barn style building measuring approximately 21 wide by 36 metres in length. The structure is rectangular in shape with a total floor area of 750 square metres. The door opening is approximately 10.6 metres high and is accessed off the existing area of tarmac hard standing in the centre of the depot. The opening into the store will be covered by a folding door when not in use. The roof will be dark grey profiled metal cladding similar in colour and tone to the door. The lower part of the structure is constructed from a reinforced concrete retaining wall against which the salt will be stored. Above this is vertical timber cladding with varying dark and light wood shades. The existing tarmac hard standing measures provide access to the existing salt dome and working areas.

- 7.14 Lighting which was subject of complaints previously will be directional and mounted on lighting columns, replacing existing lighting in that part of the depot. The Head of Public Protection has looked at this aspect of the development and has requested a condition be imposed regarding the lighting provision. The existing security fence around the perimeters of the site is to be retained.
- 7.15 There is a significant amount of vegetation, mainly sycamore and ash trees around the perimeter of the site and these provide an element of screening to the existing depot. All these trees will be retained and protected where necessary, and additional trees planted will be undertaken as part of the proposal. Additional tree planting using large specimen trees is also proposed within the south east cartilage of the depot to mitigate views from adjacent properties.
- 7.16 Highway Matters  
In terms of highway issues policy AC13 Access and Traffic Impact of the Unitary Development Plan states that development proposals will be permitted only if approach roads are of an adequate standard to accommodate the traffic likely to be generated by the development without compromising public safety, health and amenity and that safe vehicular access can be provided. In terms of highways issues both the Head of Assets and Transportation has been consulted on the application and raise no objections on highway grounds given the proposal to implement a management plan which will limit the potential impact on the adjoining approach roads. Welsh Office Transport section having been consulted and have not issued a direction regarding the proposal.
- 7.17 Lighting and Amenity  
Policy D4 Outdoor lighting identifies that development will be permitted only where lighting is restricted to the minimum which is necessary to ensure public safety/security and prevent light pollution by the creation of excessive glare. While problems have occurred in the past in respect of lighting issues on the site the Head of Public Protection having been consulted has requested a condition relating to this aspect of the application. In terms of amenity in respect of those properties close to the site , as noted the proposal is for a salt store for use as a strategic emergency facility to enable authorities across north Wales to keep the A55 open during adverse winter weather conditions. AS noted once the store is initially commissioned and filled it will not be in regular use until such prolonged bad weather reduces regular stocks and supplies are interrupted as seen during last winter. Based on the above, the proposal will not increase the operational noise associated with the site on a daily basis.
- 7.18 Drainage  
The environment Agency have been consulted on the proposal and have no objections to the application in principle. As the result of complaints in the past they have requested an informative be added to

and consent.

7.19 Principle of Development

The application site is outside any recognised settlement boundary as identified in the Flintshire Unitary Development Plan and is located within open countryside albeit within the existing Halkyn Depot. In general terms development proposals in such a location will not be permitted, however, the site is as stated above located within the existing highway depot and would fall within the definition of previously developed land within Planning Policy Wales, and given that the salt storage building is on an existing highways depot this is a consideration in favour of the proposal in policy terms. Guidance under policy GEN3 (Development in the Open Countryside) allows for the provision of new appropriate and essential development in the open countryside in very special circumstances. In the application submission the applicant has put a case in support of the application on the basis of the requirement for increased salt storage provision given the supply difficulties in recent bad weather conditions. The submission also identifies the site as the best strategic location on the eastern stretch of the A55 and in policy terms the applicant has sufficiently explained the need for such a proposal and the location in order to comply with policy GEN3.

7.20 Design and Scale of the Development/visual impact

Another key policy consideration is the design of the building and policy L1 (Landscape character) requires new development to be designed to maintain or enhance the character and appearance of the landscape. While policy D1 (Design quality, location and layout) seeks that all new proposals incorporate good standards of design whilst respecting its surroundings. Policy D2 (Design) only allows development where the building is off a good design, form, scale and materials and protects the character and amenity of the locality.

7.21 The scheme as submitted incorporates changes requested which has resulted in a grain barn type structure clad in timber using a dull style profiled metal roof. In consideration of its impact this has been assessed from both close range and from a distance. In terms of the distant views of the site the design and Access Statement submitted with the application states that the application site is not very visible from the A55. Inspection of the area shows the site is noticeable from the A55 in places resulting in those using the trunk road seeing glimpses of the proposal particularly if brightly lit during hours of darkness as is at present. The visual impact is limited by some reasonable planting with tree screening from the road, although this has gaps in some places. The site is also prominent in view from the public footpath which runs along the contour line past the parish Churchyard above the village to the south west of the site. Visualisations submitted showing the view from the south west of the field appears to show that the new building would not be visible in this location when the intervening trees are in leaf.

- 7.22 The structure would be visible from the parish church which is listed and from the B5123. In this locality there is a group of locally prominent cattle sheds/agricultural buildings which help in screening the site from the church and would enable this similar style development to be incorporated into the landscape without any significant further loss of landscape quality when viewed from the north west. The significance of the impact of the development on the character of Halkyn village itself would be fairly limited. The existing site and Depot is screened from the existing traditional buildings located within the village centre by the Britannia Inn. In addition the proposed store would not be seen in tandem view with any of the buildings and would not therefore dominate any frontages or principal elevations.
- 7.23 The location where the building can be seen, for example the road leading off the A55 there is already considerable disruption from the existing buildings on site and the bright yellow highway vehicles. The proposed building itself would be seen across the existing site rather than to one side thus would not add to the lateral extent of the intrusion and given the falling nature of the land it would not add significantly to the height. It is felt that the visual impact of the building has been reduced as far is practicable in this location and the summer views would not be greatly affected. In wintertime the building would be visible from the rising land in the south and would be visible in locations from the A55 although it would always be partially screened and consider that the building given its barn like appearance would blend into the countryside even in winter. In respect of the distant locations from where it would be most visible are the B5123 and the over bridge with these views being seen in context with the existing agricultural buildings which presently interrupt the rural character. The impact of the proposal on the conservation area and on the surrounding countryside will be acceptably low providing that lighting scheme on the site improves on the glare from the site as presently experienced.
- 7.24 Impact on the Conservation Area and Listed Buildings  
In respect of the more detailed issues, the site in question as noted abuts the village of Halkyn and its immediate environment is a Conservation Area and is near several Listed Buildings. In order to satisfy the requirements of policy HE1 (Development Affecting Conservation Areas) and HE2 (Development Affecting Listed Buildings and their Settings) the proposal in policy terms must preserve or enhance the character and appearance of the conservation area; ensure there no adverse effects on the architectural or historic character and appearance of listed buildings or there setting. As noted above the impact of the proposal on the conservation area will be acceptably low and this would be improved by an improvement in the lighting presently experienced on site by reducing glare from the site.



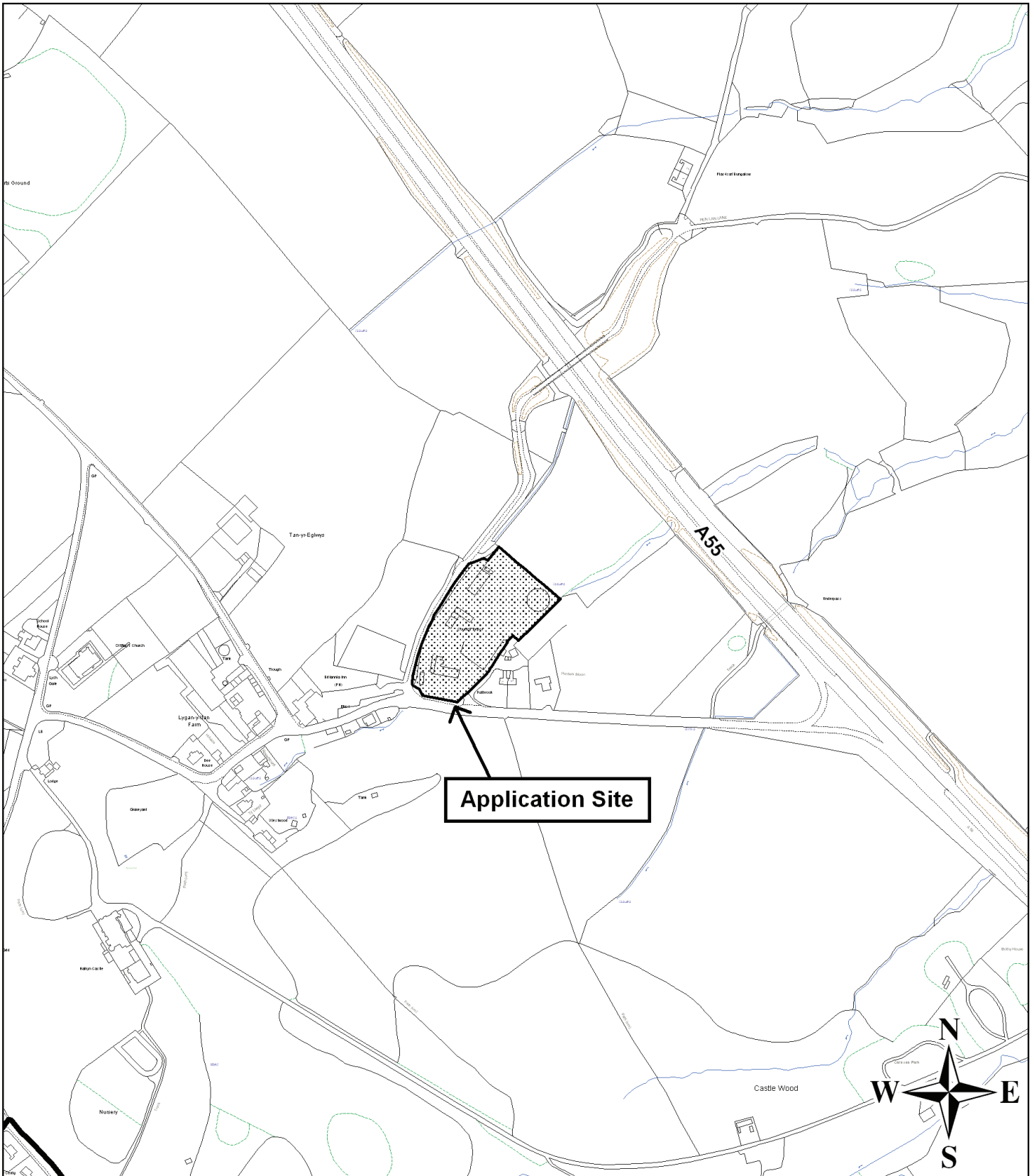
- 7.25 Regarding the impact of the structure as noted this would be very prominent from two listed buildings and the neighbouring house, the Britannia Inn and the adjacent camp site. The impact on the historic character of the buildings in question would not be significant given the salt store would be in the background and the character of the buildings have already been affected by the depot and in particular the coloured plant and machinery in the open storage. It is considered that the proposed building would not add materially to the impact on this open country setting.
- 7.26 The information provided with the application shows that given the location of the salt barn would not impinge to a material extent on the front or side views. Any impact would be very slight in view of the distance between the barn and the houses and the downward slope of the land to the rear. In effect the view from the rear has been reduced by the depot itself. In terms of view while there is no right to a view, while the building would block an area of sky view from the rear of the houses backing onto the site, it would not block the significant open aspect towards the river. The use of materials and a variation in colour of the timber cladding will give the building a more agricultural appearance. The bulk of the building can be further broken up from the perspective of the dwellings by introducing some tree planting within the yard area to break up the apparent bulk without obstructing the view of the river from the houses.

## **8.00 CONCLUSION**

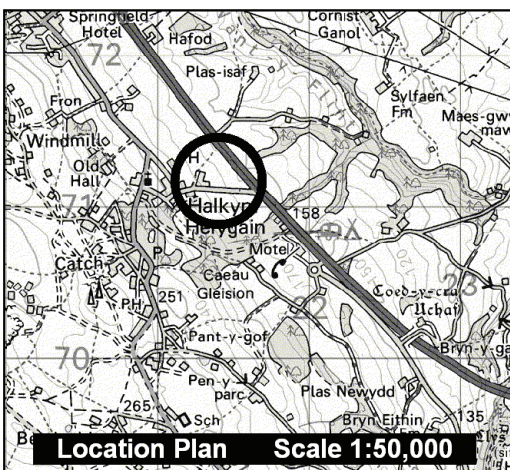
- 8.01 The proposed salt store is for the provision of a 5,000 ton capacity salt storage building which is to be located at the existing Halkyn Depot where road salt is presently stored and has been for many years. The nature of the proposal is both compatible and consistent with the existing use of the site. The site is not within a sensitive area such as an SSSI, National Park, AONB Scheduled Monument or a World Heritage and European site. The proposal does not raise highway objections subject to conditions nor is it seen to have adverse impacts such as noise issues, nor lighting impacts subject to appropriate safeguards and conditions. In terms of conservation the proposal does not adversely impact on the Conservation Area or listed Buildings in the area and subject to appropriate planting and use of materials and colours the proposal is considered acceptable.

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:** Karl Slater  
**Telephone:** 01352 703259  
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**Application Site**



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 49769

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 25 JULY 2012**

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

**SUBJECT:** **OUTLINE APPLICATION FOR ERECTION OF A DWELING ON LAND REAR OF ISLWYN, TRELOGAN, HOLYWELL**

**APPLICATION NUMBER:** **049665**

**APPLICANT:** **MR COLIN JONES**

**SITE:** **ISLWYN, TRELOGAN, HOLYWELL, CH8 9BY**

**APPLICATION VALID DATE:** **17<sup>TH</sup> APRIL 2012**

**LOCAL MEMBERS:** **COUNCILLOR N. STEELE-MORTIMER**

**COMMUNITY COUNCIL:** **LLANASA COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST**

**SITE VISIT:** **YES**

**Members may recall this application was deferred at planning committee on 20<sup>th</sup> June 2012 as the Local Member was not present.**

### **1.00 SUMMARY**

- 1.01 This outline application proposes the development on land to the rear of Islwyn, Trelogan for the purposes of a detached dwelling. Matters of detail are provided in respect of the access to the site. Matters related to scale, layout, appearance and landscaping are reserved for subsequent approval.
- 1.02 The main issue in regard to this proposal is in relation to Policy HSG3 of the Flintshire Unitary Development Plan (FUDP).

### **2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

- 2.01 The proposed development would cumulatively result in more than 10% growth in a category C settlement since 2000. The proposed

development would consequently compromise the settlement hierarchy and spatial strategy as set out in the Flintshire Unitary Development Plan and would therefore be contrary to the provisions of the guidance set out in Planning Policy Wales at paragraph 9.3.5 and the requirements of policies HSG3 and GEN2 of the Flintshire Unitary Development Plan.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

Councillor N Steele-Mortimer: Requests Committee determination and site visit as he considers that this is a windfall site within the village envelope, entitling it to be considered favourably

Llanasa Community Council:

No objection

Head of Assets and Transportation:

No objection.

Recommend conditions be attached to any planning permission in regard to:

- Siting, layout and design of means of access
- Provision of parking facilities within the site
- Existing and proposed means of enclosure fronting the site
- Surface water run off

Head of Pollution Control:

No adverse comments to make regarding these proposals.

Environment Agency:

Proposal has been assessed as having a low environmental risk

Wales & West Utilities:

No response at time of writing report

SP Energy Networks:

Plant & apparatus in the area, developer to be advised of the need to take appropriate steps during development.

Dwr Cymru/Welsh Water: Conditions and advisory notes:

Foul and surface water discharge; surface water connection to public sewerage system; Land drainage run-off.

Require a note in regard to public sewerage connection to be attached to any planning permission.

#### **4.00 PUBLICITY**

- 4.01 Neighbour Notification  
No representations at time of writing report.

#### **5.00 SITE HISTORY**

- 5.01 049286 - Outline - erection of a dwelling including means of access.  
Planning permission refused 27<sup>th</sup> January 2012  
037254 - Erection of 4 dwellings. Planning permission granted  
8/11/2004  
036733 - Erection of 6 dwellings. Withdrawn 04/03/2004  
19/92 - O/L Residential development. Planning permission granted  
05/03/2002, section 106 agreement  
1146/90 - 8 No. Dwellings. Withdrawn 21/03/1991  
14/90 - 6 detached bungalows and garages. Withdrawn 30/07/1990  
3/LL/645/79 - O/L - demolitions of existing outbuildings and erection of  
4 bungalows. Planning permission refused 01/02/1979. Appeal  
dismissed 28/02/1980

#### **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
GEN 1 - General Requirements for Development  
GEN2 - Developments inside settlements  
HSG3 - Housing within Settlement Boundaries  
AC13 - Access and traffic impact  
AC18 - Parking and New Development

#### **7.00 PLANNING APPRAISAL**

- 7.01 Introduction  
The application seeks outline planning permission for one dwelling  
and means of access on land to the rear of Islwyn, Trelogan.
- 7.02 Indicative plans have been submitted to show the layout and  
dimensions for a potential dwelling on the site. Full details of the  
means of access have been submitted as this aspect forms part of the  
outline application.
- 7.03 Site Description  
The plot is located to the rear of properties along Bro Dawel and to the  
side of No. 4 Cwrt Gwyntog in a residential area. This site is currently  
used as garden.
- 7.04 Planning History  
A previous application for the same development was submitted under  
reference 049286 and refused on 27<sup>th</sup> January 2012 on the grounds

that the proposal was contrary to Policy HSG3 of the FUDP.

7.05 Principle of Development

The site is situated within the settlement boundary of Trelogan as defined in the adopted Unitary Development Plan (UDP).

7.06 The main issue in regard to this proposal is in relation to Policy HSG3 of the Flintshire Unitary Development Plan (FUDP). This policy states that:

*“On unallocated sites within settlement boundaries, new housing, ... will be permitted provided that:*

*a) in category C settlement it is the renovation or replacement of an existing dwelling or it is to meet proven local needs and cumulatively does not result in over 10% growth since 2000.*

7.07 The site is located within the settlement boundary of category C settlement Trelogan & Berthengam and residential development is considered acceptable in principle. However, FUDP policy HSG3 (Housing on Unallocated Sites Within Settlement Boundaries) only allows for new build local needs housing in category C settlements where the growth rate has not exceeded 10%.

7.08 In the case of Trelogan & Berthengam (T&B) the growth rate is 16.7% based upon there having been 210 dwellings in T&B in 2000 (the base date of the FUDP) and there having been 31 completions and 4 commitments (at April 2011). The proposal is therefore contrary to policy HSG3 of the adopted FUDP. Even if the 4 commitments did not follow through to development the growth rate would be 14.8% which exceeds the 10% mark.

7.09 Highways and Access

Highways do not object to the proposal and recommend conditions in regard to siting layout and design of the means of access; retention of parking facilities; the boundary means of enclosure fronting the site and surface water run off be attached to any decision notice should planning permission be granted.

7.10 Other issues

It has been put forward that this development is on a windfall site. The site is currently used as garden for Islwyn and as such is not considered to be a windfall site, therefore cannot be considered as an exception to the requirements of Policy HSG3.

**8.00 CONCLUSION**

8.01 In light of the above matters the application is considered to be contrary to policy HSG3 of the Flintshire Unitary Development Plan and as such is recommended for refusal.

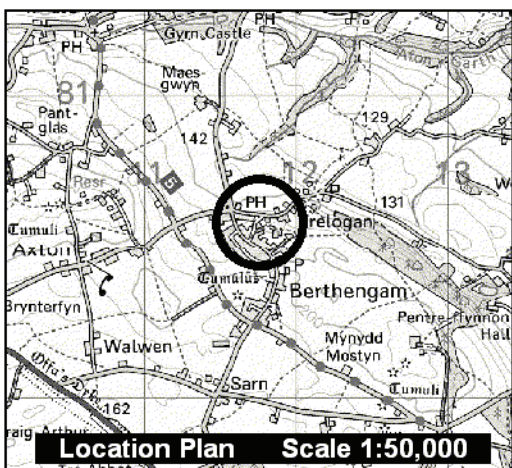
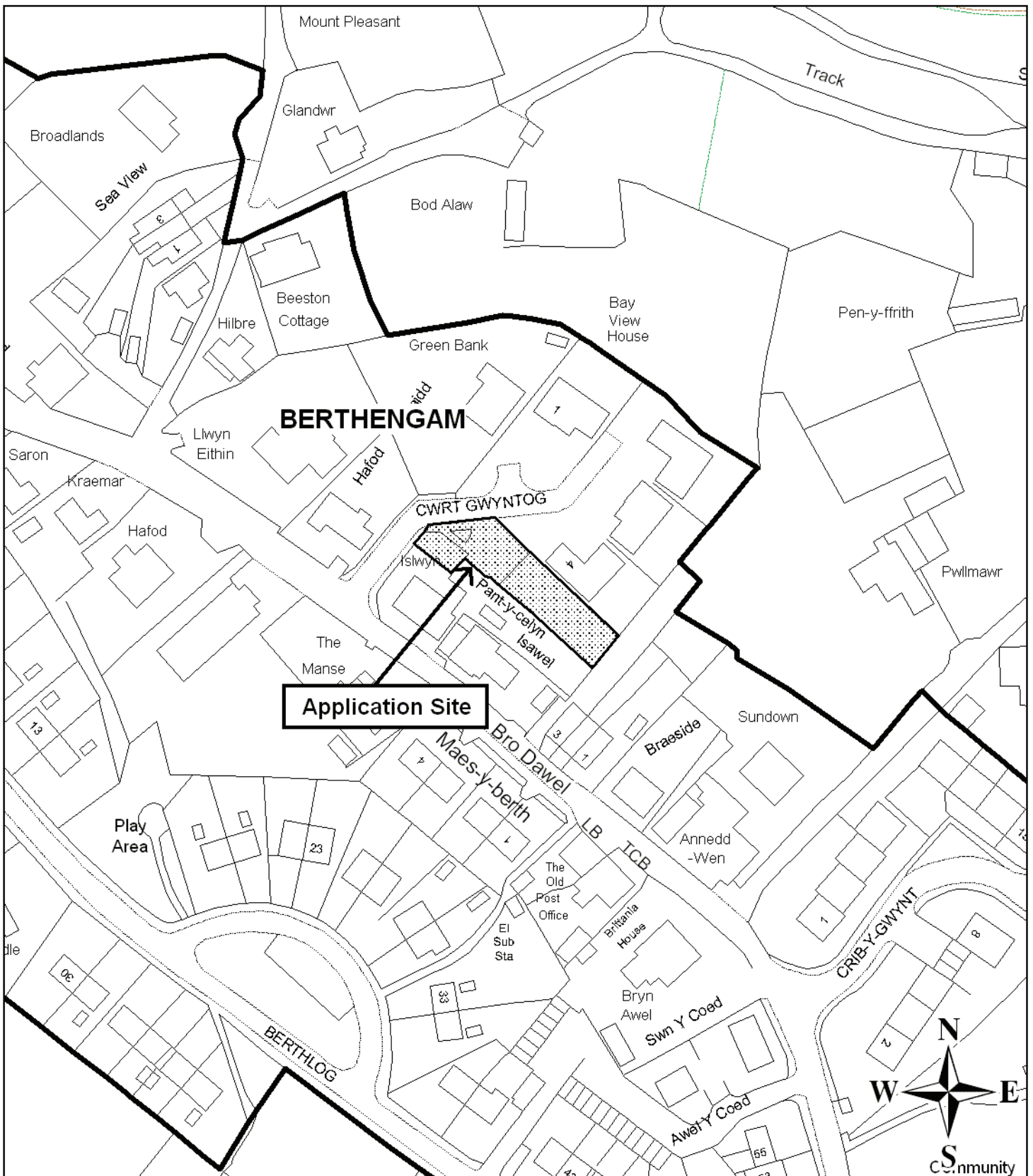
8.02 In considering this planning application the Council has acted in



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:** Celeste Ringrose  
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**Email:** celeste\_ringrose@flintshire.gov.uk

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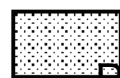


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:1250

OS Map ref SJ 1180

Planning Application 49665

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> JULY, 2012**

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

**SUBJECT:** **FULL APPLICATION – PROPOSED DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION AND GARAGE AND REPLACEMENT WITH A NEW SINGLE STOREY REAR EXTENSION TO PROVIDE BEDROOM, BATHROOM AND LIVING SPACE FOR WHEELCHAIR ACCESS AT 15 HAWARDEN DRIVE, BUCKLEY**

**APPLICATION NUMBER:** **049623**

**APPLICANT:** **MISS. L. MCFARLANE**

**SITE:** **15 HAWARDEN DRIVE, BUCKLEY**

**APPLICATION VALID DATE:** **2<sup>ND</sup> APRIL, 2012**

**LOCAL MEMBERS:** **COUNCILLOR M.J. PEERS**  
**COUNCILLOR D. HUTCHINSON**

**TOWN/COMMUNITY COUNCIL:** **BUCKLEY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST ON THE GROUNDS THAT THE EXTENSION WOULD BE OUT OF CHARACTER WITH THE ORIGINAL DWELLING, WOULD CREATE PROBLEMS FOR MAINTENANCE AND CONSIDERED TO BE OVERDEVELOPMENT OF THE PLOT**

**SITE VISIT** **YES**

**For Members information this application was deferred from Planning Committee at Members request on 20<sup>th</sup> June, 2012 in order that a Committee Site Visit can be undertaken.**

### **1.00 SUMMARY**

- 1.01 This application seeks full planning permission for the demolition of an existing single storey extension and garage to the rear of the bungalow and the replacement with a new single storey extension to provide bedroom, bathroom and living space to facilitate wheelchair

access for the disabled applicant at 15 Hawarden Drive, Buckley. The main issues for consideration of this application are the principle of development at this location, the appropriateness of the scale and design and the impact of the proposal on the amenity of adjacent occupiers.

- 1.02 For Members information, this application is the resubmission of an application submitted under reference number 048893 which was scheduled to be determined at Planning Committee on 11<sup>th</sup> January, 2012 and for which Members undertook a site visit. The application was, however, withdrawn by the applicant prior to that meeting in order to amend the design of the extension to overcome objections.

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

**2.01 Conditions**

1. Time limit on commencement of development
2. In accordance with the submitted plans
3. No further openings to be created within the extension without the approval of the LPA.

**3.00 CONSULTATIONS**

**3.01 Local Members:-**

Councillor M.J. Peers:

Requests that the application is referred to Planning Committee as is of the opinion that the extension is out of scale with the existing dwelling, would cause maintenance problems for the adjacent occupiers and be an overdevelopment of the site.

Councillor D. Hutchinson:

Requests that the application is referred to Planning Committee as considers that the application results in overdevelopment of the site and out of keeping with the streetscene.

Buckley Town Council:

Advises that the plans as submitted would create an overdevelopment of the property and of the plot itself as well as not being in keeping with the existing streetscene.

Chief Environment and Resources Officer:

No adverse comments to make regarding the proposal

Environment Agency:

Advises that the proposal is considered to have low environmental risk. Therefore standard advice applies.

## **4.00 PUBLICITY**

### **4.01 Neighbour Notification**

Three letters of objection have been received from neighbours objecting on the grounds of:-

- i) The extension would be an increase of more than 50% of the property and is not subsidiary in scale and form
- ii) Extension is excessive in size which would be out of character with the streetscene
- iii) Extension would reduce the amount of amenity space remaining for the property
- iv) Extension would lead to a terracing effect
- v) Drainage
- vi) extension encroaches upon neighbouring boundary
- vii) boundary dispute
- viii) Considers that the extension is intended to be a separate unit of accommodation within the plot
- ix) adjacent property has mature trees within falling distance of the proposed extension
- x) proposal would have a detrimental impact on amenity of adjacent occupiers

## **5.00 SITE HISTORY**

- 5.01 Application Ref 048893 – Demolition of existing single storey extension and erection of a new single storey extension to provide bedroom, bathroom and living space for wheelchair access - withdrawn 10<sup>th</sup> January, 2012.

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

Policy GEN1 – General Requirements for Development  
Policy GEN2 – Development Inside Settlement Boundaries  
Policy D2 – Design  
Policy HSG12 – House Extensions and Alterations

Local Planning Guidance Note No. 1 – House Extensions and Alterations

Local Planning Guidance Note No. 2 – Space Around Dwellings

## **7.00 PLANNING APPRAISAL**

- 7.01 This planning application is a full application seeking planning permission for the demolition of an existing single storey rear extension and replacement with a new single storey extension to provide bedroom, bathroom and living space to accommodate wheelchair access for the disabled applicant at 15 Hawarden Drive, Buckley.

This application is a resubmission of a previously withdrawn application reference number 048993 and has been amended to bring it in off the boundary with the adjacent property at number 17.

The main issues to be considered in the determination of the application are the principle of development at this location, the appropriateness of the scale and design and the impact of the proposal on the amenity of adjacent occupiers.

## **7.02 Site Description and Proposal**

The application site is located within the settlement boundary of Buckley and comprises of a semi-detached bungalow with single flat roofed detached garage to the side constructed of brick under a tiled roof. The surrounding streetscene comprises of detached and semi-detached bungalows of differing styles some of which have been the subject of extensions and alterations previously. The bungalow at number 15 has an existing vehicular access and driveway which leads to a flat roofed garage. The rear garden is of average size and is screened from neighbouring properties by 2m high close boarded fencing and to a large extent by a single storey extension on the adjacent property at number 17 which is built on the boundary with number 15 which projects 9m into the rear garden. Number 15 itself currently has an existing flat roofed single storey extension part way across the rear elevation which measures approximately 4.3m wide with a projection of 5.4m.

The application seeks the demolition of the existing rear flat roofed extension and detached garage and the replacement with a new single storey extension across the rear which extends to the side boundary and outwards in an 'L' shaped design into the garden area. The extension has now been redesigned to be built off the boundary with number 17 Hawarden Drive leaving a gap of 500mm between the properties. The extension is required by the disabled applicant to enable a bedroom with shower room, space for charging a wheelchair and living space all with appropriate dimensions and adaptations to allow easy wheelchair access and manoeuvrability.

## **7.03 Material Considerations**

### **Principle of Development**



The application site is located within the settlement boundary of Buckley where the principle of development is acceptable in planning policy terms.

### Scale, Design and Impact on Neighbouring Properties

The extension proposed to the rear is 'L' shaped in design and measures 10m in width and spans across the rear elevation of the bungalow. The projection at the boundary of number 13 is approximately 3m with a maximum of 12m projection at the boundary of number 17. The extension has been designed to be compliant with disability standards and to accommodate a bedroom with showering facilities and living space for the disabled applicant with the rooms being dimensioned to suitably accommodate ease of wheelchair access. This extension is in part a replacement of an existing flat roofed extension and detached garage. In terms of the percentage increase, the existing bungalow, without the current extensions, has a volume of approximately 345m<sup>3</sup>. The proposed extension will measure approximately 360 m<sup>3</sup> thereby resulting in an increase of approximately 105%. However, the proposal involves the demolition of approximately 90m<sup>3</sup> of existing extensions which reduces the overall percentage increase of new extension to 78%. Concerns have been raised with regard to the size of the extension proposed. The Council's Local Planning Guidance Note – House Extensions and Alterations does make reference to a general guidance figure of 50% for new extensions. However, it does go on to state that other factors such as the quality of design, the surrounding characteristics, and any impact on neighbouring occupiers should be considered when determining the scale and volume of a particular extension. Having due regard to this and given the presence of similarly scaled extensions on surrounding properties, the design being sympathetic to the original character of the property and not being visually prominent, the scale of extension proposed is acceptable. The Local Planning Authority also has due regard to the extension which exists on the boundary at number 17 which is of a similar scale and projection to that which is proposed. This extension serves in reducing the impact of the proposal on the occupiers of number 17 by providing established screening. The amended design of extension has taken into account the previous objection from the adjacent occupier and now gives a physical break in the built form of development. The extension will not cause any adverse impact on the amenity of the occupiers of the property at number 13.

Objections have been raised with regard to the proposal resulting in an overdevelopment of the site. It is noted that the extension will take up part of the existing amenity area of number 15. However, the remaining amenity space will measure approximately 100 m<sup>2</sup> which exceeds the stated 70m<sup>2</sup> which is set out as a requirement for a three bedroom property in the Council's Local Planning Guidance Note –

Space About Dwelling Standards. For these reasons, the proposal is not considered to result in an overdevelopment of the site. With regard to any visual impact of the development, the extension will not be easily visible when viewed from the streetscene as it is partly obscured by the existing 2m close boarded wooden gates and will be set back 9.5m from the front elevation of the bungalow. There is a physical gap between this and the adjoining property at number 17, thereby maintaining the physical appearance of it being semi-detached and not giving any resultant terracing effect within the streetscene.

For the reasons stated above, it is considered that the size of extension is justified and is similar in scale to those of the surrounding locality, does not result in an overdevelopment of the application site nor has any adverse impact on the streetscene and will not harm the residential amenity of adjacent occupiers. The extension is thereby considered to comply with the planning policies stated in section 6.00 of this report.

#### Other Matters/Issues Raised

There is a boundary dispute between the applicant and the occupiers of the adjacent property which is not material to the consideration of this application and is a civil matter to be addressed between the two parties. The Applicant states ownership of the land edged red and as stated above, the extension has now been taken away from the boundary with the adjacent occupier. Concerns have also been raised that following development difficulty may arise with regards to maintenance. Such matters are not material to the consideration of this application and are again matters to be addressed between the parties concerned.

With regards to objections received on the potential impact of flooding from surface water and drainage issues, matters relating to suitable drainage on the site will be addressed by the developers as part of Building Regulations.

One objection refers to the applicant intending to use the extension as a separate unit of accommodation. The Local Planning Authority can only consider the application before them which is clearly for an extension the existing property only. Any proposed future change of use would need to be the subject of a separate planning application which the Planning Authority would have to consider on its own merits at that time. There is no indication within the submitted documentation that anything other than an extension is proposed.

It is noted that there are mature trees in the garden area of the adjacent property which the new extension could be in falling distance of. However, this issue is not material to the consideration of the planning application.

In conclusion, other issues raised through the consultation process are not considered to carry sufficient weight to warrant a refusal of the application.

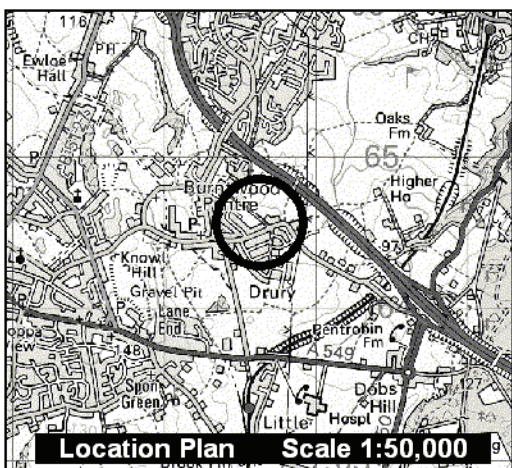
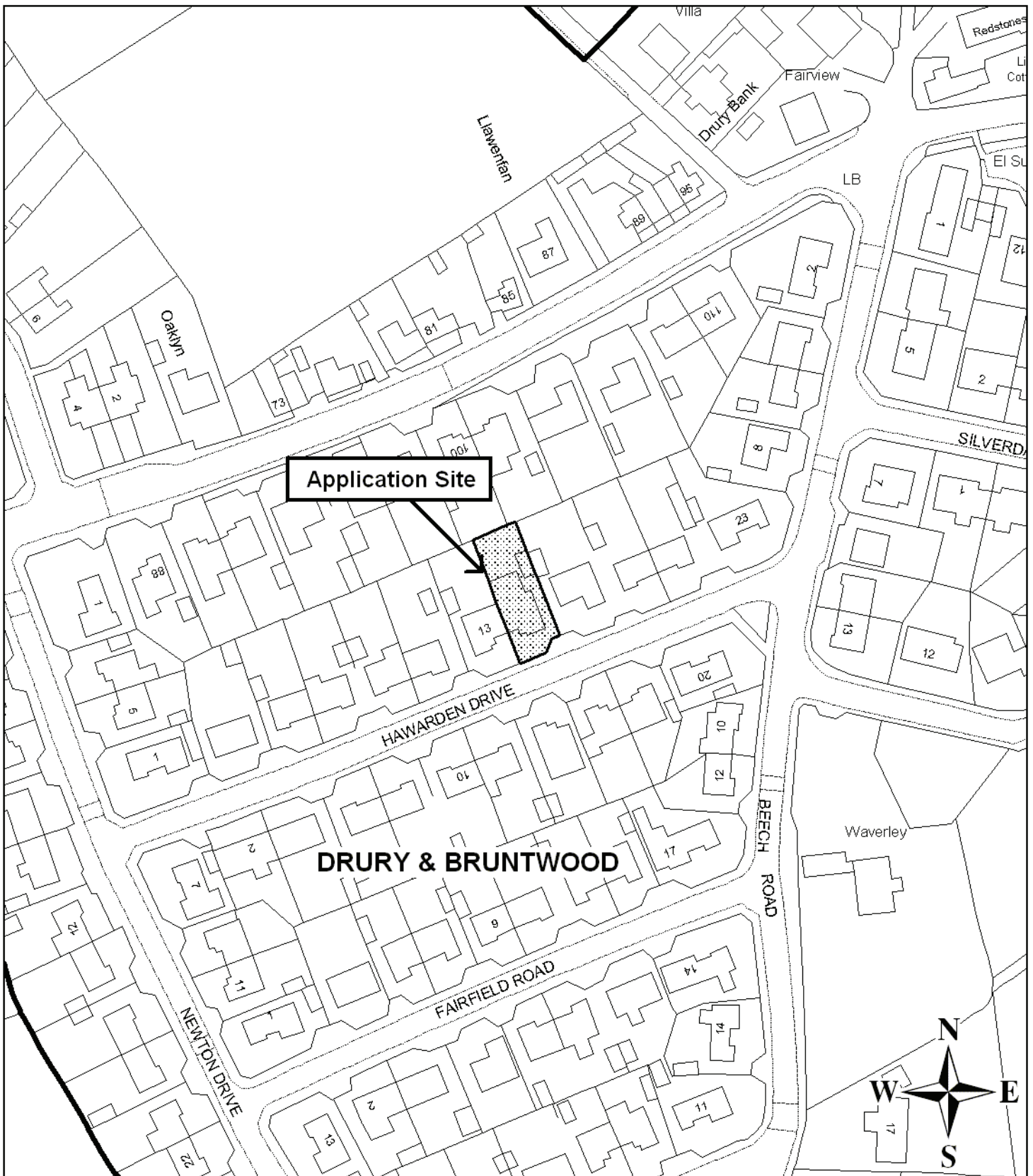
## **8.00 CONCLUSION**

8.01 In conclusion and having regard to the above, it is considered that the proposal generally complies with the planning policies stated in section 6.0 of this report and the proposal is therefore recommended for approval.

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:** Pam Roberts  
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**Email:** [pam.roberts@flintshire.gov.uk](mailto:pam.roberts@flintshire.gov.uk)

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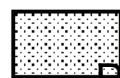


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application 49623

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25 JULY 2012**

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

**SUBJECT:** **CONSTRUCTION OF WASTE TRANSFER BUILDING AND CONTINUATION OF NON-HAZARDOUS WASTE MANAGEMENT OPERATION AT "OLD BRIDGE INN", STATION LANE, PADESWOOD, MOLD**

**APPLICATION NUMBER:** **049617**

**APPLICANT:** **MR M SCARFO**

**SITE:** **OLD BRIDGE INN, STATION ROAD, PADESWOOD**

**APPLICATION VALID DATE:** **02/04/2012**

**LOCAL MEMBERS:** **CLLR ARNOLD WOOLLEY, CLLR RICHARD JONES**  
**CLLR RAYMOND HUGHES**

**TOWN/COMMUNITY COUNCIL:** **BUCKLEY TOWN COUNCIL**  
**LEESWOOD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **THE DEVELOPMENT SITE EXCEEDS 2 HECTARES**

**SITE VISIT:** **NOT REQUIRED**

### **1.00 SUMMARY**

- 1.01 The application seeks to consolidate existing waste recycling operations and the construction of a waste transfer station (WTS) building to transfer household, commercial and industrial waste. The applicant also seeks to relocate an existing screening bund on the eastern boundary to facilitate a larger working area which would assist with improving site management, and as a result, lower stockpile height on the site.

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

2.01 The applicant entering into a legal agreement under the terms of the Town & Country Planning Act 1990 (as amended) Section 106 to effectively revoke planning permission 4/0/16514.

2.02 Conditions including:

1. Implementation time as of date of the decision notice
2. Approved plans – within notes to applicant
3. Retention of approved plans on site at all times
4. Written notification prior to the construction of the screen bund
5. Written notification prior to the construction of the WTS
6. Limit of 80,000 tonnes of waste per annum for the whole site
7. Waste types restricted to the details within the application
8. Screen bund on the east boundary would not exceed 97m AOD
9. Method statement for stripping and storage of soils including stockpile locations
10. Time restrictions on moving soil
11. Method statement for relocation of bund on eastern boundary
12. Samples taken and tested for material contained within the bund prior to its removal
13. Hours of operation;
  - Monday to Saturday 08:00 to 18:00
  - Sunday and public holidays essential maintenance only
  - Operations associated with the compound in the north of the site are permitted to work Monday – Sunday including public Holidays 08:00 to 18:00
14. Restrictions of vehicle movements;
  - 120 movements (60 in and 60 out) Monday to Saturday
  - 20 movements (10 in and 10 out) associated with the northern compound Sunday and public holidays
15. Provision and retention of facilities for parking, loading/unloading and turning
16. Only inert waste will be stored, processed and handled outside
17. Restriction of stockpile heights of waste materials and product no higher than 97m AOD
18. Revised restoration and aftercare scheme
19. Planting carried out in the next available planting season
20. Aftercare of trees/hedges planted
21. Arboricultural method statement and root protection measures
22. Details of weighbridge
23. Details of building drainage to ensure no pollution
24. Details of building materials
25. Details of machinery to be submitted for approval prior to its installation and use on site
26. A 10 metre buffer maintained at the east of the site
27. Removal of waste and building
28. Details of lighting to be submitted for written approval
29. Reasonable avoidance measures
30. Foul and surface water discharges



- 31. Surface water connections
- 32. Land drainage run-off

**Informatives “Notes to Applicant”**

- Approved Plans
- Public rights of way
- Highways supplementary note
- Wildlife/nature conservation
- Bird breeding season
- Environment Agency Permit
- Dwr Cymru – mandatory build standards and water supply

**3.00 CONSULTATIONS**

**3.01 Local Members**

- Councillor R Hughes, local Ward Member for Leeswood raises no objections to the proposal
- Councillor A Woolley of Buckley Bistre East raises no objections to the proposal
- Councillor R Jones of Buckley Bistre East acknowledges that the application would regularise existing waste management activities on site and present the LPA with overall control
- Councillor H McGuill from adjoining ward Argoed raises no objections

**Leeswood Community Council** – requested a site visit which took place on 21 June 2012. The Council is concerned that the run-off from any contaminated water would find its way into water courses.

**Buckley Town Council** – No observations to make

**Adjoining Community Council for Argoed** – No objections

**Chief Highways and Transportation Engineer** – A limit of 120 vehicle movements per day is reasonable and recommends a condition is provided for facilities to be provided and retained for loading, unloading, parking and turning of vehicles.

**Chief Environment and Resources Officer**

**Environmental Protection** - No adverse comments to make with regards to noise and dust as controls would be covered by the Environmental Permit. The premises have been permitted by the Environment Agency for a number of years. Therefore, via this regulatory system, strict conditions would control emissions.

**Contaminated Land Officer** - With regards to contaminated land, prior to the removal of any material within the eastern bund samples shall be tested and results submitted to the Local Planning Authority.

**Public Rights of Way Officer** – Public Footpaths 76 and 52 cross the site but the rights of way appear unaffected by the development. The path must be protected and free from interference from the construction.

**Environment Agency** – have no objection in principle to the proposed development and offered comments with regards to pollution prevention. The site is regulated by the Environmental Permitting Regulations.

**Countryside Council for Wales** – No objection to the proposal

**Ramblers Association** – No comments have been received

**Flintshire Local Access Forum** – No comments have been received

**Dwr Cymru** – No objections to the application. Should the Council be minded to grant planning permission conditions should be included to ensure that no detriment to the existing residents, or the environment, and to Dwr Cymru Welsh Water's assets.

#### **4.00 PUBLICITY**

4.01 This application was advertised by way of a press notice, site notices, and neighbour notification letters were dispatched to nearest residential receptors. The application was advertised as affecting a public right of way.

4.0.2 A total of 3 letters of representation have been received from local residents objecting to the proposed development. The main planning issues raised include:

- Intensification of the use of the site giving rise to an increase in traffic, noise and dust (from the site and the road)
- Lack of dust suppression and wheel washing facilities on site
- Location – inappropriate development in a rural location, greenbelt and open countryside
- Proximity to residential properties
- Visual impact
- Impact on an existing public right of way
- Risk of polluting adjacent water courses
- Potential impact on adjacent fishery
- Issues associated with a planning permission adjacent to the development site area.

#### **5.00 SITE HISTORY**

5.01 The land owned by the applicant has been used for various industrial uses in the past including: quarrying of sands, gravels and clays. The area has a history of heavy industry since the 1880s including oil and chemical works, metal casting and gas manufacture. In recent years, since the late 1960s the site has been used for waste management for an Alyn and Deeside District Council operated landfill site which occupied the northern part of the site. Delyn Borough Council also

acknowledged from the serving of statutory notices, that the site has been use for tipping and as a haulage contractor since 1968. Also, the council acknowledged that the site was used as a road resurfacing contractor since 1970.

5.02 The relevant recent planning history for the site is as follows:

**043990** - Importation of soils to restore land to ecological after use on land adjacent to the development site - **Approved 31/03/2008**

**4/0/16514** – Waste Transfer Station (for waste transfer operations on the north eastern part of the application site) – **Approved 05/07/1998**

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan (FUDP)

STR1 - New Development Criteria

STR3 - Employment

STR10 - Resources

GEN1 - General Requirements for Development

GEN3 – Development in the Open Countryside

D1 - Design Quality, Location and Layout

TWH2 – Protection of Hedgerows

WB1 – Species Protection

WB5 – Undesignated Wildlife Habitats

L1 – Landscape Character

AC2 – Pedestrian Provision and Public Rights of Way

AC13 – Access and Traffic Impact

EWP6 - Areas of Search for New Waste Management Facilities

EWP7 - Managing Waste Sustainably

EWP8 - Control of Waste Development and Operations

EWP11 - Development On or Adjacent To Landfill Sites

EWP12 - Pollution

EWP13 – Nuisance

EWP16 – Water Resources

### 6.02 National and Regional Policy and Guidance

Planning Policy Wales (February 2011) Edition 4

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2009)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 21: Waste (2001)

Technical Advice Note 22: Planning for Sustainable Buildings (2010)

North Wales Regional Waste Plan First Review (2009)

National Wales Waste Strategy: Towards Zero Waste (2010)

Guidance on Applying the Waste Hierarchy (2012)

The proposed and existing development would generally comply with the policies that are identified above as being relevant and applicable.

## **7.00 PLANNING APPRAISAL**

### **7.01 Proposed Development**

The application seeks to consolidate existing waste management and recycling operations on the site and to construct a waste transfer station (WTS) building to transfer household, commercial and industrial waste. The applicant also seeks to relocate an existing screening bund on the eastern boundary to facilitate a larger working area which would assist with improving site management and as a result lower stockpiles on the site. The existing waste management operations covered by planning permission 4/0/16514 would be consolidated within this planning application. Consolidation existing operations would assist with monitoring the site operations and facilitate a greater level of control than exists at present.

7.02 The application seeks permission to store, process and transfer up to 70,000 tonnes construction and demolition/excavation material, up to 2,500 tonnes municipal wastes and up to 2,500 tonnes commercial and industrial wastes per annum. This figure has been stated within the application to tie in with the limitations of the existing Environmental Permit issued by the Environment Agency on 4 April 2012. The permit for the existing WTS operations in the north of the site permitted by planning permission 4/0/16514 has a maximum annual figure of just 5,000 tonnes per annum restricted by the Environmental Permit for the site. Should planning permission be granted, a restriction of 80,000 tonnes per annum on the site would be restricted by condition.

7.03 All non-inert wastes would be stored and handled under the cover of the proposed WTS building which would be constructed with dark green coloured profiled steel sheet cladding. The building is proposed to be 30 metres long, 15 metres wide with a ridge height of 9 metres.

7.04 The existing screen bund on the eastern boundary of the site permitted by previous planning permission 4/0/16514 would be relocated further to the east on the applicant's land, constructed to a maximum height of 97 metres AOD (which does not represent a significant increase) and would result in a more sympathetic landform than currently exists. The construction of the new screen mound would comprise the first phase of the development. It is proposed to store stripped soils to then place on the final completed landform and construct the bund with inert materials that are currently stored on site. Some imported material may be required to complete the final landform, however, at the time of submission of the application there was sufficient material being stored on site to be used in the construction of the screen bund. Once the screen mound is completed, the existing stockpile area would be rationalised to improve the site management processes. The proposed development would result in the creation of an additional 4 full time jobs.

### **Site Description**

- 7.05 The application site comprises an existing inert waste recycling facility on land at Bridge Inn, Padeswood. The application site occupies approximately 3.03 hectares. An existing WTS and skip business named 'A Skip 2 U Ltd' operates from the northern corner of the site within a designated compound area which is authorised to transfer household, commercial and industrial wastes. The application site has a dedicated vehicular access which is located off Station Lane. The A5118 is situated parallel to the northern boundary of the application site and Padeswood Golf Course abuts the site to the west.
- 7.06 The village of Buckley is approximately 1km to the north of the site, the settlement of Mold approximately 4km to the west and Pen-y-Ffordd is located approximately 3km to the east of the site. Hanson's Cement Works, with its visually dominant tower building is situated approximately 1.5km to the east of the site. The River Alyn lies approximately 1km to the south west of the site running in a north-west to south-east alignment.
- 7.07 There are no Sites of Special Scientific Interest or Special Areas of Conservation within or adjacent to the site, and the site is not within a sensitive area as defined by the Regulations.
- 7.08 The site straddles the ward boundaries of Buckley Bistre East and Leeswood, with the ward of Argoed's boundary adjoining the western boundary of the site. These ward boundaries follow the former boundaries of Alyn and Deeside District Council and the Borough of Delyn and it is apparent from researching the site history that prior to the 1996 local government reorganisation there was confusion between the councils in terms of who should be the regulatory body which may account for the irregularities with regards to planning control of the sites activities. The Mold Railway once intersected the central part of the site and the proposed WTS building would be sited on the area of the former railway track.
- 7.09 The site is located within an area of Open Countryside as designated in the adopted FUDP.

### **Principle of the development**

- 7.10 The principle of a waste *sui generis* land-use operation on the site has been accepted by virtue of the grant of planning permission 4/0/16514 on 5 July 1988. This proposal involves a consolidation of existing waste recycling and management operations at a site. Effectively the application would consolidate and regularise the waste recycling activities that have been taking place since the late 1980s and assist in the over all control and monitoring of the site.

### **Location of new waste management facilities**

- 7.11 Policy EWP6 states that proposals for new waste management facilities should ideally be developed within the locations listed within the Policy and identified on the proposals plan. Technically this proposal would formalise and consolidated and the existing on-site waste management and aggregate recycling operations on the site, plus introducing an extension of waste management within the proposed WTS building. Therefore, it could be argued that as the proposal is to replace existing waste management infrastructure, Policy EWP6 would not be applicable. Policy EWP6 does not preclude waste management facilities from coming forward in other locations not listed within the area of search and as such the proposal does not conflict with Policy EWP6.

### **Need**

- 7.12 The proposal would divert waste from landfill by collecting and bulking recyclate to be removed off site to be recycled elsewhere, and also reprocessing inert waste materials to produce alternative construction products, which reduce the need for primary aggregate use.
- 7.13 It is considered that the proposal accords with the provisions of the development plan and would contribute towards meeting the objectives of TAN21, the National Waste Strategy, the North Wales Regional Waste Plan (first review) to divert waste from landfill and to increase recycling in accordance with the waste hierarchy. As such, it is considered that this proposal accords with the provisions of Policy EWP7 of the FUDP.

### **Highways and Access Matters**

- 7.14 Access to the site is currently obtained via a dedicated vehicular access from Station Road. Should planning permission be granted, the access provision would remain the same
- 7.15 Consideration was made over the need, or otherwise to widen Station Road, which would require the removal of a mature hedge which would materially affect the rural character of the area and have an adverse impact on the open countryside which would be unacceptable and contrary to policies L1, STR1 and TWH2 of the FUDP. Not only does the hedgerow enhance the landscape value and character of the area and provides a visual buffer for existing waste recycling activities, it also provides habitat for species. The removal of the hedgerow would result in the loss of habitat and contrary to Policy WB5 of the FUDP. The development has been taking place at this site for a number of years and has not, to date, resulted in any complaint about waiting vehicles or inability for vehicles to pass each other on Station Road. On balance, it is considered that there is no case to require the highway to be widened.

- 7.16 Existing and predicted tonnages associated taking into account all the waste operations on site have been used to calculate daily vehicle movements. Consideration has to be made for the nature of construction site clearance contracts and that daily throughputs can have peaks and troughs. Assuming worst case conditions of maximum annual tonnage and no return loads (one set of vehicles arrives to deliver waste and exits the site empty and another set of vehicles enters empty and exits the site full) and assuming a payload of only 10 tonnes, this would equate to 50 daily visits (100 movements) to the site 6 days per week, equivalent to 5 visits (10 movements) per hour over a 10 hour day. In practice this level of sustained activity is seldom achieved. In order to protect the amenity of residents and users of the highway, a conditional limit of 60 visits (120 movements) per day is proposed. As the existing WTS permitted by permission 4/0/16514 allows 7 day working, vehicle movements would be restricted to 20 on Sundays in association with the WTS at the north of the site.
- 7.17 It is considered that the proposed development would not increase the volume of traffic to such an extent that there would be an adverse impact on highway safety. It is considered that the approach roads are of a satisfactory standard to accommodate the traffic generated by the current and proposed development. It is also proposed to require a condition for the provision and maintenance of parking, turning and loading areas, which will assist in reducing both dust and mud generation and consequent impact on the public highway.
- 7.18 As such, it is considered that the proposal accords with the provisions of Policies GEN1 and AC13 of the FUDP.

#### **Public Rights of Way**

- 7.19 Public Footpaths 76 and 52 cross the site, however, the proposed development would not affect these rights of way. The point where the rights of way join and cross the site would not involve waste processing or storage of waste materials or products. On-site vehicles would occasionally cross the rights of way but visibility is good on the site and the Council's Public Rights of Way Officer does not raise any objections to the proposed development.
- 7.20 Should planning permission be granted, an informative would be attached to the decision notice to ensure that the land owner was aware of the legal obligations in relation to protecting the paths and ensuring that they are free from interference or obstruction from the operation. As such, it is considered that the proposal accords with the provisions of Policy AC2 of the FUDP.

### **Contamination**

- 7.21 As discussed previously in the report, the site area to the north of the former Mold Railway track has been used over the years for various heavy industrial uses dating back to the 1880s. Recent activities include the use of the land by a previous Local Authority as a municipal waste landfill in the late 1960, through to 1980.
- 7.22 The proposed WTS building would be sited outside the former industrial uses and on the location of the former Mold Railway track. Therefore, it is not anticipated that, during the construction of the proposed building, there would be any contaminated material excavated during the construction of the footings, and as such, little risk of disturbing previously contaminated land. As the building would not be sealed, or inhabited, the Contaminated Land Officer has not raised concerns with regards to potential harmful gas emissions associated with former landfilling of waste and therefore monitoring would not be required and would comply with Policy EWP11.
- 7.23 The proposal also involves the relocation of an existing screen bund which is located on the former tipped area. As there are no records providing details of the material used to construct the bund, as a precautionary measure, to ensure compliance with Policy EWP14 of the FUDP, should planning permission be granted, samples of the contents of the bund shall be take and tested, and the results submitted to the Local Planning Authority to ensure that this material is not contaminated or harmful to health or the environment.
- 7.24 Prior to the relocation of the bund, a written method statement, detailing the methodology of moving the bund materials, shall be submitted to the LPA for approval. This would ensure that any contaminated land would not be disturbed to ensure compliance with the provisions of Policy EWP11.

### **Landscape and Visual Impact**

- 7.25 At present, there are no provisions on site with regards to controlling stockpile heights. The application provides the Planning Authority an opportunity to regularise development on site, and ensure appropriate conditions are attached to the use of this land. Should planning permission be granted, a condition would be imposed to ensure that heights of stockpiles of waste and product are restricted to the height of the proposed screening bund (97m AOD) to reduce any visual impact of the existing operations and the proposed WTS building.
- 7.26 The lowest point within the site area has been selected for the location of the proposed WTS building at approximately 90m AOD. The WTS building would be constructed to a height of 9 metres. Existing screening of the site for properties located to the south of the site area is provided by the restored area permitted by planning permission 043990. Furthermore, the building would be screened effectively from



the north and from the east by the relocation of the screen bund on the eastern boundary of the site and a proposed woodland planting scheme which would provide additional screening over and above the, proposed screen bund height of 97m AOD. The planting should be carried out in the next available planting season following the construction of the bund to ensure that the landscaping is carried out in a timely manner.

- 7.27 The proposal bund construction would result in the loss of approximately 150m of mixed hedgerow which includes Hawthorn, Blackthorn, Holly, Sycamore, Bird Cherry and Crack Willow. The majority of this hedgerow has been the result of natural regeneration and is not ancient in origin. However, the existing hedgerow on the eastern boundary of the site is a key landscape feature and would require the submission of an arboricultural method statement including root protection areas to be agreed, implemented and maintained throughout the construction of the bund.
- 7.28 The eastern screening bund itself has been designed to provide a naturalistic landform so that it would minimise any impacts on the landscape and a restoration, planting and aftercare scheme has been submitted which ensures compliance with Policy L1 of the FUDP. The relocation of the existing eastern screening bund would also effectively create a larger site working area which would assist with the management and organisation of the site. More space would be created on site which would assist with keeping stockpile heights at an acceptable level.
- 7.29 The application is accompanied with a restoration and aftercare scheme for eastern screen bund. However, the scheme has been compiled as a 'Master Plan' for the site and includes the area of restoration pursuant to planning permission 043990 which is not within the planning boundary for this application under consideration. Should planning permission be granted, a condition would be included to require the resubmission of this scheme which excludes the area to the south pursuant to planning permission 043990 and subsequent approval of a revised restoration and planting scheme.
- 7.30 Stockpile heights would be conditioned to be a height of 97m AOD to ensure that it would be no higher than the proposed eastern bund and planting would provide enhanced screening. Properties located on Railway Terrace currently have direct views into the site. However, these properties would not have direct views where the WTS is proposed. As such, these properties would not be adversely affected with regards to visual impact from the new development. It is considered that these proposed measures would ensure that the site is effectively screened. The proposed new WTS building and screen bund would not give rise to an unacceptable adverse landscape and visual impact and would comply with Policies GEN1, L1 and EWP8 of the FUDP with regards to the visual impact of the proposal.

### **Environmental Permitting and Pollution Control**

- 7.31 Existing waste operations on site operate under valid Environmental Permits which cover the activities proposed within this planning application to include non-hazardous and inert household, commercial and industrial waste transfer and treatment. Both Standard Rules Permits allows up to a combined amount of 80,000 tonnes of permitted waste material per annum to be processed in accordance with the conditions set out in the permits.
- 7.32 Concerns have been raised by local residents that their amenity would be affected adversely and that the proposal would represent an intensification of use of the site. The conditions within the Environmental Permit would ensure that the proposed operations would not cause any adverse emissions to land, air or water, which includes ensuring that operations are managed in a way which does not give rise to unacceptable levels of odour, noise, vibration and dust which could cause pollution.
- 7.33 The nearest residential property is Railway Terrace, located approximately 150m aware from the proposed WTS building. However, any new waste transfer operations would take place within the confines of the proposed WTS building which would minimise any adverse effects of noise from machinery or dust. Furthermore, an existing stockpile on site is located directly in between Railway Terrace and the proposed location of the WTS building. This stockpile is vegetated and provides visual and acoustic screening. This stockpile would be maintained at a minimum of 3 metres due to operational requirements of the machinery used to process materials which would provide additional visual and acoustic screening.
- 7.34 At present, the proposal does not include details of a screen and baler. However, the noise assessments have been based on typical plant and machinery that would be used in the same type of operation which are considered to be acceptable. Should planning permission be granted, a condition would be imposed to ensure that specification details of any additional plant and/or machinery would be submitted to the Local Planning Authority for consideration and written approval provided to ensure that the machinery would not give rise to unacceptable noise emissions.
- 7.35 With regards to dust, the applicant has provided a particulate matter management plan within the planning application documentation. This provides detail of control strategies which would ensure that dust is controlled on site. Pollution prevention and control is regulated by the Environment Agency Wales and they are satisfied that the applicant can operate without causing pollution and by virtue of the Environmental Permit which is in place it is considered that the proposal accords with the provisions of Policies EWP8, EWP12, and GEN1 of the FUDP.

### **Hydrology – Protection of adjacent water courses**

- 7.36 Concerns have been raised by a local resident in relation to the risk of increased run-off and pollution of adjacent water courses and the potential impact on the adjacent fishery from pollution and leachate from the proposed activities, thus increasing risk of harming the fish.
- 7.37 Part of the proposed site boundary lies alongside the Black Brook to the East. The proposal would maintain a 10 metre buffer strip between the site and the watercourse. This buffer strip should prevent any surface water runoff from the site entering the watercourse.
- 7.38 In addition to this, condition 3.1.1 of the existing Environmental Permits states that any emissions of substances not controlled by emission limits shall not cause pollution. Should any such pollution happen then the site would be required to take action to stop the source of pollution and take measures to prevent it.
- 7.39 The WTS building would be constructed on an impermeable floor with sealed drainage provided. Details of the buildings drainage have not been submitted with the planning application. Should planning permission be granted, a condition would be imposed to ensure that the details of the drainage system and interceptor would be submitted for written approval prior to the construction of the building. Furthermore, Dwr Cymru Welsh Water do not object to the application but have requested that, should planning permission be granted a number of conditions be included relating to foul and surface water discharges, surface water connections and land drainage run-off. They have also requested an advisory note be included with regards to water supply and mandatory building standards.
- 7.40 It is considered with a dual regulatory role from the Local Planning Authority and the Environment Agency Wales, and the submission of drainage details, and other conditions that the proposal should not give rise to pollution of adjacent watercourses. The proposal accords with the provisions of Policies EWP8, EWP12, EWP16 and GEN1.

### **Impact of operations in the Open Countryside**

- 7.41 Local residents have objected to this development due to its rural location and its impact on the Open Countryside, and have stated that this type of waste development should be located on an industrial estate due to the industrial nature of the proposal. Policy STR1 of the adopted FUPD states that new development will be generally located in areas that include brownfield sites. The site is a brownfield site and has, been used for heavy industry since the 1880's.
- 7.42 Policy GEN3 of the adopted FUDP states in relation to development in the Open Countryside that new development will in general not be permitted. As stated previously, this site has been used for waste

management operations since the late 1980s with the permitted operations under planning permission 4/0/16514 so the principle of the development in the Open Countryside has been approved.

- 7.43 The additional development proposed would be considered an extension of the existing use but it would not present an intensification of use of the site. As stated above, the new building and recycling operations would be screened by the existing bund to the south and the proposed relocation of the screen bund to the east thus it would not present an adverse impact on the openness of the surrounding landscape. Furthermore, the existing Environmental Permit would ensure that there would be no emissions to land, air or water.
- 7.44 Evidence suggests that that the site has been used for heavy industry since the 1880s and site is an existing brownfield site which is considered appropriate for this proposed use. As such it is considered that the proposal does not conflict with the provisions of Policies STR1 or GEN3 of the FUDP.

#### **Nature Conservation**

- 7.45 The area where the WTS building is proposed to be constructed is subject to regular disturbance by onsite vehicles and would be as part of operations on the site. It is considered therefore that it is very unlikely that there would be any impact upon any great crested newt habitat. However, as a precautionary measure it is considered necessary to ensure reasonable avoidance measures are undertaken and a condition included to ensure that prior to the construction of the WTS building, a scheme of reasonable avoidance measures and mitigation is submitted to ensure that protected species are protected.

#### **Sustainable Buildings**

- 7.46 The development site area would exceed the minimum threshold within Planning Policy Wales for achieving the minimum BREEAM standard for sustainable buildings as the site area is 3.03 hectares. However, as stated in TAN 22: Planning for Sustainable Buildings, it is accepted that there are exceptions to the policy requirement. It is considered that the proposed development would inherently have a very low energy and heat demand such as the example provided in TAN 22 which comprises a barn. The main WTS building is below the threshold set out in PPW (450m<sup>2</sup>), and the site area has been designed generously to incorporate storage areas for inert waste and product. Due to the nature of the operations, the doors of the WTS building would not be closed at all times, it would not be occupied constantly and would not be required to be heated and as such, it is considered that the proposed WTS building would not be required to achieve the minimum BREEAM standards. As such, it would be considered unreasonable to impose the minimum BREEAM standards.

### **Environmental Impact Assessment**

- 7.47 The development is for the continuation of existing operations and provision of a new WTS building. The site is not located within any sensitive designations and the nature and scale of the development, and likely impacts are unlikely to be more than local significance. It is concluded that the proposal is not Environmental Impact Assessment development.

### **8.00 CONCLUSION**

- 8.01 The proposed development would effectively consolidate existing waste management operations on site and assist with monitoring the site operations and facilitate a greater level of control than exists at present. The proposal would contribute to national and regional waste targets by diverting waste from landfill and is supported by national and regional minerals policy for increasing recycled aggregate products. The proposal would contribute towards diverting waste from landfill by creating an alternative product thus reducing pressures on primary aggregate. The site is an existing Brownfield site with an existing industrial use and the proposed change of use would not alter or affect the nature of the site
- 8.02 The existing Environmental Permits on site which are issued and regulated by the Environment Agency Wales would control matters relating to dust, litter, noise, odour and pests. Conditions would be imposed to ensure vehicles numbers, hours of operation, stockpile heights, types of wastes handled are controlled effectively and would ensure that the proposal would accord with the provisions of the policies within the adopted FUDP as detailed above.
- 8.03 The development is considered acceptable in principle subject to the applicant entering into a section 106 agreement to effectively revoke the existing planning permission for waste management on site and conditions as detailed above. As such, it is considered that there are no material planning reasons for this application to be refused and planning permission should be granted.
- 8.04 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.

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 25 JULY 2012**

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

**SUBJECT:** **GENERAL MATTERS - 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**

**1.00 APPLICATION NUMBER**

1.01 048855

**2.00 APPLICANT**

2.01 T ANWYL & SONS LTD

**3.00 SITE**

3.01 LAND BETWEEN AND BEHIND MAISON DE REVES AND CAE EITHIN

**4.00 APPLICATION VALID DATE**

4.01 20/07/2011

**5.00 PURPOSE OF REPORT**

5.01 Following the resolution at the 14<sup>th</sup> March 2012 Planning and Development Control Committee to refuse this application, Members will recall that it was intended to report back to Committee on May 27<sup>th</sup> to seek guidance regarding the reasons for refusal. Consideration of that General Matters report was deferred at the May 27<sup>th</sup>. Committee in order that consultants could be engaged to address each of the reasons for refusal. At that time an appeal against non-determination had been submitted, although we have not been advised by the Inspectorate that this is valid at the time of writing this report, but a resolution is now sought in respect of the position to be adopted by the Council in relation to the appeal.

5.02 This report now presents the consultants' conclusions, which find that

none of the four reasons put forward are strong and conclude that these are probably not sustainable at appeal. Each of these is addressed below and it is therefore recommended that the appeal should not be contested by the Council. My original report to committee on March 14<sup>th</sup> is attached as Appendix 1 and the text of the consultants' reports in relation to each of the four reasons (without their appendices) are attached as Appendices 2-5

## **6.00 REPORT**

- 6.01 At the 14<sup>th</sup> March meeting, it was resolved to refuse this application for the following reasons:
1. Ecological impact of development (newts and badgers).
  2. Highway safety issues (capacity/design of existing network).
  3. Density of development too high.
  4. Lack of geological survey.
- 6.02 Where a decision is taken at Committee against officer recommendation on any particular application, it is the role of officers to draft the precise terms of that decision. In this instance it is the reasons for refusal of planning permission (although now overtaken by the appeal process). From discussion at the Committee meeting on 14<sup>th</sup> March 2012, Members will be aware of the views of officers with regard to the robustness of the refusal having regard, not least, to the fact that the site is allocated for residential development in the Flintshire Unitary Development Plan.
- 6.03 Before Committee could reconsider the matter an appeal against non-determination was submitted and private consultants have now been engaged to address each of the reasons for refusal on the basis of the information available, to report on the sustainability of each at appeal (and if these were found to be robust they would be engaged to prepare and present the Council's case at the appeal).
- 6.04 Members are aware that each reason put forward on appeal must be supported by evidence in order on the one hand to seek to defend the Council's position and on the other hand to minimise any risk of costs against the Council, regardless of the eventual decision on appeal. Each of the reasons for refusal arising from the original resolution is addressed below. It is recognised that these largely arose from third party representations made during the application process and it should be noted that it would be open to third parties to introduce these topics at the appeal against the decision.
- 6.05 Ecological Issues  
At the March Committee Members were concerned about the need to provide new habitat for the great crested newt (GCN), which had been resident in the pond to the east of the application site. The report explained that GCNs had not been found in that pond since 2004, even though there had been regular surveys, and the pond did not provide a

suitable breeding ground. It is the Council Ecologist and CCW's view that this application provides a betterment of the existing situation by the provision of 2 new ponds within the mitigation area to the south of the proposed residential development. As such it satisfies the appropriate derogation tests.

- 6.06 The Consultants conclude in respect of this issue that *“appropriate GCN surveys are required to confirm the location and detail of the proposed mitigation measures and that a European Protected Species licence would be required to conform with due legal process. These are matters that may be appropriate for a planning condition. If appropriate survey and mitigation is put into place and the Countryside Council for Wales and Flintshire’s ecologist are satisfied that there will be no ecologically detrimental aspect of the proposals then there should be no cause for them to object to the proposals.”*
- 6.07 The County Ecologist has provided further comments in the light of the Consultants’ report, to the effect that CCW have confirmed that there is sufficient data to inform mitigation, license and the decision making process, considering that the Consultants have applied the English (Natural England) requirements, rather than those operative in Wales. Regardless of this last fact, the conclusion is that a reason referring to a detrimental effect of the development on Great Crested Newts cannot be sustained.
- 6.08 Members were also concerned about the effect of the proposed development on the badgers which inhabit part of the site. The report to the March committee explains that the proposal involves creating a new sett on land immediately to the south of the proposed dwellings, within 100m of the existing sett and fence from public access. The Consultants’ conclude with regard to this issue that *“ Appropriate badger surveys are required to confirm the location and design of the proposed mitigation measures and that a badger licence would be required to conform with due legal process. These are matters that may be appropriate for a planning condition. If appropriate survey and mitigation is put into place and the Countryside Council for Wales and Flintshire’s ecologist are satisfied that there will be no ecologically detrimental aspect of the proposals then there should be no cause for them to object to the proposals”.*
- 6.09 Subject to the proposed mitigation in the case of GCN and badgers both the Countryside Council for Wales and Flintshire’s ecologist are satisfied that there will be no ecologically detrimental aspect of the proposals, subject to the conditions recommended and a legal obligation. On this basis it is recommended that this reason should not be pursued at the appeal.
- 6.10 Highway Safety Issues  
At the March Committee meeting debate focused in part upon the issue

of the likely highway impacts arising from the additional traffic generated from the proposed development in view of the limited width in places, alignment and lack of footways along Village Road. Members were concerned that Village Road is currently used as a rat run and the proposed development would add more traffic, making the situation worse.

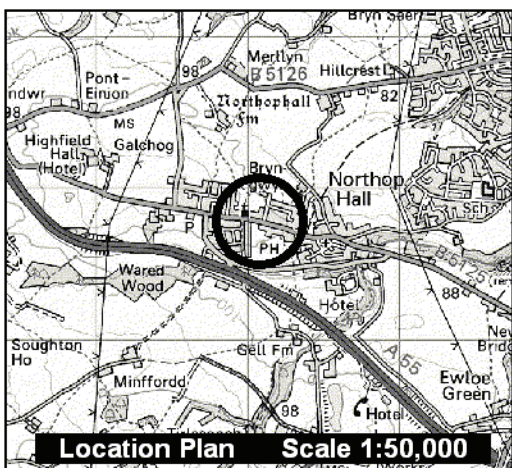
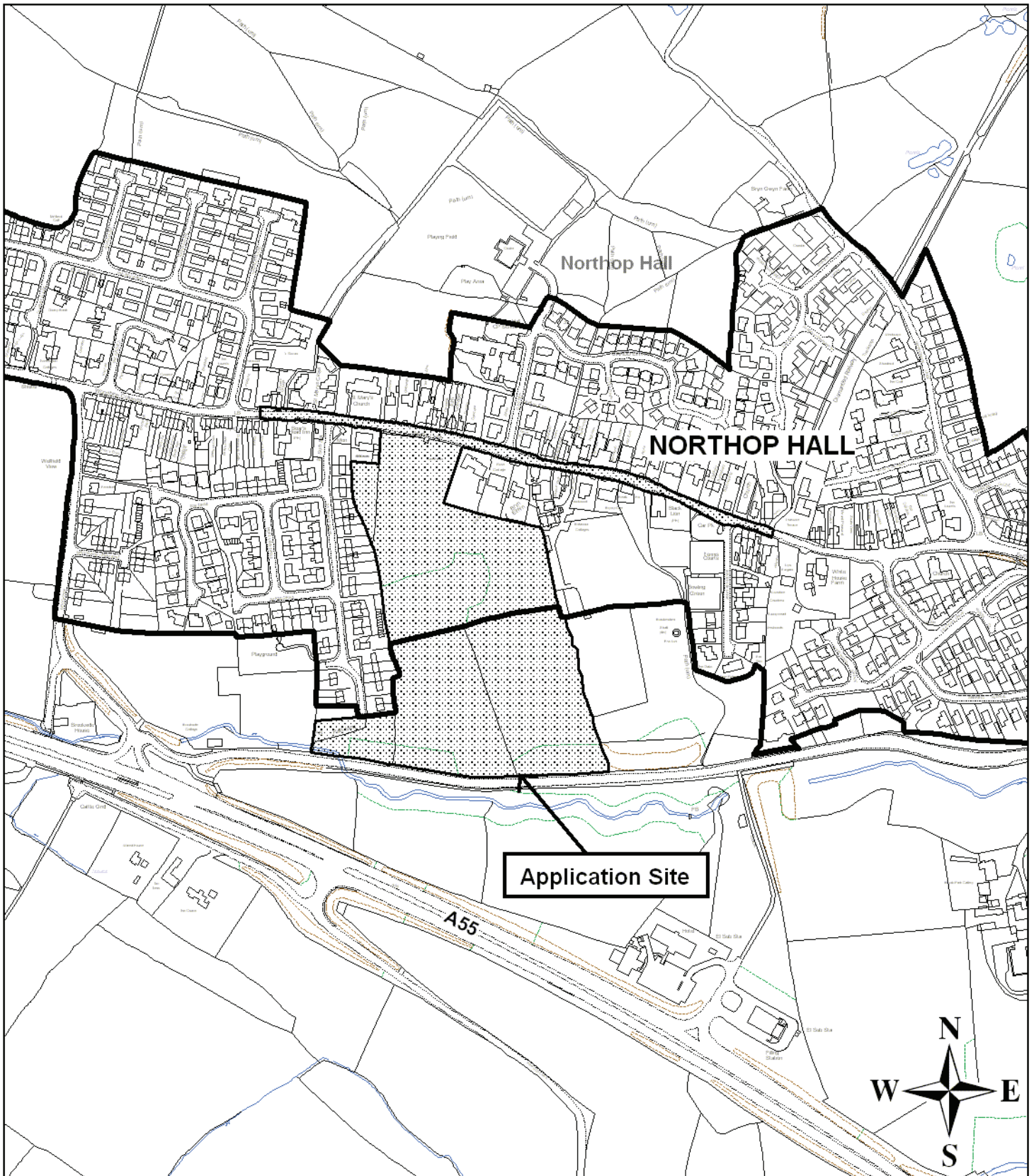
- 6.11 Members were advised by officers that this issue had been considered by the Head of Assets and Transportation in the formulation of advice to the Committee. The advice concluded that, with traffic calming measures implemented along Village Road and provision of additional footways, the existing highway network had the capacity and is capable of accommodating traffic generated from the proposed dwellings.
- 6.12 Members were advised in the report to the March Committee that this site forms part of an allocated site in the Flintshire Unitary Development Plan. In that Plan the whole allocation is for 93 units and the Flintshire Unitary Development Plan Inspector concluded that a safe access could be achieved and the local highway network had the capacity to deal with the number of trips likely to be generated by 93 units.
- 6.13 The consultants query the lack of a transport assessment submitted with this application and briefly mention an alternative access from the south, off the old A55 which, in their opinion *“would in principle appear to offer from a purely transportation perspective an attractive potential alternative road access arrangement (with pedestrian/ cycle and emergency access only from Village Road)”*. Such an access arrangement would not be acceptable in planning terms but regardless of this, the consultants conclude in respect to the highway issue that: *“Based on our review of all available data and on-site observations it would be helpful if further details are provided on the following aspects:*
- more comprehensive on-street car parking surveys during times most likely to generate peak parking demand from residents and visitors alike;*
  - the potential traffic calming benefits of mini-roundabout access arrangement; and*
  - confirmation that the proposed traffic calming scheme for the village has committed funds and will be implemented prior to first occupation.*
- 6.14 *Notwithstanding, it is our professional judgement that this development accompanied by appropriate highway access arrangements and mitigation is not likely to result in a detrimental impact to the safe and efficient operation of the local highway network. Indeed the introduction of the proposed traffic calming scheme would provide a more formal controlled arrangement of traffic movements through the existing narrower sections of highway which in conjunction a new 2 metre wide footpath across the site frontage would result in a level of betterment to the existing highway network. Furthermore, such measures would further reduce the “attractiveness” of Village Road as a potential rat-run between the A55 and Connah “s Quay.”*

- 6.15 Consequently, it is recommended that the reason referring to highway safety issues should not be pursued at the appeal
- 6.16 Density of Development  
The scheme submitted shows a density of development of 22 dwellings per hectare. This falls significantly below the density envisaged by the Inspector in allocating this site in the UDP (30 dwellings per hectare). The original report to the March committee (appended to this report) sets out the circumstances behind this. It is significant that this application covers only part of the allocation, giving an opportunity for the imbalance in terms of density to be addressed to some extent in the consideration of the subsequent application. The density of 22 per ha. also reflects the existing pattern of development and takes account of site constraints.
- 6.17 The consultants concur with this view, concluding that *“Having due regard to the proposals within the context in the PPW, and the Flintshire County Council adopted UDP, a reason for refusal based upon the density of the proposed development being too high would have very limited chance of success at being upheld at appeal.”*
- 6.18 When the application was discussed previously, it was proposed by some members that the density should be higher, in line with the UDP policy. Whilst the proposed density is lower than that envisaged by the UDP this can be justified for the reasons stated in the preceding paragraphs. However, a reason for refusal based upon a density of development which is lower again cannot be justified. On this basis it is recommended that this reason should not be pursued at appeal.
- 6.19 Geological Survey  
At the March 14<sup>th</sup> Committee Members also resolved that the application should be refused on the basis of the lack of a geological survey. This followed some discussion regarding the potential impact of the former mining works on or near the site and was despite the fact that the case officer advised that this matter had been addressed and was covered by Condition 4 of the recommendation (see report appended). In order for this information to be required prior to the application being determined, rather than by condition, evidence would need to be provided that the risks are such that this course was justified. No such evidence has been provided by the relevant consultees and the consultants share this view, concluding that *“From review of the documents prepared by REFA Consulting Engineers, the developer has commissioned the level of ground investigation that you would expect for a residential development”*. In the light of this it is again recommended that this reason should not be pursued at appeal.

## 7.00 RECOMMENDATION

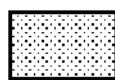
- 7.01 That the reasons for refusal proposed within the original resolution on application reference 048855 (relating to ecology, highway safety, density and lack of a geological survey) are not pursued by the Council in the preparation of a case in relation to the appeal against the non determination of the application
- 7.02 Should Members resolve not to accept the above recommendation in relation to any or each of these factors, that delegated authority be given to the Head of Planning to draft reasons based on these issues and to prepare a case in respect of each of these in relation to the appeal.

**Contact Officer:** Glyn P. Jones  
**Telephone:** 01352 703248  
**Email:**



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 1:5000

Ordnance Survey Sheet SJ 2767

Planning Application 48855

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**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 5.3**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **14 MARCH 2012**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **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.**

**APPLICATION NO:** **048855**  
**APPLICANT:** **T ANWYL & SONS LTD**  
**SITE:** **LAND BETWEEN AND BEHIND  
MAISON DE REVES AND  
CAE EITHIN,  
VILLAGE ROAD,  
NORTHOP HALL,  
MOLD, FLINTSHIRE**  
**APPLICATION VALID DATE:** **20/07/2011**  
**LOCAL MEMBERS:** **COUNCILLOR L A SHARPS**  
**TOWN/COMMUNITY COUNCIL:** **NORTHOP HALL COMMUNITY  
COUNCIL**  
**REASON FOR COMMITTEE:** **SCALE OF  
DEVELOPMENT/MEMBER REQUEST**  
**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 This is a full planning application for 51 dwellings, new road and creation of ecological mitigation land on a site to the south of Village Road, Northop Hall. The site measures 5.56ha (13.7acres) and is undeveloped, green field land fronting onto Village Road, to which there is an existing vehicular field access. The proposal comprises the following:

- 51 dwellings - 46 detached, 2 semis and 3 terraced.
- dwelling mix - 10 x 3 bedrooms; 36 x 4+ bedrooms open market; 5 x 3 bedrooms affordable.
- new access to Village Road

- new access roads through the development
- retention of protected trees

1.02 The application is accompanied by an Ecological Impact Assessment and Mitigation Plan; Ground Investigation Report; Code for Sustainable Homes Pre-Assessment Report, Car Park Survey and Tree Survey.

The issues for consideration are the principle of development when viewed against the context of the adopted Flintshire Unitary Development Plan; the new access and off site highway works; ecological mitigation measures; visual/residential impacts; affordable housing provision; educational impact/contributions and public open space provision.

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

2.01 The proposal is recommended for approval subject to the completion of a Section 106 legal agreement requiring the following:

- a) Public Open Space and Play Equipment  
To provide a contribution of £1,100 per dwelling and a footpath link from the development up to the site boundary adjacent to the garages area to the rear of properties on St Marys Drive.
- b) Transport and Highway Measures  
To provide payment of £10,500.00 towards the cost of implementation of off-site highway improvement works comprising a Traffic Calming Scheme.
- c) Affordable Housing  
Provision of 5 affordable units.
- d) Education  
Contribution of £31,500 towards Hawarden High School
- e) Ecological  
Mitigation and management to cover: Reasonable Avoidance Measures; Submission and implementation of habitat creation and enhancement Scheme; Long Term Site Management Scheme; Long Term Site Wardening Plan and Long Term Monitoring Plan.

**Conditions**

1. 5 year time limit on commencement
2. Samples of all external materials of buildings to be submitted and agreed.
3. In accordance with approved plans
4. Intrusive site investigation works to be undertaken prior to commencement of development,

- to establish the exact situation regarding coal mining legacy issues on the site.
5. Foul water and surface water to be drained separately
  6. Foul flows to connect to the public combined sewer
  7. Surface water discharges to connect to the public surface water sewer
  8. Land drainage run-off shall not discharge in to the public sewerage system
  9. Development is not to commence until a scheme has been approved for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with.
  10. No building to be constructed within 3 metres of the existing public sewer.
  11. No building is to be occupied before 31.03.2015 unless the Waste Water Treatment Works have been improved.
  12. Prior approval of protected species mitigation scheme.
  13. Details of layout, design, traffic calming, signing, surface water drainage, street lighting, construction of internal estate roads, 2m wide footway along site frontage to be submitted for prior approval.
  14. Details of the siting, layout and design of the means of access to be submitted for prior approval.
  15. Provision of 2.4m x 43m visibility splays prior to development commencing.
  16. Access to be kerbed and have a base layer prior to site clearance.
  17. Garages to be set back behind footway line.
  18. Facilities provided for bin storage and collection and vehicle turning and parking.
  19. Details to be approved of method to prevent run-off of surface water onto the highway.
  20. A Construction Traffic Management Plan to be submitted for prior approval.
  21. No development to commence until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has received prior approval. Any contamination shall be the subject of remediation measures which shall be implemented prior to occupation of any dwelling.
  22. No work to take place during bird breeding season.
  23. Submission of scheme for protective barrier around the trees.
  24. Submission of method statements where work is proposed within the root protection areas.
  25. Hours of work limited to Mon-Fri 07.00-19.00; Sat 08.00-17.00, no working on Sundays or Bank Holidays.
  26. Requirement to apply for a great crested newt licence.
  27. Provision for wheel washing facilities for construction traffic.

### **3.00 CONSULTATIONS**

- 3.01 Local Member - Councillor L A Sharps  
Requests the application is referred to Planning Committee and for a Site Visit, in view of great public concern and a petition.

Northop Community Council

Object on the following grounds:

- detract from rural character of prime central location, where design and density must be a major consideration.
- the proposed size and density is unnecessary, unwarranted, unjustifiable and would have a serious detrimental environmental impact on the village in terms of traffic, noise, pollution and harm to wildlife.
- traffic generation and flow onto Village Road, which is busy with commuters going to work.
- pedestrian safety.
- no mention of a mini roundabout.
- dwellings are located on an area which was to have been a buffer zone for the protection of wildlife.
- doubt about whether re-location of badgers would be successful.
- meeting targets for new housing is questioned in a semi-rural location and alternative means should be explored.
- the site should remain open.
- the increase in dwellings requires increases in amenities and confidence in the capacity of the infrastructure. The provision of underground surface water storage is not desirable or suitable.
- hammerheads to facilitate future development are opposed.
- old mine workings cause concern.

Head of Assets and Transportation

No objection subject to conditions and a S106 agreement for replacement traffic calming features to manage traffic speeds along the site frontage. This will become part of a wider traffic calming scheme for the village.

Head of Public Protection

No objection subject to conditions.

Housing Strategy Manager

No objection subject to the provision of 5 units given to the council.

Director of Lifelong Learning

No objection subject to a S106 agreement for £31,500 to be paid by the developer for Hawarden High School.

Welsh Water

No objection subject to conditions.

Environment Agency

No objection.

Airbus

No objection.

The Clwyd-Powys Archaeological Trust

No comment.

The Coal Authority

No objection subject to a condition.

Countryside Council for Wales

No objection subject to the imposition of planning conditions/obligations in respect of safeguarding the nature conservation interest of the site. The fungi survey did not identify any especially rare or threatened species. Conservation of the fungi can most appropriately be delivered by the implementation of an appropriate long term management plan that considers the ecological requirements for these species.

**4.00 PUBLICITY**

4.01 The application has been publicised by a press notice, site notice and neighbour notification letters.

Over 450 letters have been received opposing the development for the reasons summarised below. All but 15 of these are standard letters of identical format.

Layout and density

- out of scale with the village
- destruction of a semi-rural area in a prime location
- out of character with the surroundings
- overdevelopment

Traffic generation and highway safety

- the links between housing and employment in the village are relatively poor resulting in high levels of car commuting
- increase in traffic where roads are already used as a rat run
- local roads are not sufficiently wide to accommodate more vehicles and parked cars make it difficult to emerge from side roads
- the site entrance would be better from the south (old A55).
- increased use of poor pavements, where they exist.
- it is already dangerous to walk through the village with a pushchair

Loss of amenity

- loss of view and privacy, especially for properties on east side of St Mary's Drive

- devaluation

#### Housing

- there is no need or demand for more houses in Northop Hall
- no need for affordable units
- too many executive style houses and not enough smaller units

#### Mitigation Land and Wildlife

- due to the confined location of the proposed mitigation land it is unlikely to be more than a token gesture and will have little conservation benefit.
- loss of habitat for wildlife and birds.

#### General

- there is a coal seam 80-240 metres below ground. Last mined in 1914 and there are some disused capped mine shafts. The expense of making the land safe will negate the provision of affordable homes.
- fear of subsidence - the site has sunk since properties on St Mary's Drive were built
- village amenities include 2 pubs and one shop.

#### Local Facilities

- pressure on the schools and the local primary school is full
- will exacerbate existing low water pressure at upper end of village
- insufficient power supply
- no direct bus to Ewloe, Buckley or Flint
- local medical practices do not take in new patients
- lack of facilities for children now, this will make it worse.

Councillor K. Armstrong-Braun objects as the application would be in breach of 1979 Council Directive on the conservation of wild birds. The Directive says a large number of species of wild birds naturally occurring in Europe are declining in number, representing a serious threat to conservation of the natural environment. The preservation, maintenance or restoration of a sufficient diversity and area of habitats is essential to the conservation of all species of birds. Certain species should be the subject of special conservation measures concerning their habitats to ensure their survival.

## **5.00 SITE HISTORY**

### **5.01 860/80**

Outline planning permission granted in 1981 for 6-8 dwellings.

**535/87**

Outline planning permission granted in 1987 for 4-5 dwellings at Cae Eithen Farm

**35046**

Permission refused for residential development to the side of Cae Eithen in 2003.  
Appeal dismissed.

**36558**

Outline permission granted for residential development to the side of Cae Eithen in 2004.

**43413**

Outline permission granted for residential development to the side of Cae Eithen in 2007. Now expired.

**48373**

Residential development of 72 dwellings, new road, ecological mitigation land.  
Withdrawn July 2011.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan policies:

STR1 New Development

STR4 Housing

GEN1 General Development Considerations

GEN2 Development inside Settlement Boundaries

D1 Design Quality, Location and Layout

D2 Design

D3 Landscaping

TWH1 Development Affecting Trees and Woodland

WB1 Species Protection

AC13 Access and Traffic Impact

AC14 Traffic Calming

AC18 Parking Provision and New Development

HSG1 (35) New Housing Development Proposals - Northop Hall

HSG8 Density of Development

HSG 9 Housing Mix and Type

HSG10 Affordable Housing within Settlement Boundaries

SR5 Play Areas and New Housing Development

EPW2 Energy Efficiency in New Development

Planning Policy Wales

Technical Advice Note 2 - Planning & Affordable Housing

Technical Advice Note 5 - Nature Conservation

Technical Advice Note 18 - Transport

Local Planning Guidance Notes:

No.2 Space around dwellings

- No.3 Landscaping
- No.4 Trees & Development
- No.8 Nature Conservation & Development
- No. 9 Affordable Housing
- No.11 Parking Standards
- No. 12 Access for All
- No.13 Open Space Requirements
- No.22 Planning Obligations

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Location and Proposed Development**

This is a full planning application for 51 dwellings on land south of Village Road. To the east is a dwelling called Maison de Reves and dwellings on St Mary's Drive; to the north are dwellings on the opposite side of Village Road; to the east is Cae Eithin beyond which are more dwellings facing Village Road and to the south are fields leading down to the road between Brookside, the A55 junction and the B5125 Stamford Way. Bordering the southern part of the eastern boundary are fields/paddocks. The site slopes down from north to south, towards the A55.

7.02 The development will be served by a new access to Village Road with 2.4m x 43 m visibility splays and a new 2m wide footpath across the site frontage. The road network within the site comprises 5.5m wide highways with a footway along each side. There will be a mix of detached, semi and semi/mews dwellings.

7.03 The Code for Sustainable Homes Pre-Assessment Report concludes the proposed development is capable of meeting Code Level 3 in the nine key sustainable design principles, as required by the Welsh Government.

### **7.04 Principle of Development/Policy Context**

Approximately 50% of the site is within the settlement boundary and allocated for residential development. The remaining 50% i.e. the two roughly rectangular field parcels in the southern area are outside the settlement boundary and the UDP allocation. However, this southern area is not shown for development and is to be used for an alternative nature conservation area in lieu of the natural existing habitat.

7.05 The site forms part of a larger allocated site for housing with an indicative yield of 93 units – this figure assumes the whole of the site will be developed. Due to ownership constraints this application is for part rather than the whole of the site allocated in the UDP. However it is preferable that the site be partially delivered to provide 51 new dwellings rather than not come forward at all. Provided the layout does not prejudice the bringing forward of development on the remainder of the UDP allocation, then there is no objection in policy terms.

7.06 In seeking to bring about sustainable development the Welsh Government advises in Planning Policy Wales that Local Authorities should promote the most efficient use of land. UDP policy HSG8 seeks to make the most efficient use of land in terms of achieving a density of development which reflects the characteristics of the site and



its surroundings and ensures that the quality of the living environment and amenity is not compromised. The proposed 51 dwellings is considered to be broadly compatible in terms of making the best use of land as required by Policy HSG8. There is a mix of houses in terms of type and size which would satisfy Policy HSG9.

7.07 Usual considerations apply to this proposal as regards to open space provision and affordable housing requirements in line with UDP policies SR5 and HSG10.

7.08 The proposal is acceptable in principle and there are no policy objections.

7.09 Public Open Space

Given there are two existing play and recreation grounds near to the application site, to the west of St Mary's Drive and to the north off Llys Ben, the council is not seeking open space provision at this development.

7.10 In lieu of on site provision, a capital sum payment of £1,100 per dwelling is to be paid to the council upon 50% sale or occupation of the development. The payment would be used to enhance existing recreation provision.

7.11 As shown on the layout plan, the developers are to provide a public footpath up to the western boundary, to the existing garage block, rear of 30 - 36 St Mary's Drive. This would provide safe access to the existing recreation provision at St Mary's Drive.

7.12 The proposed mitigation area in the southern part of the site will not be adopted by the council.

7.13 Highways

The proposed development would be served by a new access to Village Road. In terms of the generation of traffic from the proposed development, the site has been assessed using the latest traffic calming policy and a traffic calming scheme has been designed by the council. The scheme proposed replaces the existing calming features and is designed to manage traffic speeds along the development site frontage. It will then become part of a wider traffic calming scheme for the village.

7.14 The proposed traffic calming scheme, to be part of the S106 agreement, comprises:

- a 65mm high, 3.4m long x 1.7m wide speed cushion on Village Road in front of the Black Lion public house to the east of the site. This will stipulate vehicle alignment whilst aiding pedestrian safety with the creation of a 0.5m 'Exclusion Zone' on either side of existing carriageway.
- a traffic calming feature on the highway immediately east of the new access
- 'Give Way' lines and associated build-out to facilitate vehicle movements whilst entering and departing from properties 'Amon' and 'Lynwood', east of the site
- 'Road Narrows' Warning Signs erected at suitable locations.

7.15 In relation to highway matters it is relevant to refer to the UDP Inspector's report for this site. It said there were many objections from local residents but evidence from

the council's highways officer indicated that a safe access could be achieved and, despite the road configuration, the capacity is available to deal with the anticipated number of trips generated by the proposed allocations (93 units). Further traffic calming can be undertaken in the village, which would improve road safety. The road network to the east and west of the village has been or will be improved.

7.16 Trees and Landscaping

There is no objection in principle. The mature sycamores to the north of Plot 51 (to the east of the site entrance), appear to be adequately safeguarded and will make an attractive entrance feature. A condition is needed regarding submission of a soft landscaping scheme.

7.17 Ecology

The site consists predominantly of horse grazed grassland with an area of mine spoil with mixed scrub in the south west corner and mixed hedgerows along the southern boundary.

7.18 The site is over 700m from Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) which are designated for great crested newts. There is no direct effect on the GCN although there is one pond adjacent to the site with a GCN record. This pond has been surveyed regularly since 2004 and since then it has been heavily poached by horses and is not considered suitable as a breeding pond for GCN. Scrub and woodland habitats within and adjacent to the site have potential as terrestrial habitat for GCN.

7.19 There is a badger sett within the scrub on mine spoil within the application site. The size of the sett was confirmed by the Clwyd Badger Group in July 2011 as 4 holes, 3 active and 1 part used plus two new holes on north side of the spoil possibly dug by yearlings.

7.20 The grassland has patches of interest with pignut, bulbous buttercup and birdsfoot trefoil in the lower fields where the site is less heavily grazed by horses. Due to local recordings of waxcap fungi, a more detailed survey was requested. The species subsequently recorded were widespread species found elsewhere in North East Wales although grassland management is critical to the existence of these fungi.

7.21 Mitigation Proposals

A similar area of land to that being developed but which is currently heavily grazed by horses south of the development site will be enhanced to mitigate for the effects of development.

7.22 Deeside and Buckley Newt SAC

Possible indirect effects caused by a potential increase in recreation within the SAC due to 51 additional dwellings can be overcome by the provision of a local recreational area. The creation of "greenways" linking into the existing PROW has subsequently been put forward. These will be separated from the management of the rest of the site.

7.23 Great Crested Newts

Currently there is no suitable breeding habitat on or adjacent to the site for GCN and there hasn't been since 2004 although GCN eggs had been previously recorded in the pond south east of the site. The presence of potential terrestrial habitat – scrub and hedgerows means that reasonable avoidance measures will need to be undertaken prior to the development of the site. The GCN population will ultimately benefit from the creation of 2 new ponds within the mitigation area approximately 150m from the existing pond. Provision of new ponds and secured terrestrial habitat, providing it is secured with long term management, will help to maintain the favourable conservation status of GCN in this locality.

7.24 Badgers

The best option for the badgers would be to leave them in situ and develop the land around them, although this would isolate the population from their foraging areas.

7.25 Due to the need to locate mine shafts within the area of scrub, the proposal is to create a new sett on land immediately to the south of the application site within 100m of the existing sett. The aim is to build the sett into a created mound using the existing free draining mining spoil, replant some of the existing scrub to create immediate cover and plant the remaining area with native species and fence from public access.

7.26 Research into the use of artificial setts by badgers concludes success rates can be high (over 90%) depending on proximity to the existing sett and proximity to an existing path or foraging area. Also while they don't need to be overly large or complex they do need to have correct thermal properties and drainage plus 6 months to "bed in". To ensure success the sett needs to be re-located as detailed in the application and undertaken in accordance with the submitted details and licence application.

7.27 Grassland mitigation

It is important to enhance the retained grassland through agreed use of topsoils appropriate re-seeding and future management. Waxcap fungi exist adjacent to the site, to the south west, which should spread if the right management is undertaken to maintain the grassland at the most appropriate length. This will be dependant on securing the site's long term management. Grassland that will be retained in situ in the southern section of the site, near the old A55, needs to be protected from associated construction works eg the sewage pipe easement.

7.28 S106 agreement/conditions need to cover Reasonable Avoidance Measures; the habitat protection where relevant; the creation and enhancement scheme; long term site security including management and monitoring with the provision of sufficient resources and a compliance audit scheme to ensure that the scheme is successful. Ultimately it is the long term management of the site that will ensure whether the mitigation is successful or not.

7.29 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows

disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.

- 7.30 The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and a licensing system administered by the Welsh Ministers. Planning Policy Wales (2002) paragraph 5.5.11 advises local Planning Authorities that “The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its Habitat.”
- 7.31 TAN 5 (2009) paragraph 6.3.6 says Regulation 3(4) of the Habitats Regulations requires all local planning authorities to have regard to the provisions of the Habitats Directive. Consequently, the Directive’s provisions are relevant in reaching planning decisions where a European protected species may be affected and it is important that such planning decisions are reached in a manner that takes account of, and is consistent with, the Directive’s requirements. Those requirements include a system of strict protection for European protected species, with derogations from this strict protection being allowed only in certain limited circumstances and subject to certain tests being met....these requirements are transposed by the provisions of the Habitats Regulations.
- 7.32 The issues of whether development could give rise to a breach of the Regulations’ requirements, and whether there may be a potential need for a licence to avoid such a breach, are a material consideration in a relevant planning decision. Where a licence may be needed, the three licensing ‘tests’ required by the Directive should be considered by the local planning authority. The requirement for a licence and the application of the three licensing tests is equally a material consideration in planning appeals. Local planning authorities should give due weight to the presence of a European protected species on a development site to reflect these requirements and this may potentially justify a refusal of planning permission." Paragraph 6.3.7 then states:- “It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) licence are likely to be satisfied.”
- 7.33 In this case to satisfy test 1, the social or economic nature of a development, the proposals seek to establish the use of the site for residential development. The site lies within the identified settlement boundaries of Northop Hall and is specifically allocated for residential development. The application is accompanied by survey data to indicate that the proposals would not adversely affect European Protected

Species (EPS). In considering this data, together with the intention to undertake the identified Mitigation Measures, Countryside Council for Wales and the Local Planning Authority are satisfied that there are no adverse effects upon the EPS. It is considered that this proposal will ensure that the species and habitats are brought into favourable conservation status, where, without the development, this would not be the case.

- 7.34 Test 2 is about whether there is a satisfactory alternative. This do nothing option is not satisfactory because without management the nature conservation value of the existing pond will continue to deteriorate. The land is heavily horse grazed and the pond has been poached by horses and has been dry for the last summer. The creation of new ponds will enhance the locality for GCN.
- 7.35 Test 3 is about whether the development will be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. In terms of the GCN, these are annually surveyed at Wepre Country Park and adjacent sites some 700m north of the application site and Buckley sites over 1km south of the application site. The provision of an identified protected mitigation area during all stages of construction and operation will ensure maintenance of the range & dispersal route available for GCN. The protection of this area in the long term will provide for the long term prospects. Reasonable avoidance measures will be undertaken prior to development to prevent harm to GCN if present on site. Conditions & s106 agreement proposed to cover: Reasonable Avoidance Measures; Submission and implementation of habitat creation and enhancement Scheme; Long Term Site Management Scheme; Long Term Site Wardening Plan and Long Term Monitoring Plan.
- 7.36 The proposed development and mitigation proposals have been assessed and it is considered that the development is not likely to have a significant effect on protected species. It is considered that this application satisfies the three tests required by the Habitats Directive.
- 7.37 In conclusion, providing the mitigation area is protected and managed in the long term there will be no detrimental impact on the maintenance of the favourable conservation status of the Great Crested Newt. CCW have no objection subject to the imposition of planning conditions/obligations in respect of safeguarding the nature conservation interest of the site.
- 7.38 Education  
The schools affected would be Northop Hall Primary School, which has spare capacity, and Hawarden High School which does not have spare capacity. It is estimated that the proposed development would generate 12 primary school pupils and 9 secondary school pupils.
- 7.39 An education contribution figure has been identified which would allow the Local Authority to make provision for an estimated 12 primary age pupils in one school and an estimated 9 secondary age pupils in one school.

7.40 The placement of the estimated 12 primary school pupils will not have a significant impact on the local primary school because there is a current surplus of 83 places. However, the placement of the estimated 9 pupils will increase pressure on Hawarden High School, where the Numbers on Roll exceed its capacity by 2 pupils.

7.41 Affordable Housing

There will be no additional Social Housing Grant funding becoming available in the foreseeable future. Accordingly, discussions have been undertaken with the applicant and local member in respect of this application and the preferred method of affordable housing delivery is the provision of 5 gifted units (houses given to the council at no cost) constructed to Welsh Design Quality Requirements/Lifetime Homes Standards. The mix will be 5 x 2 bed 4 person houses. The gifted units will be to house local people who are registered on the council's affordable home ownership register.

7.42 Layout, Design and Appearance

The proposed development will provide 51 dwellings on approximately 2.3ha hectares, which equates to about 22 dwellings per hectare - very similar to the density of the residential development to the west, served by St Mary's Drive and Elm Drive. This is a lower density than the UDP indicative figure of 30 dwellings per hectare but is acceptable, given the constraints posed by retaining protected trees, provision greenspace and distances required to existing buildings. The dwellings will be constructed in brick and tiles to council approval. There will be 9 different house types in a mix of 3 and 4 bedrooms.

7.43 Effect on Existing/Proposed Residential Amenities

There are existing dwellings to two sides with their rear gardens backing onto the application site. It is considered that there would not be any material detrimental impact on the amenities of existing or proposed residents by way of overlooking or privacy. The scheme is broadly in line with the council's standards for space around and between dwellings. Adequate amenity space is provided for existing and proposed occupiers.

7.44 Some local residents have objected on grounds of loss of view and devaluation. These are not planning matters.

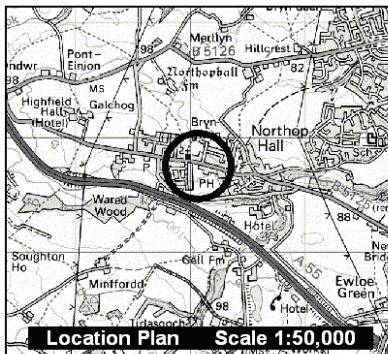
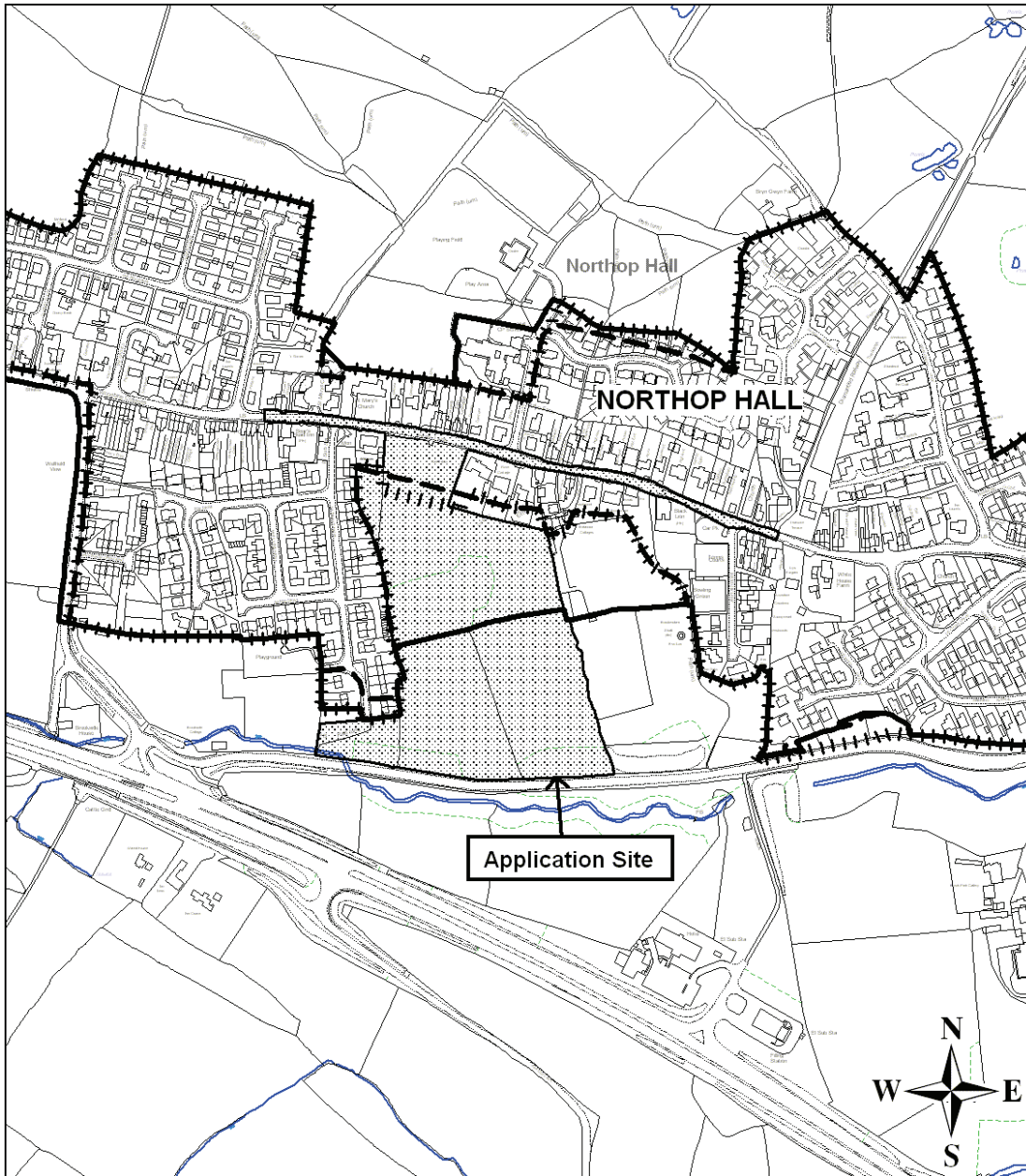
**8.00 CONCLUSION**

8.01 In conclusion, it is relevant to refer to the UDP Inspector's report which said Northop Hall is comparatively small (about 650 dwellings), has a reasonable level of local services/facilities and is relatively close to larger centres. It is a sustainable location and the proposed growth is not disproportionate to the size of the village and its range of facilities. The development of this greenfield site would be consistent with Planning Policy Wales.

8.02 The proposal provides for a quality residential scheme which is acceptable in principle and detail, subject to conditions and a S106 legal agreement.




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.

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**Key to Settlement Boundaries**

-  Delyn Local Plan Settlement Boundary
-  North Flintshire Local Plan Settlement Boundary
-  Emerging Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:5000
Ordnance Survey Sheet	SJ 2767
Planning Application	<b>48855</b>



**Flintshire County Council**

**Village Road, Northop Hall**

Ecological Review  
29 June 2012

# Flintshire County Council

## Village Road, Northop Hall

### Ecological Review

29 June 2012

#### Notice

This ecological report is intended for advice in respect of a planning application, this advice is based on a review of documents provided in conjunction with application No: 048855 lodged with Flintshire County Council.

This report is prepared by Atkins Limited for the sole and exclusive use of the **Flintshire County Council** in response to their particular instructions. No liability is accepted for any costs claims or losses arising from the use of this report or any part thereof for any purpose other than that for which it was specifically prepared or by any party other than the **Flintshire County Council**. This report has been prepared by an environmental specialist and does not purport to provide legal advice. You may wish to take separate legal advice.

#### Document History

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# 1. Introduction & Background

Atkins Limited (Atkins) were requested to provide specialist ecological advice regarding the decision taken at a Planning and Development Control Committee meeting on 14<sup>th</sup> March 2012 to refuse planning application No: 048855 for four reasons, in summary:

- The ecological impact of the development on great crested newts and badgers
- Highway Safety issues to do with the capacity/design of the existing network (Village Road)
- Density of the development too high
- Lack of a geological survey

The officer recommendation was one of approval, largely on the basis that the application site is allocated for residential development in the newly adopted Unitary Development Plan (UDP) and the fact that issues surrounding the four reasons set out above had been addressed by the applicant and are covered in the report to committee (Appendix A: Report of Planning and Development Committee 14<sup>th</sup> March 2012).

A report by the Flintshire County Council Head of Planning to the planning committee seeking further consideration was submitted and considered in a meeting of the planning & development control committee on the 23<sup>rd</sup> May 2012; the purpose of this report was to seek guidance regarding the reasons for refusal to be attached to the decision. The report to that committee is appended to this report in Appendix B: Report to Planning & Development Control Committee 23<sup>rd</sup> May 2012. We have not been supplied with a report of the conclusions of this committee meeting.

An appeal against the non-determination of the application was submitted by the applicant at the same time (23<sup>rd</sup> May 2012). This appeal is to be considered at an inquiry (date to be determined).

This report draws on previous ecological advice reported by Ecological Design Consultants (EDC), who conducted an Ecological Impact Assessment (EclA) in 2004 and carried out further surveys in April 2007 and December 2009 in order to establish presence/absence and potential for the application site to support protected species (Appendix C). This report focuses specifically on the reasons given for refusal of the application (i.e. potential impacts on great crested newts and badgers); no other ecological issues are considered and no review of other ecological issues has been undertaken.

## Summary of Ecological Survey Reports

Title	Issued by	Date
Ecological Impact Assessment	EDC	October 2004
Impact Assessment Addendum	EDC	June 2005
Impact Assessment (Update)	EDC	May 2007
Phase 1 Extended Report – Seasonal Review	EDC	December 2009
Phase 1 Extended Report – Seasonal Review	EDC	November 2010

## 2. Development Proposals

### 2.1. Surveys Undertaken and Methodologies Used

The full planning application comprised a mix of 51 dwellings on 5.56 hectares of land at an

EDC were commissioned, in 2004, to undertake an Ecological Impact Assessment (EclA) of the proposed development. An ecological walkover survey and desktop study was undertaken during October 2004. As part of the desktop study EDC conducted a search for water bodies suitable for great crested newt utilisation within 250 m of the proposed development. This study identified two small and shallow ponds within 250 m of the proposed application site boundary: one of these is described as approximately 35 m to the south of the application site; no details are given for the second pond.

Great crested newts can utilise suitable terrestrial habitat up to 500 m from a breeding pond<sup>1</sup>, although recent research suggests that newts are likely to travel no more than 250 m from ponds where suitable habitats for foraging and hibernation exist<sup>2</sup>. EDC do not give any justification as to why a 250 m search area from the application site boundary for water bodies was used rather than the recommended 500 m<sup>3</sup>

Following the ecological walkover survey and the desktop study, presence/absence surveys for great crested newt were recommended on the basis of the initial findings. A report addendum (Appendix C – Ecological surveys) in June 2005 stated that the ponds had receded to water filled depressions at the time of survey (no date was given) and no further detail as to the surveys was given. A consultation with the Countryside Council for Wales (CCW) is included in this addendum report that states that the ponds had previously been surveyed and great crested newts had been noted as being present during the 2005 breeding season confirming presence of this species this survey was carried out as part of a separate highways project. Wepre Brook approximately 160 m south of the site was also assessed in the 2005 season for potential to support great crested newts owing to a proposed surface water run-off connection to the brook but ruled out due to 'grey water pollution'.

Two ponds were described in the 2005 report. The 2007 report refers to a pond throughout but the survey results section refers to smooth newts being found in 'the ponds'. Update surveys post 2007 only refer to one pond and only one pond appears on the plans.

A further survey using high powered torches to search for GCN activity was conducted on the 25<sup>th</sup> April 2007 on one pond.

CCW has no guidance specifically relating to Wales regarding methodology for surveying for great crested newts. However, the Natural England guidance<sup>4</sup> which is widely accepted states as a minimum for presence/absence surveys for great crested newts four visits should be undertaken during the breeding season (mid-March to mid-June, with at least two visits between mid-April and mid-May) using at least three different techniques on each occasion. Techniques typically would include torchlight survey, netting, bottle trapping and egg searching. In order to assess population size class assessment if great crested newts are present, a further two survey visits (six survey visits in total) are recommended in the same survey period.

EDC only conducted one torchlight survey on one occasion in 2007 and their survey effort does not conform to the standard Natural England guidance to demonstrate presence or absence of great crested newts.

The terrestrial habitat within the application site consists of hedgerows, improved grassland, gorse scrub and mine spoil and appears to be suitable habitat for great crested newt foraging, dispersal and shelter.

A 'seasonal review' (Appendix C), which was undertaken in 2009 and again in 2010, of the initial surveys indicated that the condition of the ponds had deteriorated due to poaching by horses, only one pond is detailed by this stage and it is described as 'small puddles of water...unlikely to sustain a breeding population of amphibians'.

<sup>1</sup> Great Crested Newt Mitigation Guidelines (Natural England – formerly English Nature, 2001)

<sup>2</sup> Cresswell & Whitworth, 2004. An assessment of the efficiency of capture techniques and the value of different habitats for great crested newt *Triturus cristatus*, English Nature Research Report Number 576. Natural England.

<sup>3</sup> Great Crested Newt Mitigation Guidelines (Natural England – formerly English Nature, 2001)

<sup>4</sup> Great Crested Newt Mitigation Guidelines, (Natural England – formerly English Nature, 2001) Sections 5.7.1 and 5.7.2

## 2.2. Proposed Mitigation

Proposed mitigation was supplied in the form of a plan by EDC shown below (Figure 1). The plan shows a large mitigation area (approx 2.5 ha) consisting of planted scrub, two new ponds, and re-profiled/re-seeded grassland. A management plan of the re-profiled/re-seeded grassland was recommended whereby one cut a year would be used, this may provide a dense diverse sward suitable for great crested newts to use as foraging habitat. Maintenance of existing hedgerows where possible and implementation of a new hedgerow along the western boundary of the application site are also recommended in the ecological reports (Ecological Impact Assessment – secondary survey (May 2007) see Appendix C). However, these recommendations for maintaining and increasing hedgerows do not appear on the mitigation plan supplied. No additional hedgerows are present on the soft landscaping proposals (Appendix D – Soft Landscaping Proposals) by Tirlun Barr, submitted by Anwyl as part of the planning application.

It is noted in the seasonal review carried out by EDC in 2009 that areas of scrub and hedgerows offer suitable foraging habitat, refugia and hibernacula for great crested newt and that 'suitable mitigation would have to be offered to offset the impact of the development'. The plan presented as the mitigation, however, shows no detail as to how these areas of suitable terrestrial habitat will be cleared without harming great crested newts. If great crested newts are present, standard methods for an operation like this would be undertaken under a European Protected Species Licence from Welsh Government on the advice of the Countryside Council for Wales. The methods could include the erection of newt proof fencing, and periods of drift netting/pit fall trapping in order to exclude newts from the construction area and move them into the mitigation area. Without this detailed information, it cannot be said with any degree of certainty that great crested newts will not be harmed and their conservation status maintained.

## 2.3. Excerpts from Report to Planning and Development Control Committee (Appendix A – March 2012)

### 2.3.1. Relevant Sections for Great Crested Newt:

*'Countryside Council for Wales raise no objection subject to the imposition of planning conditions/obligations in respect of safeguarding the nature conservation interest of the site.'*

*There is no direct effect on the great crested newt (GCN) although there is one pond adjacent to the site with a GCN record. This pond has been surveyed regularly since 2004 and since then it has been heavily poached by horses and is not considered suitable as a breeding pond for GCN. Scrub and woodland habitats within and adjacent to the site have potential as terrestrial habitat for GCN.*

*Currently there is no suitable breeding habitat on or adjacent to the site for GCN and there hasn't been since 2004 although GCN eggs had been previously recorded in the pond south east of the site. The presence of potential terrestrial habitat – scrub and hedgerows means that reasonable avoidance measures will need to be undertaken prior to the development of the site. The GCN population will ultimately benefit from the creation of 2 new ponds within the mitigation area approximately 150m from the existing pond. Provision of new ponds and secured terrestrial habitat, providing it is secured with long term management, will help to maintain the favourable conservation status of GCN in this locality.*

*The issues of whether development could give rise to a breach of the Regulations' requirements, and whether there may be a potential need for a licence to avoid such a breach, are a material consideration in a relevant planning decision. Where a licence may be needed, the three licensing 'tests' required by the Directive should be considered by the local planning authority. The requirement for a licence and the application of the three licensing tests is equally a material consideration in planning appeals. Local planning authorities should give due weight to the presence of a European protected species on a development site to reflect these requirements and this may potentially justify a refusal of planning permission." Paragraph 6.3.7 then states:- "It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) licence are likely to be satisfied."*

*In this case to satisfy test 1, the social or economic nature of a development, the proposals seek to establish the use of the site for residential development. The site lies within the identified settlement boundaries of Northop Hall and is specifically allocated for residential development. The application is accompanied by survey data to indicate that the proposals would not adversely affect European Protected Species (EPS). In*

*considering this data, together with the intention to undertake the identified Mitigation Measures, Countryside Council for Wales and the Local Planning Authority are satisfied that there are no adverse effects upon the EPS. It is considered that this proposal will ensure that the species and habitats are brought into favourable conservation status, where, without the development, this would not be the case.*

*Test 2 is about whether there is a satisfactory alternative. This do nothing option is not satisfactory because without management the nature conservation value of the existing pond will continue to deteriorate. The land is heavily horse grazed and the pond has been poached by horses and has been dry for the last summer. The creation of new ponds will enhance the locality for GCN.*

*Test 3 is about whether the development will be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. In terms of the GCN, these are annually surveyed at Wepre Country Park and adjacent sites some 700 m north of the application site and Buckley sites over 1 km south of the application site. The provision of an identified protected mitigation area during all stages of construction and operation will ensure maintenance of the range & dispersal route available for GCN. The protection of this area in the long term will provide for the long term prospects. Reasonable avoidance measures will be undertaken prior to development to prevent harm to GCN if present on site. Conditions & s106 agreement proposed to cover: Reasonable Avoidance Measures; Submission and implementation of habitat creation and enhancement Scheme; Long Term Site Management Scheme; Long Term Site Wardening Plan and Long Term Monitoring Plan.*

*The proposed development and mitigation proposals have been assessed and it is considered that the development is not likely to have a significant effect on protected species. It is considered that this application satisfies the three tests required by the Habitats Directive.*

*In conclusion, providing the mitigation area is protected and managed in the long term there will be no detrimental impact on the maintenance of the favourable conservation status of the Great Crested Newt. CCW have no objection subject to the imposition of planning conditions/obligations in respect of safeguarding the nature conservation interest of the site.'*

## **2.4. Excerpts from Flintshire County Council Head of Planning Comments (Appendix B – May 2012)**

*'At the March Committee Members were concerned about the need to provide new habitat for the great crested newt, which had been resident in the pond to the east of the application site. The report explained that GCNs had not been found in that pond since 2004, even though there had been regular surveys, and the pond did not provide a suitable breeding ground. This application provides a betterment of the existing situation by the provision of 2 new ponds within the mitigation area to the south of the proposed residential development.*

*Subject to this mitigation both the Countryside Council for Wales and Flintshire's ecologist are satisfied that there will be no ecologically detrimental aspect of the proposals, subject to the conditions recommended and a legal obligation. On this basis it is strongly recommended that this reason cannot be substantiated and that it is not included on the decision.'*

## **3. Conclusion**

A level of doubt remains over the status of great crested newts on and around the Application site. Great crested newts and their habitats (terrestrial and aquatic) have full legal protection (see Appendix E – Summary of Legislation). The terrestrial habitats on the application site are suitable to support great crested newt, specifically the hedgerows, scrub, mine spoil and to a lesser extent the grassland. A pond approximately 35 m from the application site boundary was recorded as having great crested newts present in 2005 (this date taken from the EDC reports).

The desk top waterbody survey only covered 250 m from the application site boundary whereas great crested newts will travel up to 500 m from a breeding pond<sup>5</sup>. The mine spoil noted as being present on site could provide hibernacula for several ponds in the surrounding area over 250 m from the application site. If

<sup>5</sup> Great Crested Newt Mitigation Guidelines (Natural England – formerly English Nature, 2001)

this was the nearest available hibernaculum for the newts, then they may still use the application site and the survey effort would not have been sufficient to detect this.

EDC only conducted one torchlight survey on one occasion in 2007 and their survey effort does not conform to the standard Natural England guidance to demonstrate presence or absence of great crested newts. No full suite of great crested newt surveys following the survey guidelines<sup>6</sup> has been completed/reported in the ecological survey information. Results should be made available for all surveys undertaken for great crested newts, including methodologies used and dates. If the two adjacent ponds have become unsuitable for great crested newts/survey as the planning document suggests, terrestrial survey including refugia searching could be undertaken.

EDC recommend a development licence is sought for great crested newts. A great crested newt record exists within a pond 35 m from the site and newts could be using the terrestrial habitat on the site therefore a licence is required in order to clear newts from the site.

Population size class surveys are required in order to inform any licence application and to inform the mitigation design. Without detailed survey information regarding the population size class of great crested newt, it is difficult to assess whether the mitigation would be sufficient to maintain the favourable conservation status of great crested newt. Owing to the deterioration of the pond located within 35 m of the application site, the addition of two new ponds would provide sufficient replacement breeding habitat.

Appropriate GCN surveys are required to confirm the location and detail of the proposed mitigation measures and that a European Protected Species licence would be required to conform with due legal process. These are matters that may be appropriate for a planning condition. If appropriate survey and mitigation is put into place and the Countryside Council for Wales and Flintshire's ecologist are satisfied that there will be no ecologically detrimental aspect of the proposals then there should be no cause for them to object to the proposals.

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<sup>6</sup> *Great Crested Newt Mitigation Guidelines (Natural England – formerly English Nature, 2001)*



## 4. Badgers

### 3.1. Surveys Undertaken and Methodologies Used

EDC were commissioned in 2004 to undertake an EclA of the proposed development. Their ecological walkover survey and desktop study undertaken during October 2004 was designed to identify setts, pathways, latrines and associated foraging habitat. The initial ecological survey found an active eight hole sett in an area of gorse scrub and evidence of tracks, feeding signs and latrines, although the number of these on the application site was described as 'limited' and the cattle using the application site and potentially trampling evidence was noted as a limitation to the survey. The badger sett identified falls within the application site.

This survey was repeated at a later date (date not given) and was reported in the May 2007 'secondary survey' report. At this time, only four of the holes were noted as being active.

No classification was given to the sett (*i.e.* main sett, subsidiary sett, annexe sett or outlier sett). It is implied that the sett is a main sett and the recommendations section of the same Secondary Surveys report states that a new sett is required which should be situated as close as possible to the existing sett in order to '*minimise the risk of the animals straying into the territory of a neighbouring clan of badgers*'. In the same paragraph it is stated that the area to the south and west of the sett (the mitigation area) is '*best suited to this as the land lies within the clan's current territory*'. However, no territorial mapping survey of the badger clan in the area is mentioned within any EDC reports, and no plans were provided showing the neighbouring clan or the neighbouring clan's territory.

The seasonal review survey from 2009 noted one new hole at the sett and additional snuffle holes (feeding signs) and tracks in an area to the east of the application site. During the 2010 survey an '*abandoned*' outlier sett was also noted within the application site.

### 3.2. Proposed Mitigation

Proposed mitigation was supplied in the form of a plan by EDC shown below (Figures 1 & 2). The plan shows a large mitigation area (approx 2.5 ha) consisting of planted scrub, two new ponds, and re-profiled/re-seeded grassland with a new artificial sett situated just to the north of the ponds indicated on the plan by an orange circle. The proposed new grassland would provide suitable foraging habitat for badgers, the scrub and tree planting would also provide cover and foraging habitat suitable for this species. A badger-proof fence is shown at the northern end of the mitigation area to prevent badgers entering the development area.

### 3.3. Excerpts from the Report to Planning and Development Control Committee (Appendix A)

#### 2.4.1. Relevant sections for badger:

*'Northop Community Council object on the grounds that they doubt whether re-location of badgers would be successful.*

*CCW raise no objection subject to the imposition of planning conditions/obligations in respect of safeguarding the nature conservation interest of the site.*

*There is a badger sett within the scrub on mine spoil within the application site. The size of the sett was confirmed by the Clwyd Badger Group in July 2011 as 4 holes, 3 active and 1 part used plus two new holes on north side of the spoil possibly dug by yearlings.*

*The best option for the badgers would be to leave them in situ and develop the land around them, although this would isolate the population from their foraging areas.*

*Due to the need to locate mine shafts within the area of scrub, the proposal is to create a new sett on land immediately to the south of the application site within 100 m of the existing sett. The aim is to build the sett*

*into a created mound using the existing free draining mining spoil, re-plant some of the existing scrub to create immediate cover and plant the remaining area with native species and fence from public access.*

*Research into the use of artificial setts by badgers concludes success rates can be high (over 90%)<sup>7</sup> depending on proximity to the existing sett and proximity to an existing path or foraging area. Also while they don't need to be overly large or complex they do need to have correct thermal properties and drainage plus 6 months to "bed in". To ensure success the sett needs to be re-located as detailed in the application and undertaken in accordance with the submitted details and licence application.'*

## **2.4.2. Flintshire County Council Head of Planning Comments (Appendix B)**

*'Members were also concerned about the effect of the proposed development on the badgers which inhabit part of the site. The report to the March committee explains that the proposal involves creating a new sett on land immediately to the south of the proposed dwellings, within 100 m of the existing sett and fence from public access.*

*Subject to this mitigation both the Countryside Council for Wales and Flintshire's ecologist are satisfied that there will be no ecologically detrimental aspect of the proposals, subject to the conditions recommended and a legal obligation. On this basis it is strongly recommended that this reason cannot be substantiated and that it is not included on the decision.'*

## **5. Conclusion**

The status of the badger sett appears to be constant with 4 – 5 holes active on most survey occasions. The suggested presence of yearlings also suggests that this is a main sett, and the mitigation measures recommended and outlined in the plans provided by EDC appears to be suitable and proportionate. Retaining the sett within the development area would be impractical as the badgers would be cut off from foraging habitat.

Doubts, however, remain over the location of the proposed artificial sett. The artificial sett would be situated within 100 m of the existing sett and it is likely to be within the clan's existing territory. However, none of the survey work detailed in the ecological reports confirms this. The ecological reports also mention neighbouring clans and territories but no evidence is provided to show where these neighbouring territories are or where the nearest setts are. A territorial analysis survey would have shown the location of territory boundaries and allowed for the appropriate siting of the artificial sett. There is no mention of any such surveys being undertaken in the ecology reports submitted.

If the artificial sett were to be based within another badger clan's territory the likelihood of the sett being successfully colonised would drop and the committee's reason for rejecting the application could be proved correct. This could be addressed by further justification of the mitigation location through territorial mapping of the local badger clans.

Appropriate badger surveys are required to confirm the location and design of the proposed mitigation measures and that a badger licence would be required to conform with due legal process. These are matters that may be appropriate for a planning condition. If appropriate survey and mitigation is put into place and the Countryside Council for Wales and Flintshire's ecologist are satisfied that there will be no ecologically detrimental aspect of the proposals then there should be no cause for them to object to the proposals.

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<sup>7</sup> No reference was provided for this statistic

## **6. Summary for Great Crested Newts and Badgers**

Further survey for great crested newts and territorial analysis survey for badgers is required in order to inform licence applications and to determine whether the mitigation recommended is appropriate and adjust it where necessary in order to render it appropriate. Licences will be required in order to clear the application site of great crested newts and to close the badger sett and these licence applications will need to be backed by detailed survey information.

These requirements for further survey and licence applications that will detail appropriate mitigation are matters that may be appropriate for planning conditions.

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# Flintshire County Council

## Village Road, Northop Hall

Highways & Transportation Review  
06 July 2012

# Flintshire County Council

## Village Road, Northop Hall

### Highways & Transportation Review

06 July 2012

#### Notice

This geotechnical report is intended for advice in respect of a planning application, this advice is based on a review of documents provided in conjunction with application No: 048855 lodged with Flintshire County Council.

This report is prepared by Atkins Limited for the sole and exclusive use of the **Flintshire County Council** in response to their particular instructions. No liability is accepted for any costs claims or losses arising from the use of this report or any part thereof for any purpose other than that for which it was specifically prepared or by any party other than the **Flintshire County Council**. This report has been prepared by a highways and transport specialist and does not purport to provide legal advice. You may wish to take separate legal advice.

#### Document History

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# 1. Introduction & Background

Atkins Limited (Atkins) were requested to provide geotechnical advice regarding the decision taken at a Planning and Development Control Committee meeting on 14<sup>th</sup> March 2012 to refuse planning application No: 048855 for four reasons, in summary:

- The ecological impact of the development on great crested newts and badgers
- Highway Safety issues to do with the capacity/design of the existing network (Village Road)
- Density of the development too high
- Lack of a geological survey

The officer recommendation was one of approval, largely on the basis that the application site is allocated for residential development in the newly adopted Unitary Development Plan (UDP) and the fact that issues surrounding the four reasons set out above had been addressed by the applicant and are covered in the report to committee (Appendix A: Report of Planning and Development Committee 14<sup>th</sup> March 2012).

A report by the Flintshire County Council Head of Planning to the planning committee seeking further consideration was submitted and considered in a meeting of the planning & development control committee on the 23<sup>rd</sup> May 2012; the purpose of this report was to seek guidance regarding the reasons for refusal to be attached to the decision.

An appeal against the non-determination of the application was submitted by the applicant at the same time (23<sup>rd</sup> May 2012). This appeal is to be considered at an inquiry (date to be determined).

This report draws on geotechnical advice reported by REFA Consulting Engineers who conducted a full ground investigation report.

## 1.1. Background

A full planning application (Council Ref: 048855) for residential development on land between and behind Maison De Reves and Cae Eithin, Village Road, Northop Hall, Mold, Flintshire was submitted to the Council on 18 July 2011. The application was validated on 20 July 2011. The Applicant is seeking planning permission for a residential development consisting of 51no. dwellings, new road and creation of mitigation land in relation to ecology.

The application was accompanied by various documents including, a Design & Access Statement and Car Park Survey. The application was not supported by a Transport Assessment.

The Application was presented to the Flintshire County Council Planning & Development Control Committee on 14 March 2012 with a recommendation for approval subject to the completion of a Section 106 legal agreement and conditions.

The Head of Assets and Transportation offered *“No objection subject to conditions and a S106 agreement for replacement traffic calming features to manage traffic speeds along the site frontage. This will become part of a wider traffic calming scheme for the village.”*

Local highway-related concerns in connection with this site are well documented both in terms of representation to the Unitary Development Plan process and to this application. For example, the following local highway-related concerns were raised in connection with this application:

- the links between housing and employment in the village are relatively poor resulting in high levels of car commuting;
- increase in traffic where roads are already used as a rat run;
- local roads are not sufficiently wide to accommodate more vehicles and parked cars make it difficult to emerge from side roads;
- the site entrance would be better from the south (old A55);
- increased use of poor pavements, where they exist; and
- it is already dangerous to walk through the village with a pushchair.



Indeed, such concerns formed part of deliberations taking account of by the Inspector at the UDP Inquiry as set out in the Inspector's Report:

*11.82.5 Most of the objectors are concerned about the highway implications of the allocation/PC330. However, evidence from the Council's highways officer indicates that a safe access, in accord with the national standards set out in TAN18, can be achieved and that, despite the road configuration, the capacity is available to deal with the anticipated number of trips generated by the proposed allocations. Through the village I am told that further traffic calming can be undertaken and it seems to me that this would improve road safety. The road network to the east and west of the village has or will be improved. Therefore whilst I can appreciate objectors' concerns the evidence does not indicate that highway matters would preclude the allocation/proposed change. This conclusion is based on a combination of written, heard and visual evidence. It takes full account of pavement/road widths, traffic flows through the village and the like.*

It is worth noting that the evidence presented by the Council's highways officer to the UPD inquiry was not set out in the Committee Report or in any of the material supporting the planning application.

At the Committee meeting debate focused, in part, upon the issue of the likely highway impacts arising from the additional traffic generated from the proposed development in view of the limited width in places, alignment and lack of footways along Village Road. Members were concerned that Village Road is currently used as a rat run and the proposed development would add more traffic, making the situation worse.

The resolution at the 14 March 2012 Planning & Development Control Committee was to refuse this application for the following reasons:

1. Ecological impact of development (newts and badgers).
2. Highway safety issues (capacity/ design of existing network).
3. Density of development too high.
4. Lack of geological survey.

## 2. Existing Situation

### 2.1 Location

The application site is located on land between the B5125 Village Road and Chester Road (the old A55) at Northop Hall, as shown in Figure 2.1. Northop Hall is a large village near Mold, in Flintshire, Wales. Located to the east of Northop, and west of Ewloe, near the A55 North Wales Expressway, the village is largely residential in character. Situated approximately 5 miles from Mold and 10 miles from Chester, the village has good road links to North Wales and North West of England.

Figure 2.1: Location Plan



To the west of the application site is a dwelling called Maison de Reves and dwellings on St Mary's Drive; to the north are dwellings on the opposite side of Village Road; to the east is Cae Eithin beyond which are more dwellings facing Village Road and to the south are fields leading down to Chester Road (old A55) between Brookside, the A55 junction and the B5125 Stamford Way. Bordering the southern part of the eastern boundary are fields/ paddocks. The site slopes down from north to south, towards the A55. Northop Hall primary school is located on Llys Ben which just east of the application site.

### 2.2 Existing Highway Network

In the vicinity of the application site access, the B5125 Village Road is a lit (telegraph pole mounted lighting) single two-lane carriageway road subject to a 30 mph speed limit which is substandard in terms of width and alignment in places. For example in the immediate vicinity of proposed site access the road varies between 6 and 7 metres, whereas it narrows to 4.3 metres a short distance east of the Llys Ben and to 4.2 metres at the Black Lion public house. Traffic calming features are in place on Village Road to control vehicle speeds, and for

pedestrian safety. Although there are footways on both sides of the road, these can be quite narrow in places (typically between 1m and 1.3m on south side of Village Road in the vicinity of site access and when boundary hedges are not maintained has the effect of reducing the usable space still further), and non-existent footway in other places (e.g. at the Black Lion public house).

Whilst many (but not all) of the residential properties on Village Road close to the site access, have off-street parking facilities, there are no traffic regulation orders in place to limit on-street parking, which has the effect of reducing the effective width of the road still further. On-street parking (and kerb mounted parking) is a regular feature on this section of Village Road, including directly opposite the proposed site access as shown in Figure 2.2.

**Figure 2.2: Example of Existing On-street Parking on Village Road**



Further to a Planning Update meeting with Council Officers on 12 July 2011, the applicant was requested to provide details on the existing car parking arrangements for residents directly opposite the proposed new junction. Two weekday car park surveys (between 8am to 9am and 5pm to 6pm) were carried out on Thursday 14th and Friday 15th July 2011, the results of which are detailed in the Car Park Survey report prepared by Anwyl Construction Company Limited, which concludes:

*“The results of the car park survey have confirmed that the properties along Village Road within the car park survey area generally have good off-street parking facilities which are well used and in turn allows for minimum on-street parking. With this in mind we consider the on-street parking noted during the survey works would not affect the safe and satisfactory operation of the proposed junction.*

*The new development proposals provide adequate parking facilities within the development and consequently this should not increase the on-street parking along Village Road”*

No evidence is presented with regards to the level of on-street parking at other times of the day (early morning, evening/ overnight), and at weekends when parking demand is likely to be higher, from residents and visitors alike. This is considered to be a significant deficiency in the evidence base with potential associated road safety concerns.

## 2.3 Existing Road Safety

No evidence is presented in the material supporting the planning application in relation to the existing accident record in the local area.

Accident data for the last 5 years has been provided by the Council, which includes three slight accidents on Village Road (see Figure 2.3), namely

- Village Road at Llys Ben – vehicle door mirror clipped the elbow of a pedestrian;
- Village Road (between Llys Ben and Black Lion public house) – rear end shunt as a result of following vehicle not seeing vehicle in front breaking to allow oncoming vehicle to pass; and
- Village Road at Black Lion public house – vehicle clipping the hand of a pedestrian.

**Figure 2.3: Local Accident Record**



All three accidents are a concern and reflect the substandard width of both road and footway (and indeed absence of footway) over this section of Village Road.

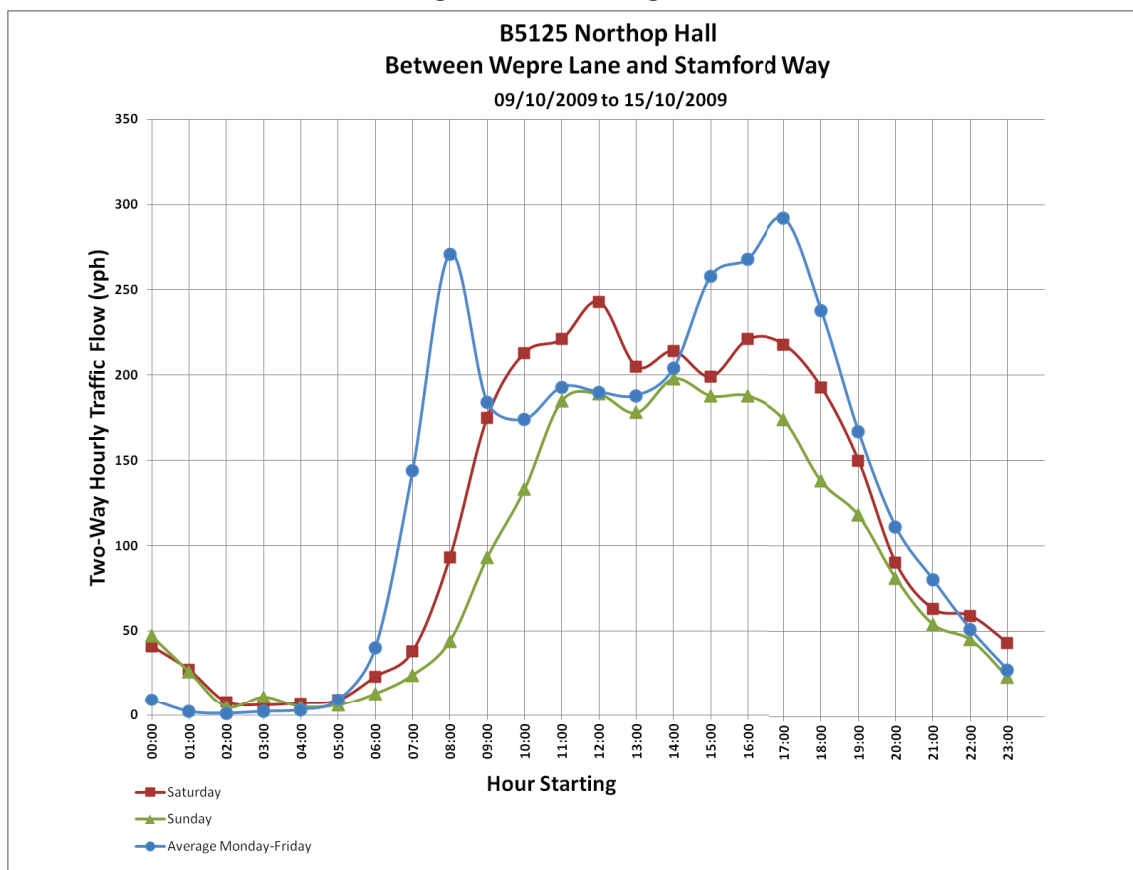
It is noted from evidence presented to the UDP Inquiry that the B5126/ Smithy Lane junction was designated by the Council as an “accident cluster site”. Notwithstanding that the impact of this application development traffic at this junction would be negligible, a junction improvement scheme has since been implemented to address this matter.

## 2.4 Existing Traffic Flows

No evidence is presented in the material supporting the planning application in relation to the existing traffic flows on the B5125 Village Road through Northop Hall.

The Council has provided some automatic traffic count (ATC) data collected on the B5125 between Wepre Lane and Stamford Way for a one week period 9th October to 15th October 2009. This data is presented in Figure 2.4.

**Figure 2.4: Existing Traffic Data**



The traffic data shows an evening peak (5pm to 6pm) two-way traffic flow of around 300 vehicles per hour (vph) on B5125, which is equivalent to 5 vehicles a minutes.

A further manual classified count (MCC) on Village Road was carried out by Andy Haxby Traffic Survey Consultancy Ltd on Friday 27th November 2009 on behalf of the Applicant. The traffic survey recorded traffic volumes by direction for the morning and evening peak periods which reproduced in Table 3.1 below.

**Table 3.1: Traffic Volumes on Village Road**

Time Period	Westbound					Eastbound				
	Car	LGV	HGV	PSV	Total	Car	LGV	HGV	PSV	Total
<b>0800-0900</b>	150	12	1	2	165	104	8	2	3	117
<b>1545-1645</b>	119	13	3	2	137	126	17	1	3	147

The traffic flows recorded on Village Road comparable favourably with those on the B5125 between Wepre Lane and Stamford Way.

There are suggestions from local residents that the B5215 Village Road is used by drivers as a ‘rat run’, including the use of Wepre Lane as an access route through to Connah’s Quay. This would not appear to be borne out by the traffic flow data and I would consider it more likely for traffic to/ from the A55 to use the old the A55 (Chester Road)/ Stamford Way in preference to Brookside/ Village Road, by virtue of the old A55 being derestricted.

## 2.5 Existing Traffic Speeds

No evidence is presented in the material supporting the planning application in relation to the existing traffic speeds on the B5215 Village Road through Northop Hall.

Traffic speed surveys on Village Road were however, carried out by Andy Haxby Traffic Survey Consultancy Ltd on Friday 27th November 2009 on behalf of the Applicant. A summary of the survey is reproduced in Table 3.2 below.

**Table 3.2: Traffic Speeds on Village Road**

	<b>Westbound</b>	<b>Eastbound</b>
Speed Limit	30 (48)	30 (48)
Maximum Speed	45 (72)	38 (61)
Minimum Speed	19 (31)	18 (29)
Average Speed	30 (48)	28 (45)
85 <sup>th</sup> Percentile Speed	34 (55)	31 (50)
<b>Adjusted 85<sup>th</sup> Percentile Wet Weather Speed<sup>1</sup></b>	31.5 (51)	28.5 (46)

Speeds mph (kph)

- 1.1.1 The recorded traffic speeds show that the traffic calming features do provide some assistance in managing the prevailing 30mph speed limit.

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<sup>1</sup> TA 22/81 “Vehicle Speed Measurement on All Purpose Roads” advises that adjusted wet weather speeds can be derived through application of a 2.5 mph (4 kph) reduction from observed dry-weather speeds for an all-purpose single carriageway route.

## 3. Development Proposals

### 3.1 Proposals

The application site measures 5.56 hectares and is undeveloped, green field land fronting onto Village Road, to which there is an existing vehicular field access. The proposal includes the following:

- 51 dwellings comprising a mix of detached, semi and semi/mews dwellings and total provision for 155 car park spaces;
- new priority control access to Village Road with 2.4m x 43m visibility splays;
- a new 2 metre wide footpath across the site frontage; and
- new access roads through the development comprises 5.5 metre wide highways with a footway along each side.

### 3.2 Traffic Calming Scheme

Through consultation with Council Highway officers the development was deemed to be acceptable subject to conditions and a S106 agreement for replacement traffic calming features to manage traffic speeds along the site frontage.

Policy AC14 in the adopted UDP sets out its requirement for Traffic Calming:

*In all new developments where there is potential concern for the road safety of pedestrians, cyclists and vehicular traffic either within the development or on surrounding streets, the County Council will require appropriate traffic calming measures to be implemented.*

It is proposed that the traffic calming scheme will replace the existing calming features and is designed to manage traffic speeds along the development site frontage. It will then become part of a wider traffic calming scheme for the village.

The proposed traffic calming scheme, to be part of the S106 agreement, comprises:

- a 65mm high, 3.4m long x 1.7m wide speed cushion on Village Road in front of the Black Lion public house to the east of the site. This will stipulate vehicle alignment whilst aiding pedestrian safety with the creation of a 0.5m 'Exclusion Zone' on either side of existing carriageway;
- a traffic calming feature on the highway immediately east of the new access;
- 'Give Way' lines and associated build-out to facilitate vehicle movements whilst entering and departing from properties 'Amon' and 'Lynwood', east of the site; and
- 'Road Narrows' Warning Signs erected at suitable locations.

It is considered that the introduction of traffic calming scheme of this nature would provide a more formal controlled arrangement of traffic movements through the existing narrower sections of highway which in conjunction a new 2 metre wide footpath across the site frontage would result in a level of betterment to the existing highway network. Indeed such measures would further reduce the "attractiveness" of Village Road as a potential rat-run between the A55 and Connah's Quay.

The report by the Head of Planning to the Planning & Development Control Committee of 14 March 2012 refers to a S106 agreement payment of £10,500.00 towards the cost of implementation of offsite highway improvement works comprising a Traffic Calming Scheme.

No details are provided of the total cost of the Traffic Calming Scheme and whether the Council has funds secured to deliver the Scheme. Clarification from the Council is sought on this matter.

### 3.3 Proposed Site Access Junction

The original assessment of the site in 2002 conclude that the highway frontage was of inadequate length to be able to achieve the standard of visibility recommended by the then requirements of Planning Policy Wales Technical Advice Note 18: Transport (TAN 18) i.e. 4.5m x 90m in both directions to the nearside edge of the

carriageway. It was also concluded that as the site had more than ample depth it may be possible to accommodate the installation of a three-arm mini-roundabout off-set into the site to overcome the lack of visibility.

TAN 18 was revised in March 2007, including advice relating to visibility splays at priority junctions which enable drivers and other road users to see one another at points of conflict, and comprising two right-angled triangles of X and Y dimensions, where:

- **X-distance** is the distance back along the minor arm of a junction. It is generally measured from the give way line (or the point where the line would be placed if no line markings are actually provided). The X-distance is normally measured at the centreline of the minor arm; and
- **Y-distance** represents the distance that a driver who is about to exit from the minor arm can see to the left and right along the main alignment. For simplicity it is measured along the nearside kerb line of the main arm, although vehicles will normally be travelling a distance from the kerb line of the main arm.

Current advice is that a minimum X-distance of 2.4 metres should normally be used in most situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye.

Requirements for Y-distance should be based on stopping sight distance (SSD) criteria. SSD is defined as the minimum distance that drivers need to be able to see ahead of themselves, in order to stop if confronted by a hazard. SSD is usually related to the actual (for existing streets) or design (for new streets) 85th percentile wet weather speed of vehicles on the major link (which in this case would be Village Road). Recommended SSD are included in Tables A and B in TAN18 Annex B. Table B is designed for roads in built up areas where actual or design speeds are 60km/h or below (not applicable to trunk roads). Figures in Table B may be interpolated from this table or calculated as in Manual for Streets.

A 2.4m x 43m visibility splays would equate to an 85th percentile wet weather speed of 50 kph (31 mph), which is in line with the traffic speed survey carried out on Friday 27th November 2009 and given the proposals for additional traffic calming measures on Village Road is considered appropriate.

That said, we feel further consideration perhaps could have been given to a mini-roundabout solution as this would in itself have a traffic calming effect, with through traffic on Village Road having to slow to give way to traffic wishing to access/ egress the application site. It is noted that some local residents made reference to the proposed mini-roundabout access arrangement as being "stupid" or "madness" as part of their objections at the UDP Inquiry.

### 3.4 Potential Alternative Access Arrangement

Direct access from south to the old A55 (Chester Road), which is a derestricted single two lane carriageway road, would in principle appear to offer from a purely transportation perspective an attractive potential alternative road access arrangement (with pedestrian/ cycle and emergency access only from Village Road). Such an access option would allay any road safety related concerns associated with Village Road and from site observations Chester Road would seem to be lightly trafficked.

It would be helpful if further details are required to explain the justification for ruling out this access option bearing in mind that costs alone would not necessarily be a valid planning reason for dismissing such alternatives. It is recognised that the fields comprising the southern part of the application site is not allocated for housing and that ground falls quite significantly from north to south towards the old A55. It would be useful to understand whether allocation of the southern part of the application site for housing was considered as part of the UDP process.



## 4. Transport Assessment

The application was accompanied by various documents including, a Design & Access Statement and Car Park Survey. The application was not supported by a Transport Assessment.

### 4.1 UDP Requirements

Policy AC13 in the adopted UDP sets out its requirement for Access and Traffic Impact:

*Development proposals will be permitted only if:*

- a. approach roads to the site are of an adequate standard to accommodate the traffic likely to be generated by the development without compromising public safety, health and amenity; and*
- b. safe vehicular access can be provided by the developer both to and from the main highway network.*

*Where considered necessary, the Council will require a transport assessment, incorporating a traffic impact assessment.*

*10.55 In order to ensure that new development does not create increased risk of injury, ill health or nuisance it will be essential that the likely implications of additional traffic generation are fully assessed. Not only must safe access directly to and from the site be capable of being provided by the developer, but care must be taken to ensure that additional vehicular journeys to and from the site do not create congestion or unacceptable disturbance further afield. Consideration will be given to traffic speeds, the adequacy of visibility splays, proximity to junctions, parking controls and other relevant factors.*

*10.56 Where it is considered that a proposal would necessitate the construction of new road capacity the developer will be expected to provide the additional infrastructure needed. With larger developments the submission of a transport assessment may be required with a proposal. This would need to assess the impact of traffic generated by the development and the adequacy of any mitigation measures put forward as part of the proposal.*

### 4.2 TAN18 Guidance

While TAN18 provides in Annex D “suggested thresholds above which a Transport Assessment should be required except where planning authorities set out in SPG2 different ‘scale of development’ triggers that are locally sensitive, or where they highlight particular locations in the plan area where the transport network is particularly sensitive and consequently thresholds for requirement assessments will be lower.”

The threshold set out in TAN18 Annex D for housing is more than 100 dwellings.

### 4.3 This Application

Whilst this application for 51 dwellings is some way below the TAN18 threshold of 100 dwellings, it is important to remember that the application site forms part of a larger allocated site for housing with an indicative yield of 93 units. Whilst it is recognised that this application is for part rather than the whole of the site allocated in the UDP, no consideration has been given to the cumulative impact of development. It is noted that planning application ref. 048373 (withdrawn July 2011) assumed that 72 dwellings would all be taken from the currently proposed junction access and was not supported by a Transport Assessment (or for that matter a car park survey).

Under these circumstances, and given the well documented concerns of local residents, it would seem entirely reasonable for a Transport Assessment to have been undertaken to:

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<sup>2</sup> SPG Supplementary Planning Guidance

- understand the transport impacts of the development;
- clearly communicate the impacts to assist the decision making process;
- demonstrate the development is sited in a location that will produce a desired and predicted output (for example in terms of target modal split);
- mitigate negative transport impacts through the design process and secured through planning conditions or obligations;
- maximise the accessibility of the development by non-car modes; and
- contribute to relevant development plan and Regional Transport Plan objectives relating to accessibility of services and modal share.

Although no transport assessment was submitted to support this planning application, the Applicant's transport consultants Axis did engage in consultation with the Council in connection with UDP site allocation, notably in a letter to the Council dated 7th December 2009. A response from the Council was provided on 7th January 2010. A copy of the correspondence is provided in Appendix A.

## 4.4 Traffic Generation

No evidence is presented in the material supporting the planning application of the likely traffic generation associated with the development proposals. It is clear that with over three car spaces per dwelling the proposals will be a predominantly car-based development for work, leisure and shopping.

In a letter to the Council dated 7th December 2009, Axis (transport consultants acting on behalf of the Applicant) estimate<sup>3</sup> that 90 dwellings would generate 656 vehicles per day (two-way).

On the basis of traffic surveys carried out by the Council on the B5125 between Wepre Lane and Stamford Way for a one week period 9th October to 15th October 2009, the average daily traffic is currently around 2900 vehicles (two-way). An increase of 656 vehicles per day (two-way) represents a significant 22.5% increase in traffic volumes.

## 4.5 Traffic Impact

No evidence is presented in the material supporting the planning application of the likely traffic impact associated with the development proposals.

However, junction analysis<sup>4</sup> carried out by Axis in relating the UDP site allocation development of 90 dwellings shows that proposed priority control junction access arrangement would have sufficient capacity to accommodate development traffic.

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<sup>3</sup> Using data from the industry standard TRICS database (2009b)

<sup>4</sup> Carried out using the TRL software package PICADY (for assessing priority control junctions)

## 5. Conclusion

Local highway-related concerns in connection with the application site are well documented both in terms of representation to the Unitary Development Plan process and to this application.

It is surprising therefore that neither this application nor previous application for the site sought to allay these local concerns through a Transport Assessment. A transport assessment would have set out in clear terms the extent of any existing problems on the local highway network (such as road safety, traffic speed, rat running and congestion), the impact of the development proposals, the cumulative impact of the whole allocated site and how the access and mitigation proposals put forward address these issues.

That said, the Applicant's transport consultants Axis did engage in consultation with the Council in connection with UDP site allocation, it would have been helpful if the details of this consultation had been provided as background supporting material to this application, and at least referred to in the Officer's Committee Report.

Based on our review of all available data and on-site observations it would be helpful if further details are provided on the following aspects:

- more comprehensive on-street car parking surveys during times most likely to generate peak parking demand from residents and visitors alike;
- the potential traffic calming benefits of mini-roundabout access arrangement; and
- confirmation that the proposed traffic calming scheme for the village has committed funds and will be implemented prior to first occupation.

Notwithstanding, it is our professional judgement that this development accompanied by appropriate highway access arrangements and mitigation is not likely to result in a detrimental impact to the safe and efficient operation of the local highway network.

Indeed the introduction of the proposed traffic calming scheme would provide a more formal controlled arrangement of traffic movements through the existing narrower sections of highway which in conjunction a new 2 metre wide footpath across the site frontage would result in a level of betterment to the existing highway network. Furthermore, such measures would further reduce the "attractiveness" of Village Road as a potential rat-run between the A55 and Connah's Quay.

Contrary to our professional judgement should a refusal on highways ground be pursued we would suggest that the reason should be worded accordingly:

Reason: The proposed development will lead to additional traffic being generated onto the existing road, Village Road, which is substandard in terms of width and alignment in places, to the detriment of highway safety, pedestrians and local residents, and is therefore contrary to Policy Gen 1 (f) of the UDP.

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# Flintshire County Council

## Village Road, Northop Hall

Planning Review  
28 June 2012



# Flintshire County Council

## Village Road, Northop Hall

### Planning Review

28 June 2012

#### Notice

This planning report is intended for advice in respect of a planning application, this advice is based on a review of documents provided in conjunction with application No: 048855 lodged with Flintshire County Council.

This report is prepared by Atkins Limited for the sole and exclusive use of the **Flintshire County Council** in response to their particular instructions. No liability is accepted for any costs claims or losses arising from the use of this report or any part thereof for any purpose other than that for which it was specifically prepared or by any party other than the **Flintshire County Council**. This report has been prepared by a planning specialist and does not purport to provide legal advice. You may wish to take separate legal advice.

#### Document History

Job number: 5113923.104			Document ref: P:\GBWAI\HandT\TSOL\CP\PROJECTS\5113923 - Northophall planning appeal- ARDK3959\05_Project_Documents\04_Consultation\FINAL\Northop Hall Planning Review v1.docx			
Revision	Purpose Description	Originated	Checked	Reviewed	Authorised	Date
1.0	Issue for Review	H.Trubshaw	R.Bromley-Gore	R.Bromley-Gore	K.Bennett-Ard	28 <sup>th</sup> June 2012

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# 1. Introduction & Background

Atkins Limited (Atkins) were requested to provide geotechnical advice regarding the decision taken at a Planning and Development Control Committee meeting on 14<sup>th</sup> March 2012 to refuse planning application No: 048855 for four reasons, in summary:

- The ecological impact of the development on great crested newts and badgers
- Highway Safety issues to do with the capacity/design of the existing network (Village Road)
- Density of the development too high
- Lack of a geological survey

The officer recommendation was one of approval, largely on the basis that the application site is allocated for residential development in the newly adopted Unitary Development Plan (UDP) and the fact that issues surrounding the four reasons set out above had been addressed by the applicant and are covered in the report to committee (Appendix A: Report of Planning and Development Committee 14<sup>th</sup> March 2012).

A report by the Flintshire County Council Head of Planning to the planning committee seeking further consideration was submitted and considered in a meeting of the planning & development control committee on the 23<sup>rd</sup> May 2012; the purpose of this report was to seek guidance regarding the reasons for refusal to be attached to the decision.

An appeal against the non-determination of the application was submitted by the applicant at the same time (23<sup>rd</sup> May 2012). This appeal is to be considered at an inquiry (date to be determined).

This report draws on the following documents provided from the planning application;

- National Planning Policy Wales (2011);
- Flintshire County Council Unitary Development Plan (2011);
- Flintshire County Council Unitary Development Plan Inspector's Report (2009)
- Flintshire County Council Unitary Development Plan Proposed Modifications (2009);
- Flintshire County Council Report to Planning and Development Control Committee (14th March 2012);
- Flintshire County Council Planning and Development Control Committee Minutes (14th March 2012);
- Flintshire County Council Report to Planning and Development Control Committee (23rd May 2012);
- Planning Application Reference 048855 Design and Access Statement;
- Planning Application Reference 048855 Principle of Development; and
- Planning Application Reference 048855 Planning Layout (Revised H270212).



## 2. Development Proposals

### 2.1. Surveys Undertaken and Methodologies Used

The full planning application comprised a mix of 51 dwellings on 5.56 hectares of land at an average density of 22 dwellings per hectare, a new access road and ecological mitigation on land south of Village Road. Approximately 50% of the application site (2.3 ha) lies within the settlement boundary and is allocated for residential development by virtue of Policy HSG1 'New Housing Development Proposals' in the adopted Flintshire County Council Unitary Development Plan (2011). The remaining part of the application site (3.26ha) lies outside of the settlement boundary and is not allocated for development. It is proposed that this unallocated area would form a nature conservation area in lieu of lost habitat.

An area of land adjacent to the eastern boundary of the application site also lies within the settlement boundary and is allocated for residential development in the adopted UDP. Together, these parcels of land form New Housing Development Proposal Number 35 'Northop Hall' in the UDP, which comprises 3.1 hectares of land which is identified as accommodating 93 dwellings.

### 2.2. Planning Policy Context

Section 70(2) of the 1990 Town and Country Planning Act, and S.38 (6) of the Planning Compulsory Purchase Act 2004 require that a planning application is determined in accordance with the Development Plan unless material considerations indicate otherwise. As such, examination of the prevailing policy regime underpins this review and includes the Flintshire County Council Unitary Development Plan (2011).

Other Material Considerations that are considered to be relevant to Planning Application 048855 and the Reason for Refusal (Density of Development is too High) include:

- Planning Policy Wales; and
- Environmental Effects of the Development.

#### 2.2.1. Planning Policy Wales (2011) Relevant Sections for Great Crested Newt:

The Planning Policy Wales (PPW) provides guidance for Local Planning Authorities (LPAs) in terms of producing their Development Plan documents. In relation to housing density, paragraph 9.2.12 of the PPW states that policies "will be needed to cover the physical scale and design of new buildings, access, density and off-street parking. It notes that strong pressure for development may give rise to inappropriately high densities if not carefully controlled". However, the paragraph continues that "higher densities should be encouraged on easily accessible sites, where appropriate, but these should be carefully designed to ensure a high quality environment".

Paragraph 9.3.4 of the PPW notes that in determining applications for new housing, LPAs should ensure that proposed developments "do not damage an area's character and amenity". It further states that increases in density help to conserve land resources, and that good design can overcome adverse effects, but where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered. The paragraph also advises that high quality design and landscaping standards are particularly important to enable high density development to fit into existing residential areas.

#### 2.2.2. Flintshire Unitary Development Plan (2011)

The Flintshire County Council Unitary Development Plan (UDP) was adopted on 28th September 2011. The UDP provides a framework for making rational and consistent decisions on planning applications, and to seeks to guide development to appropriate locations.

Prior to its adoption, the UDP was the subject of a Public Inquiry where the Inspector recommended that the wording of the UDP was altered to ensure a minimum of 30 dwellings per hectare be achieved on all

allocated sites. The Inspector also recommended that the allocation of Northop Hall was extended to include Parcel HSG1(50) and PC330, stating that *“the central location of the site along Village Road, means it relates well to the services and facilities in the village. In these circumstances there does not appear to be any overriding reasons why landscape and wildlife considerations should preclude development”*. The Proposed Modifications (September 2009) of the UDP amended the allocation to reflect the recommendations of the Inspector.

Accordingly, Policy HSG8 of the Unitary Development Plan (UDP) refers specifically to the ‘Density of Development’. It states that new housing development will be permitted where the density of the development:

1. Makes the most efficient use of available land;
2. Helps to meet the needs of Flintshire residents for a range of house types;
3. Uses high quality design principles to maximise the density of development without compromising the quality of the living environment provided; and
4. Makes adequate provision for privacy and space about dwellings.

The accompanying commentary to Policy HSG8 states that land allocated for development is regarded as a precious resource and should be used as efficiently as possible. Furthermore, it states that *“higher density developments can help to reduce the amount of land needed to meet future needs. On allocated sites, a general minimum net housing density of 30 dwellings per hectare is required in village categories A, B and C”*. Developers should also aim to achieve 30 dwellings per ha on unallocated sites in category A and B settlements and 25 dwellings per ha on sites in category C. The commentary to the policy acknowledges that individual circumstances will vary according to the site location and the character of the surrounding area.

Part of the application site is allocated as a ‘Category B Settlement’ for the purposes of Policy HGS1 ‘New Housing Development Proposal’ where 93 dwellings are proposed to be provided on 3.1 hectares of land. As stated above, by virtue of Policy HSG8, a general net density of 30 dwellings per hectare is required in Category B Settlements. The commentary relating to Policy HSG8 also acknowledges that higher densities can be achieved without compromising the overall quality of the scheme through good design (Paragraph 11.7.1).

### **2.2.3. Other relevant UDP Policies affecting Density**

Policy D1 of the UDP refers to ‘Design Quality, Location and Layout’. It states that all new development must incorporate good standards of design. The Policy requires that development will only be permitted subject to a number of provisions. Those considered relevant to this review are detailed below:

- It respects the scale of surrounding development, its location, siting and layout making the best use of land, minimising the need to travel and provide a safe and attractive environment;
- It is of the highest net density appropriate to its setting and function; and
- Adequate provision is made for space around buildings, setting of buildings, imaginative parking and landscaping solutions.

The explanatory note to this policy notes that the location, configuration, density and orientation of buildings and associated infrastructure can all have a major influence on the natural as well as the visual and aesthetic quality of the wider environment. It states that development should be sited so as to avoid detrimentally affecting any features of significant nature conservation, historic or architectural value.

It also notes that the density of any development should reflect the need to make best use of land whilst avoiding over-development. Rather than requiring a standard uniform density across the plan area, the aim will be to achieve a variation in relation to the proximity of public transport and services. An example is given of having a higher intensity development concentrated near to high streets and bus stops.

In addition to the above, the Local Planning Authority have concluded that the proposed layout of Application Reference 048855 satisfies Policy STR1 ‘New Development’, GEN 1 ‘General Requirements for Development’, Policy D2 ‘Design’, Policy D3 Landscaping, Policy TWH1 ‘Development Affecting Trees and Woodland’, Policy WB1 ‘Species Protection’ Policy Ac18 ‘Parking Provision and New Development’, Policy

HSG9 'Housing Mix and Type' Policy SR5 'Play Areas and New Housing Development' and Policy EPW2 'Energy Efficiency in New Development'. All of the above policies have the ability to affect the net density of the development and the content of each policy needs to be balanced against the need to meet the requirements of Policy HSG8 'Density'. In this context it is considered that the proposals, therefore, achieve a net density which is appropriate to the location, site's context and makes the most efficient use of land, and that there appears to be no specific site constraints identified by any statutory consultee (Countryside for Wales, Head of Assets and Transportation, Environment Agency, The Coal Authority and The Clwyd-Powys Archaeological Trust) that require the applicant to mitigate further through a reduction in density (Flintshire County Council Report to Planning and Development Control Committee 14th March 2012).

### **2.3. Consideration of proposed Reason for Refusal 3**

As stated above, the density of the development proposals equates to 22 dwellings per hectare. PPW does not set a density target, and whilst the PPW encourages higher densities on easily accessible sites, it notes the constraints to development including residential amenity, the provision of landscaping, open space and car parking. A density target is set out in the adopted UDP in Policy HSG8. The policy requires a density of 30 dwellings per hectare to be delivered on allocated sites in Category B Villages. Applying this Policy to the application site, this would result in a development of 69 dwellings, which is some 18 additional dwellings above that proposed by the Planning Application (Reference 048855).

The applicant has submitted a Design and Access Statement where the layout, scale and appearance of the proposed development. The Planning Layout (Revised Drawing H270212) corresponds to the Design and Access Statement, illustrating front and rear gardens, allocated on-plot parking and a landscaping scheme. It is apparent from the layout that consideration has been given to the surrounding residential development and that the submitted scheme seeks to preserve residential amenity, ensuring there is adequate space between buildings and habitable rooms, especially adjacent to the application site boundaries, whilst also aiming to make the most efficient use of land.

The design of the development proposals have had due regard to Policy D1 'Design Quality Location and Layout' as described above. The proposed development would respect the scale and amenity of the surrounding residential development and make the most efficient use of land, given the need to accommodate parking, landscaping and a mix of house types. On the basis of the information provided and reviewed, it is considered that the net density proposed is appropriate in this location.

The proposed development density of 22 dwellings per hectare falls below the density of development envisaged for the application site in the adopted UDP. However, the Local Planning Authority consider that there is an opportunity to address the shortfall in dwellings through the future development of the remaining allocated land. It is considered that a development of lower density in this location could undermine Policy HSG8 of the adopted UDP, and set a precedent for new development with the area that does not make the most efficient use of land.

## **3. Conclusion**

Having due regard to the proposals within the context of the PPW, and the Flintshire County Council adopted UDP, a reason for refusal based upon the density of the proposed development being too high would have very limited chance of success at being upheld at appeal.

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# Flintshire County Council

## Village Road, Northop Hall

Geotechnical Review  
29 June 2012



# Flintshire County Council

## Village Road, Northop Hall

### Geotechnical Review

26 June 2012

#### Notice

This geotechnical report is intended for advice in respect of a planning application, this advice is based on a review of documents provided in conjunction with application No: 048855 lodged with Flintshire County Council.

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#### Document History

Job number: 5113923.101			Document ref: P:\GBWAI\HandT\TSOL\CP\PROJECTS\5113923 - Northophall planning appeal- ARDK3959\05_Project_Documents\04_Consultation\FINAL\Northop Hall Geotechnical Review v1.docx			
Revision	Purpose Description	Originated	Checked	Reviewed	Authorised	Date
1.0	Issue for Review	J.Brady	J.Brady	J.Brady	K.Bennett-Ard	29 <sup>th</sup> June 2012
Surveyors: N/A						

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# 1. Introduction & Background

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An appeal against the non-determination of the application was submitted by the applicant at the same time (23<sup>rd</sup> May 2012). This appeal is to be considered at an inquiry (date to be determined).

This report draws on geotechnical advice reported by REFA Consulting Engineers who conducted a full ground investigation report.

## Summary of Geotechnical Reports

Title	Issued by	Date
Ground Investigation Report (Ref. 02102)	REFA Consulting Engineers	November 2004
Addendum Ground Investigation Report (Ref. 02102/A)	REFA Consulting Engineers	January 2010



## **2. Ground Investigation Report**

### **2.1. Summary of findings**

Within the planning application documentation, a full ground investigation report has been prepared by REFA Consulting Engineers, reference 02102 dated November 2004.

An addendum to ground investigation report was prepared in January 2010.

## **3. Conclusion**

From review of the documents prepared by REFA Consulting Engineers, the developer has commissioned the level of ground investigation that you would expect for a residential development.

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> JULY 2012**

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

**SUBJECT:** **ERECTION OF NON-FOOD RETAIL UNITS UTILISING EXISTING VEHICULAR ACCESS POINTS, SERVICE YARD, CUSTOMER CAR PARK AND PEDESTRIAN LINK AND REMOVAL OF EXISTING PETROL FILLING STATION CANOPY.**

**APPLICATION NUMBER:** **049292**

**APPLICANT:** **WM MORRISON SUPERMARKETS PLC**

**SITE:** **SALTNEY RETAIL PARK, RIVER LANE, SALTNEY**

**APPLICATION VALID DATE:** **20/12/2011**

**LOCAL MEMBERS:** **R. LLOYD**

**TOWN/COMMUNITY COUNCIL:** **SALTNEY COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT**

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

### **1.00 SUMMARY**

1.01 The proposed development seeks full planning permission for the erection of 5 non food retail units with a gross footprint of 2,650 sq.m. and a further 1,705 sq.m. at mezzanine. The existing car park would be reconfigured and landscaped in addition to other landscape/highway works on/adjacent to the site. The main considerations are the principle of development, impacts on the adjacent residential amenities, visual, ecology and highway impacts.

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

- 2.01 Subject to the completion of a S106 agreement, receipt of an Unilateral Undertaking, or issuing an advance voluntary payment of £20,000 in respect of the provision of public art, conditional permission.

Conditions

1. Time limit on commencement
2. In accordance with approved plans.
3. Materials to be agreed
4. Submission of a landscaping scheme and to include measures for nature spaces to encourage water voles, measures to eradicate Japanese Knotweed and boundary treatments.
5. Implementation of a landscaping scheme.
6. Details of noise insulation measures for any future plant/equipment associated with development.
7. Remove from permitted development rights any mezzanine floors.
8. Drainage conditions.
9. Hours of operation restricted.
10. Parking to be provided and retained prior to store being brought into use.
11. Details of all external lighting and measures to prevent light spillage.
12. Details for the public art work on site.
13. Restriction on piling/foundation works unless otherwise agreed
14. Contamination
15. No land raising
16. Surface water regulation
17. Implementation of flood warning/plan measures outlined in Section 4.2.1 of submitted FCA
18. Details to be submitted for finish treatment of the foot bridge and railings to Bridge Street
19. Fence design following course of Balderton Brook to be submitted for approval.
20. A management scheme to be submitted and agreed for the long term management within the site of the channels/brook of Balderton Brook.
21. Off site highway improvements along Bridge street to be completed prior to development being brought into use and subject to a S. 278 Agreement.
22. Details required for after treatment of redundant fuel tanks on the site.
23. Layout/design of the means of access to be submitted for approval.
24. Proposed access to maintain visibility of 2.4m by 43m during site works and thereafter in perpetuity.
25. Provision of parking to be submitted for approval including details for bin storage/collection and

- thereafter retained.
26. Positive means to prevent run-off of surface water to be submitted and approved.
  27. No development until a construction management plan has been submitted for approval.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

Cllr. Lloyd R Lloyd

Agrees to determination under delegated powers

Town/Community Council

No response at time of writing report

Head of Highways and Transportation

No objections subject to conditions

Public Protection Manager

No adverse comments

National Grid

Notes to be included in any decision for the applicant

Coal Authority

No comments

Network Rail

No objections – notes to applicant

Environment Agency Wales

No objections subject to conditions

Public Rights of Way

No observations

Airbus

No objections

### **4.00 PUBLICITY**

#### **4.01 Press Notice, Site Notice, Neighbour Notification**

The proposal has been advertised by way of site notice and neighbour letters. No letters of representation have been received at the time of writing the report. Prior to the May local elections former Cllr. Armstrong-Braun agreed to determination under delegated powers.

### **5.00 SITE HISTORY**

- 5.01 The site forms part of the former Morrisons foodstore in Saltney (on River Lane) which closed in 2006 following the merger of Safeway and Morrisons and has recently been occupied by Go Outdoors - the existing parking area which served the former Morrisons would serve both Go Outdoors and the proposed development.

## **6.00 PLANNING POLICIES**

### **6.01 Adopted Flintshire Unitary Development Plan**

- Policy STR1 - New development
- Policy STR2 - Transport and Communication
- Policy STR5 - Shopping centres and commercial development
- Policy STR10 - Resources
- Policy GEN1 - General requirements for development
- Policy GEN2 - Development within settlement boundaries
- Policy S6 - Large shopping developments
- Policy D2 - Location and layout
- Policy D3 - Building design
- Policy D4 - Landscaping
- Policy D7 - Public Art
- Policy AC4 - Major traffic generating proposals
- Policy AC12 - Airport safeguarding zone
- Policy AC13 - Access and traffic impact
- Policy AC18 - Parking provision and new development
- Policy EWP16 - Flood risk
- Policy S1 (7) - Commercial allocation
- Policy S6 - Large shopping developments.

## **7.00 PLANNING APPRAISAL**

### **7.01 Proposed Development /Principle of Development**

The proposed development seeks full planning permission for the erection of 5 non food retail units with a gross footprint of 2,650 sq.m. and a further 1,705 sq.m. at mezzanine (46,875 sq.ft.). The existing car park would be reconfigured and landscaped in addition to other landscape/highway works on/adjacent to the site. The site forms part of the former Morrisons food store on River Lane and which has recently been occupied by the national retailer "Go Outdoors". The overall proposed development is further detailed as

- There would be approximately 429 car parking spaces (369 customer spaces and 60 staff). 10% of the customer spaces are to be dedicated for those with disabilities/parents with young children.
- Vehicular access arrangements are as existing i.e. off River Lane and the existing pedestrian access from Bridge Street onto the site by way of a bridge over the Balderton Brook is to be upgraded
- Location of new artwork indicated on gable wall of north elevation/in vicinity (details to be subject to later approval).

- Existing grassed area within car park to become pedestrian link with crossing point provided adjacent to “Go Outdoors”.
- Landscaped areas introduced within car park area, to break up large tarmac areas..
- Introduction of lighting columns adjacent to brook to improve pedestrian safety
- Existing 1.6m high concrete panelled fence adjacent to pedestrian bridge to be replaced with palisade fence to improve pedestrian visibility and omit ‘hidden corners’. Existing footbridge to be improved – timber deck finish is unstable and requires additional support for deck.
- Improvements to highways beneath railway bridge to consist of new coloured tarmac for pedestrians and vehicles, together with new lighting.
- Overall site landscaped including boundary with Balderton Brook
- The buildings would be contemporary in design but reflect and complement features on the new Morrisons store nearby e.g. use of curved canopy feature along the building’s frontage.

7.02 The application site is roughly rectangular in shape, has railway lines to the south, to the west there are existing industrial/commercial premises, to the east by Bridge Street and to the north by River Lane which sides onto the Dee. The total application site is approximately 3.26 hectares in area.

7.03 The application is accompanied by a Design and Access statement, Retail & Planning Statement, Transport Assessment, Ecological Appraisal, Sustainable Energy Statement, Flood Consequences Assessment and a Contamination Report.

7.04 The proposed building will be contemporary in design utilising aluminium framed glazing, brick and cladding. A curved canopy feature on the main elevations would reflect the design of the canopy to the adjacent newly built Morrisons at High Street. The development is to utilise the existing car park and to share it with the newly opened Go Outdoors. The proposed development would provide for landscaping within the site and for the improved management of Balderton Brook which runs through the site on the eastern boundary. The proposed development would also provide for the partial rebuilding of an existing foot bridge within the site which links the site into Bridge Street and for highway improvements along Bridge Street to encourage safe pedestrian movement.

7.05 Within the adopted Flintshire UDP the application site is within the development boundary of Saltney. The store would be located adjacent to the town centre and it is considered would encourage more shoppers to visit the town centre as a shopping destination. In

more general sustainable terms the proposed development consolidates the retail centre of Saltney which would discourage unsustainable car journeys to retail outlets outside the area and the site will be accessible by a choice of transport due to its location near to a main bus route and also for pedestrians due to the surrounding "walk in" catchment area. The proposal is therefore acceptable in principle.

7.06 Design & Appearance

The proposed store is contemporary in design and would utilise a mix of external materials primarily including external cladding, but with an element of brick and other materials. A curved solid canopy facing the main car parking areas will provide both shelter and architectural detail to the design and reflect the canopy design to the newly built Morrisons on High Street.

7.07 As regards design, the proposed store is relatively low in height and has a scale which is sympathetic and complimentary to the overall site and that of surrounding development. The site would benefit from a comprehensive scheme of hard and soft landscaping which integrates the redeveloped site into the wider environment. Significantly the proposed scheme retains and enhances, with planting works, the Balderton Brook which runs through the site and which creates a "green" corridor within the site.

7.08 The proposal will include an element of public art in line with Policy D7 of the UDP. Any public art would be located on the northern boundary of the site either on the building itself or as a stand alone structure. The exact details of the public art has yet to be determined and would be subject to a Section 106 legal agreement to ensure such works are carried out in liaison with the Council and that the developer pays £20,000 towards the commissioning of such work on the site.

7.09 Bearing in mind the fact that the site has been unoccupied up until the arrival of Go Outdoors and in much need of redevelopment, the proposed scheme is considered a welcome improvement to the visual amenities of the area.

7.10 Affect on Residential Amenity

The nearest residential property to the proposed development is located to the eastern boundary on the opposite side of Balderton Brook, otherwise the development is relatively distance from other residential properties. No objections to the proposal have been raised by the Head of Environmental Health. Bearing in mind the historical use of the site and the site's separation distance from this residential property, it is not considered the proposed development would be unduly detrimental to residential amenities subject to control over the hours of use i.e. 7.00 am to 10.00 pm Monday to Friday and 10.00 am to 4.00 pm on Sundays and Bank Holidays - these hours should be controlled via an appropriately worded condition in the interests of



residential amenity. The delivery yards are located to the rear of the site at some distance from residential property. The lighting columns within the site can be controlled via condition to minimise light spillage. Whilst the risk of mechanical cooling/ventilation systems are highly unlikely to cause a nuisance to residential properties due to separation distances it is nonetheless considered appropriate to impose a condition to secure details beforehand in order to reduce the potential for noise/disturbance.

#### Flooding

7.11 The Environment Agency have not objected to the proposed development subject to appropriately worded planning conditions.

#### 7.12 Highways

The Council's Head of Highway has not objected to the proposed development subject to conditions and therefore offers no highway objections. The site will be accessible via a range of sustainable travel modes which should assist in minimising the need for travel using private vehicles i.e., is situated near to a main bus route and is within walking distance of a "built up" area. The car generated trips which the proposal will encourage would include those local drivers who from a sustainability perspective would no longer have to drive to Broughton, Queensferry, Chester and other places for shopping.

7.13 Pedestrian access to the site would be via two principal areas, namely the Bridge Street/Chester Road junction, and along River Lane. The existing foot bridge over Balderton Brook is in poor condition and is to be upgraded – this can be achieved subject to an appropriately worded planning condition. The proposal includes provision for a new wider footway along part of Bridge Street in addition to the marking of the highway to improve pedestrian safety under the railway bridge, and which is considered a significant gain to pedestrian users in the locality and to general connectivity as regards linking the site to the retail centre of Saltney. Overall the proposal is considered acceptable from a highways perspective subject to appropriately worded conditions.

#### 7.14 Ecology

The key ecology feature on the site is the Balderton Brook which represents opportunities for enhancement of wildlife. Voles have been recorded in a tributary upstream with some vegetation currently suitable on the Balderton Brook bank side to attract them. A "green" corridor incorporating Balderton Brook is to be retained and enhanced with appropriate planting of native shrub/tree species which will also favour water voles. A condition should be attached to any grant of permission for landscaping which has a mix of species to encourage local wildlife and to include for the treatment of Japanese Knotweed which is present in the locality.

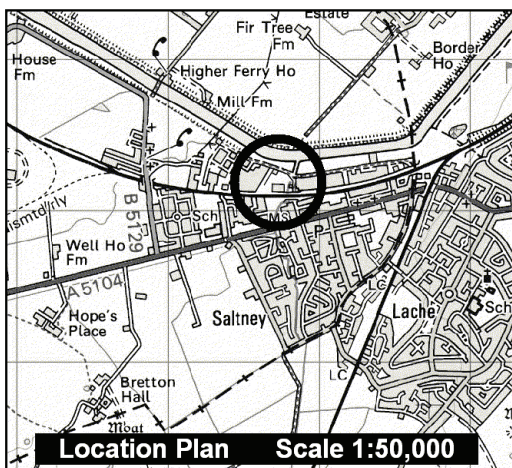
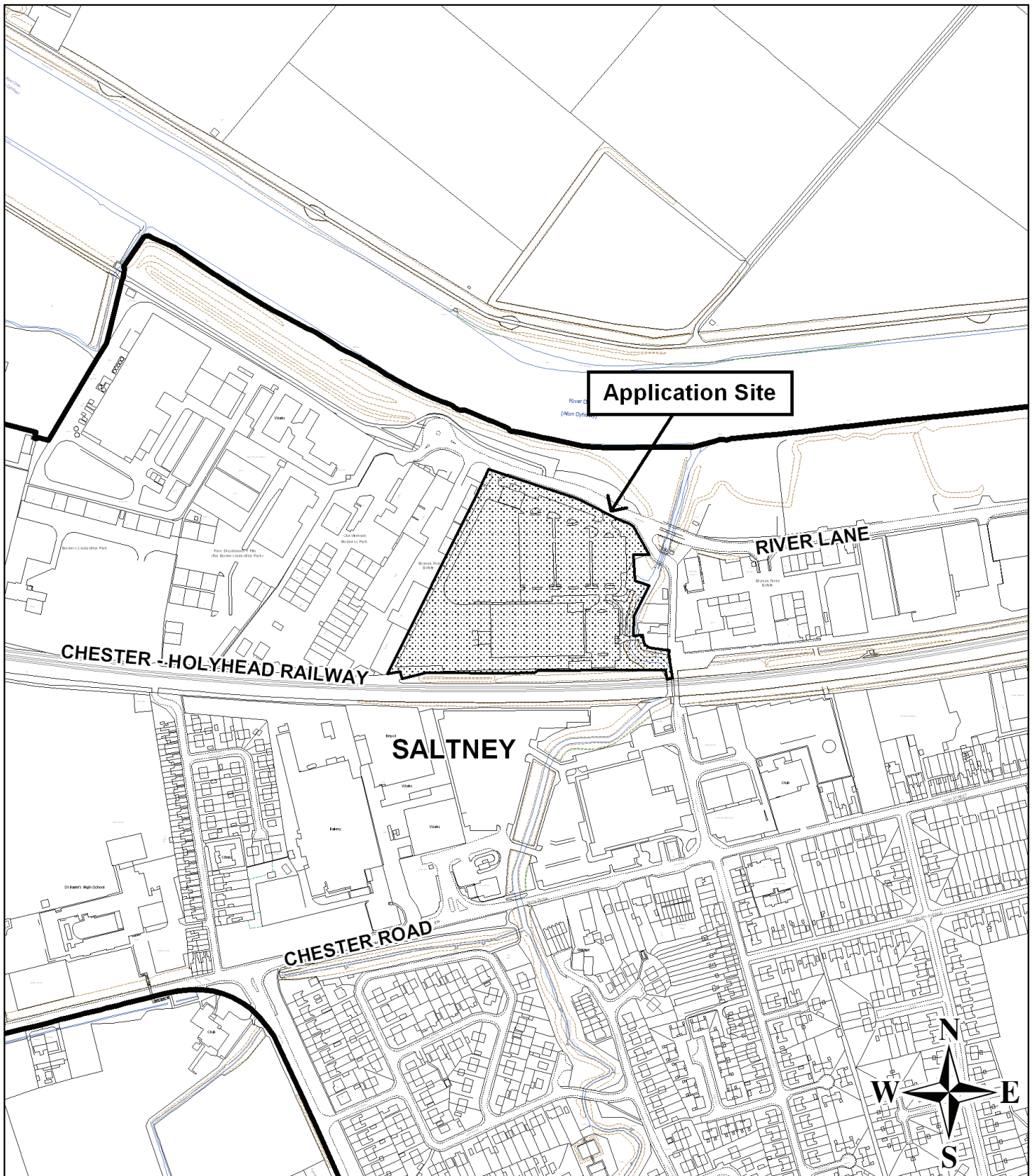
**8.00 CONCLUSION**

- 8.01 The proposal is considered acceptable in principle and detail subject to the legal agreement and conditions referred to at paragraph 2.00 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.

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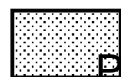


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:5000

OS Map ref SJ 3765

Planning Application 49292

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 25<sup>TH</sup> JULY 2012**

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

**SUBJECT:** **FULL PLANNING APPLICATION FOR THE CONVERSION OF FORMER PUBLIC HOUSE WITH ASSOCIATED LIVING ACCOMMODATION TO FOUR DWELLINGS OF WHICH THREE ARE FOR AFFORDABLE RENTAL HOUSING AT LLYN Y MAWN INN, BRYNFORD CH8 8AD**

**APPLICATION NUMBER:** **049641**

**APPLICANT:** **MR DAVID PIERCE**

**SITE:** **LLYN Y MAWN INN, BRYNFORD CH8 8AD**

**APPLICATION VALID DATE:** **11/ 4/2012**

**LOCAL MEMBERS:** **COUNCILLOR M G WRIGHT**

**TOWN/COMMUNITY COUNCIL:** **BRYNFORD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **RECOMMENDATION FOR APPROVAL SUBJECT TO A S106 AGREEMENT FOR AFFORDABLE HOUSING WHICH DOES NOT FALL WITHIN THE SCHEME OF DELEGATION.**

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

### **1.00 SUMMARY**

1.01 A full application for the conversion of a former public house with associated living accommodation to four dwellings of which three are for affordable rental housing. The matter for consideration is the imposition of a Section 106 Agreement to ensure the three new properties are retained for local people who require affordable rentable housing, and, in lieu of on site play provision a commuted sum of £2199.00

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation, unilateral undertaking and/or advance payment of commuted sum, in respect of the following matters:

1. to ensure the three new properties are retained for local people who require affordable rentable housing, and
2. in lieu of on site play provision a commuted sum of £2199.00.

Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. Details of all external materials of dwellings to be submitted for written approval.
4. Landscaping proposals to be submitted for written agreement.
5. Implementation of agreed landscaping scheme.
6. Full details of allocated parking spaces and manoeuvring area to be submitted for written approval prior to the development being brought into use.
7. The existing access shall be permanently closed and the highway reinstated once the new access is brought into use.
8. Removal of Permitted Development Rights

**3.00 CONSULTATIONS**

3.01 Local Member:

Councillor M Wright:

Local people to access the affordable dwellings.

Brynford Community Council:

No objection

Head of Assets and Transportation:

Recommend conditions and notes be attached to any planning permission in regard to:

- Parking provision
- The closure of the existing access
- Supplementary notes

Head of Pollution Control:

No objections to these proposals in principle. However, the site is an area of known historical lead mining and it is noted that it is proposed to "landscape" the external amenity areas.

In addition the site is adjacent to the A55 and as such is subject to traffic noise. Brief noise readings taken in this area indicate that the site is within Noise Exposure Category (NEC) B during the daytime under the Welsh Guidance Technical Advice Notes 11. This means

that specific measures are necessary to protect the amenity of the future residents.

As such conditions for Contaminated Land and Noise shall be attached to any approval.

Public Open Spaces Manager:

An off site commuted sum of £733 per affordable rental property should be sought to enhance play and recreation facilities in the community.

Dwr Cymru/Welsh Water:

Advise that the applicants contact the Environment Agency in regard to drainage disposal.

Wales & West Utilities:

No response at time of writing report

National Grid:

No response at time of writing report

CADW:

No response at time of writing report

Welsh Historic Gardens Trust:

No objection

Housing Strategy:

Twenty applicants are registered for rental accommodation in Brynford

**4.00 PUBLICITY**

**4.01 Site Notice & Neighbour Notification**

6 (2 from the same address) letters of objection received

- There is no need for cheap rental accommodation in the area
- The proposal is not in keeping with other properties in the area
- The proposed development is not the best use of the site
- Object to the development of affordable housing
- Loss of a community facility
- Detrimental impact on the character, residential amenity of the area and the Building of Local Interest.
- Highway safety

**5.00 SITE HISTORY**

**5.01 276/94**

Two storey extension. Planning permission granted 9/6/1994

**1272/90**

Outline Application - Dwelling and garage. Planning permission refused 7/6/91

**895/90**

Extensions. Planning permission granted 30/10/90

**561/88**

Double garage. Planning permission granted 12/9/88

**525/86**

Extensions. Planning permission granted 30/9/86

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan (FUDP)

Policy STR1 - New Development

Policy STR4 - Housing

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development inside Settlement Boundaries

Policy HSG1 - New Housing Development Proposals

Policy HE4 – Buildings of Local Interest

Policy D1 - Design Quality, Location and Layout

Policy D2 – Design

Policy D3 – Landscaping

Policy L1 – Landscape Character

Policy WB1 – Species Protection

Policy AC13 – Access and Traffic Impacts

Policy AC18 – Parking Provision and New Development.

**7.00 PLANNING APPRAISAL**

7.01 Site Description

The site comprises of a former public house, the Llyn y Mawn Inn and associated residential accommodation, the public house has been closed and the building is now empty. The land to the rear of the building slope upwards toward the north and western boundaries of the site. When undertaking the site visit this part of the site had been cleared. The application has been submitted as a result of pre-application discussions/negotiations with the applicant and agent.

7.02

The building is located at the end of eastern side of the 'T' shaped access road off the B5121, which serves several residential properties. The A55 runs overhead a short distance from the eastern site boundary. Mature trees define the east and north western boundaries to the site.

7.03

The proposed development includes the conversion of the original building to one four bedroom residential dwelling and the conversion



of the rear extensions to three, two bedroom, affordable rental properties, together with the provision of rear amenity space and parking for each dwelling.

7.04 The application also includes the demolition of some of the later additions to the rear. Additional windows and doors have been kept to a minimum and any new windows and doors will be in character with the existing building.

7.05 Principle of Development

The site falls within the settlement boundary of Brynford and the public house is designation as a Building of Local Interest (BLI).

7.06 The loss of a local facility such as a public house is considered under policy S11 – retention of local facilities, of the adopted Flintshire Unitary Development Plan, however, at the time of submission, there is an existing public house in the community, The Crooked Horn, therefore this policy does not apply.

7.07 The site is located within the village of Brynford, which is a category C settlement. New housing proposals on unallocated sites within settlement boundaries are considered in regard to Policy HSG3. New dwellings and the change of use of non-residential building to dwellings will only be permitted in category C settlements where the new dwellings meet proven local needs and cumulatively do not result in over 10% growth since the base date of the FUDP (2000). The latest settlement growth figures, April 2012, illustrate that since the base date of the plan, housing completions have resulted in 4% growth in Brynford, which means this proposal for housing can be permitted during the plan period in this category C settlement provided it is to meet proven local needs, i.e. essential worker dwelling or affordable housing.

7.08 As the public house had a residential use attached to it, this element of the proposal is not required to provide affordable housing. Therefore the 3 new proposed dwellings are required to meet local needs, in this case affordable rental accommodation.

7.09 In consultation with Housing Strategy is has been established that there are 20 applicants registered on the Council's Social Housing Waiting List for rental accommodation in Brynford.

7.10 Highways

In order to improve access to the site the access has been moved slightly to the north. Highways do no object to the proposal and recommend conditions be attached to any planning permission in regard to the provision and retention of parking and turning facilities within the site and the reinstatement and permanent closure of the existing.

- 7.11 Open Space Provision  
Consultation with the Leisure Services Unit establishes that an off site commuted sum of £733 per affordable rental dwelling is sought, which equates to a total of £2199, to be used to enhance play and recreation facilities in the Brynford community. Payment should be made upon 50% occupation of the development. Should the developer require any green space to be adopted by the authority, a commuted sum payment for not less than ten years maintenance cost would be required.
- 7.12 Building of Local Interest  
Policy HE4 allows for essential demolition of buildings and alterations that do not adversely affect the architectural or historic character of the building.
- 7.13 The building as it stands has been greatly extended in the recent past in relation to its use as public house. These extensions are of an indifferent modern style and are overbearing and harmful to the simple linear plan form of the original building. The demolition of some of these extensions improves the building and allows the original part of the building a view over its own amenity space. The proposed change of use would ensure the building is kept in use and is not left to fall into a state of disrepair. In order to preserve the integrity and form of the Building of Local Interest, permitted development rights would be removed.
- 7.14 Ecology  
Given that the site is outside of Halkyn mountain Special Area of Conservation and that there are only old Great Crested Newts records within 300m of the site it is recommend that a note to the applicant with regard to protected species is attached to any planning permission. Bats could also be incorporated into the note, however while there is some potential for bats there is no immediate habitat present.
- 7.15 Objections  
Eight written objections have been received on the grounds as detailed above. The issues raised have been considered in the body of this report.
- 8.00 CONCLUSION**
- 8.01 Taking all of the above matters into consideration, it is my view that there is a need for affordable rental accommodation within Brynford. The proposed development has been sympathetically designed in regard to the existing building of local interest and is not considered to have an adverse impact on the character or residential amenity of the area.
- 8.02 As such I recommend conditional approval be granted subject to the

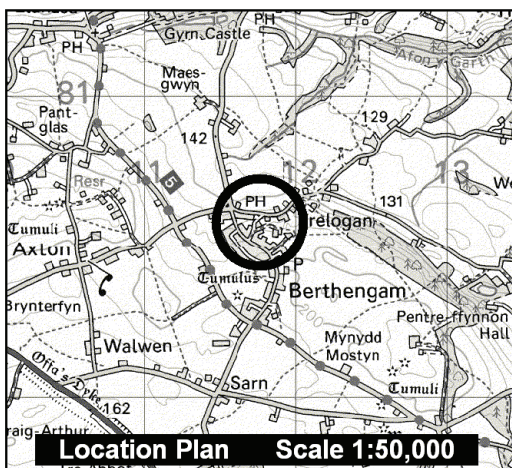
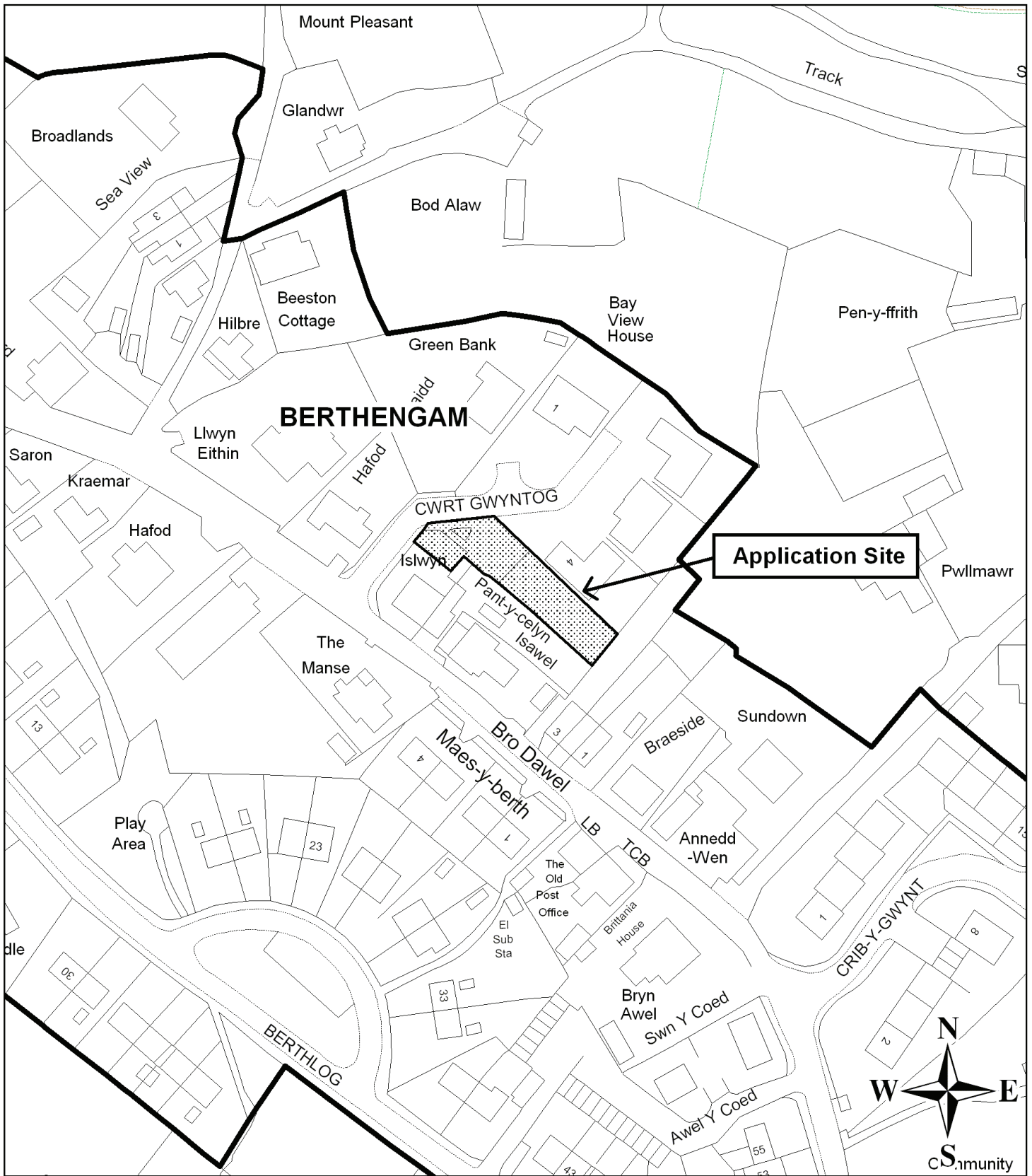
signing of a Section 106 Obligation to ensure the three new properties are maintained for local people who require affordable rental housing and to secure payment of the commuted sum.

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.

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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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