

# Public Document Pack

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Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr David Wisinger (Chairman)

CS/TAW

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

13 June 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, 20TH JUNE, 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 - 16)

To confirm as a correct record the minutes of the meeting held on 23<sup>rd</sup> May 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 20 JUNE 2012**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
5.1	049709 - R	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, Holywell
5.2	049448 - A	Full Application - Erection of 11 No. Dwellings at 105 The Highway, Hawarden.
5.3	048983 - A	Full Application - Erection of a detached residential block at Kinsale School, Llanerch y Mor, Holywell
5.4	048115 - A	Full Application - Erection of additional educational/residential facilities to complement existing school provision for children with Autistic Spectrum Disorder at Kinsale Hall, Llanerch y Mor, Holywell
5.5	049488 - A	Outline – 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
5.6	049629 - R	Proposed Extensions and Alterations at Gelli Farm, Gelli Road, Pen y Allt, Trelogan
5.7	049630 - R	Proposed Erection of a Replacement Dwelling at Gelli Farm, Gelli Road, Trelogan
5.8	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
5.9	049665 - R	Outline application for erection of a dwelling on land rear of Islwyn, Trelogan, Holywell
5.10	049452 - A	Outline Erection of a Two Bedroomed Single Storey Bungalow at Oakwood, Berth Ddu, Rhosesmor, Mold.
5.11	049154	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 Croes Atti, Chester Road, Oakenholt.
5.12	049451	General Matters - Erection of 10 No. Two Bedroom Apartments at Risboro, Nant Mawr Road, Buckley
5.13	049740 - A	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

Item No	File Reference	DESCRIPTION
<b><u>Appeal Decision</u></b>		
5.14	048347	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 - <b>ALLOWED</b>
5.15	048431	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. - <b>DISMISSED</b>

5.16	048831	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 - <b>DISMISSED</b>
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**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**WEDNESDAY 23 MAY 2012**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, Wednesday 23 May 2012

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

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

**SUBSTITUTION:**

Councillor: D.I. Mackie for R. Lloyd

**ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillor G. Diskin - agenda item 6.3. Councillor C. Carver – agenda item 6.6. Councillor J.B. Attridge (adjoining ward Member) - agenda item 6.8.

**IN ATTENDANCE:**

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Senior Planner, Principal Solicitor and Committee Officer

**1. DECLARATIONS OF INTEREST**

Councillors A.M. Halford and D.I. Mackie declared a personal and prejudicial interest in the following application:-

**Agenda item 6.6 – Erection of 45 no. dwellings, associated garages and parking and demolition of existing buildings at Overlea Drive, Hawarden (048032)**

**2. APPOINTMENT OF VICE-CHAIR**

Prior to the appointment of Vice-Chair, the Principal Solicitor provided details of the Members of the Committee.

The Chairman sought nominations for the position of Vice-Chair for the Committee. Councillor A.M. Halford proposed Councillor P.G. Heesom, and Councillor R.C. Bithell proposed Councillor I. Dunbar, both of which were duly seconded. On being put to the vote, there was an equality of voting and the Chairman used his casting vote in favour of Councillor I. Dunbar.

**RESOLVED:**

That Councillor I. Dunbar be appointed Vice-Chair of the Committee.

3. **MINUTES**

The draft minutes of the meetings of the Committee held on 18 April 2012 had been circulated to Members with the agenda.

**RESOLVED:**

That the minutes be approved as a correct record and signed by the Chairman.

4. **ITEMS TO BE DEFERRED**

The Head of Planning advised that deferment of the following application was recommended:

**Agenda item 6.7 – 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 Rêves and Cae Eithin, Village Road, Northop Hall (048855) – as an appeal on the ground of non-determination had now been submitted, Officers wished to examine further the reasons which had been put forward for refusal of the application.**

**RESOLVED:**

That agenda item 6.7 be deferred.

5. **VARIATION IN ORDER OF BUSINESS**

The Chairman indicated that there would be a change in the order of business to bring forward agenda item 6.8. The remaining agenda items would then be considered in order.

6. **GENERAL MATTERS – PHASE 1: ERECTION OF PRIMARY SCHOOL, CONSTRUCTION OF ACCESS ROAD, CAR PARK AND HARD AND SOFT PLAY AREAS AS CUSTOM HOUSE SCHOOL, MOLD ROAD, CONNAH'S QUAY (047415)**

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

The Development Manager explained that this was a General Matters application to inform Members of the preparation of a development brief for the redevelopment of the Custom House Lane Junior CP School site when it and the existing Dee Road Infants CP School were replaced by the new "All Through" school at Dee Road, Connah's Quay. The Committee meeting on 28 July 2010 had resolved that planning permission be granted for the redevelopment and part of the land was to provide a new playing field, hard play area and car parking whilst a portion of the site had been identified as surplus. He explained that the Custom House Lane School incorporated the

former Northop Board School built in 1881 and Members had felt that its retention and incorporation in any redevelopment proposals should be investigated. The minutes of the earlier Committee meeting indicated that a development brief would be prepared and brought back to the Committee for consideration, on the basis that this would be informed by a feasibility study, which was appended to the report. The conclusion of the study was that it was not financially viable to retain the old school and the Development Manager said that it was now the intention to demolish the school in its entirety to allow the marketing and eventual redevelopment of the 'surplus' land in accordance with the parameters set out in the development brief. He was aware that Members might not agree to total demolition and if so asked that they agree to the demolition except for the former Northop Board school.

Councillor P.G. Heesom proposed refusal of the development brief which was duly seconded. He said that he had some concerns about the report and that a proper case for demolition of the whole building had not been made. He added that complete demolition had not been agreed by the Committee and that some of the buildings were a valuable feature. He proposed refusal of the development brief and the application before Committee as it was not in agreement with the decision taken in July 2010.

In response, the Principal Solicitor said that there was no application before Members today and that all the Committee was being asked to do was to note the content and conclusions of the brief. He quoted from the minutes of the 28 July 2010 meeting which set out the basis upon which the brief was being reported to the Committee. Councillor Heesom then proposed that the development brief be not accepted. This was duly seconded.

Councillor J.B. Attridge, the adjoining ward Member, said that he shared Councillor Heesom's concerns. He agreed that the annex blocks needed to be demolished to accommodate the new school but he was opposed to the complete demolition as detailed in the report. He added that he was opposed to any form of housing development on the site and that the feasibility study should include information on socio-economic factors as suggested by the Leader of the Council at a recent County Council meeting. However he did not want the Committee to put on hold the demolition of the annex blocks and lean-tos and nor did he want to stop the new school being built. Councillor Attridge considered that more work was needed regarding what possible future uses there might be of the building: previous issues which had been raised had not been addressed. Councillor Heesom then amended his proposal to allow the demolition of the annex blocks, canteen block and lean-tos but not the other buildings, whilst still not approving the development brief. (The amendment to the proposal was agreed by the seconder.) He said that the main bulk of the building was a feature which was irreplaceable and reiterated that, with the exception of the demolition of the canteen block and lean-tos, the development brief should be referred back for further consideration.

Councillor M.J. Peers referred to page 128 of the agenda and the two cases put forward for the demolition or retention of the Northop Board school

building. He queried the figures which had been provided, in particular the 4 bed properties at £155,000. He felt that the valuations were not accurate and that they needed to be reviewed.

Councillor C.A. Ellis asked if the building of the new school would be delayed if the development brief was not accepted. The Development Manager confirmed that would not be the case. On the issue raised by Councillor Peers he said that, in financial terms, retention of the building was not justified, but as Members seemed to be moving beyond this factor in suggesting that the feasibility study should take a wider remit and consider factors other than financial information, there was little point in reviewing the valuation information. He reminded Members that Flintshire County Council was the applicant and the owner of the site and it was appropriate in these circumstances that community uses should be considered, but the surplus land could not then be viewed as an asset in financial terms.

On being put to the vote, the proposal to refuse the development brief to allow further consideration of socio-economic factors in relation to future uses of the school building, but to allow the demolition of the annex, canteen blocks and lean-tos, was CARRIED.

**RESOLVED:**

That the development brief be refused to allow further consideration of socio-economic factors in relation to future uses of the school building, but that the demolition of the annex, canteen blocks and lean-tos be approved.

**7. LATE OBSERVATIONS**

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

**8. FULL APPLICATION – 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 which had been the subject of a site visit on 21 May 2012. The usual consultations had been undertaken and the responses received detailed in the report.

The Officer detailed the background to the report and the main issues for consideration. He reminded Members that a proposal for the erection of 12 No. apartments had been refused in November 2011. This application differed because it was a single block of apartments with two levels of four apartments with the additional two apartments in the roof space. It met the space around dwellings standards and the concerns which had been raised on highways and access issues had been considered but the proposal was considered to be acceptable and complied with policy standards. He drew Members' attention to paragraph 7.03 which provided detail on a general matters report which had been considered by Committee on application



048669; he asked Members to bear this in mind when considering this application.

Mr. M. McLaughlin spoke against the application saying that the previous application had been refused due to the overdevelopment of the site. The previous application of 12 no. 2 bedroom apartments had included parking for 18 vehicles whilst this application for 10 no. 2 bedroom apartments had provision for 15 car park spaces. He commented on the density of the site of 83 units per hectare which he said was nearly three times that recommended as the Unitary Development Plan (UDP) indicative figure. He highlighted paragraph 7.06 where it was reported that the 10 units occupied units with an external appearance akin to a terrace of 4 dwellings, which he considered to be an inappropriate comparison. He felt that the proposal was overdevelopment and was out of character with the area and overlooked 1, 3 and 5 Dawn Close. He also reminded Members of the 26 letters of objection which had been received on the application the contents of which were outlined at paragraph 4.02.

Mr. R. Jones spoke in support of the application and said that the increased traffic generation which had been raised as a concern had not been substantiated. He felt that it was not an overdevelopment of the site and referred to policies HSG3, 8 and 9 of the UDP which the proposal complied with along with space around dwellings policy. He said that the proposal reflected the character of the area and the parking proposals also met policy guidelines. He added that it was not an incongruous development and that there was a requirement for this type of property in Buckley. He reminded Members that the scheme had been reduced from that refused by Committee in November 2011.

Councillor R.G. Hampson, one of the local Members, proposed refusal of the application against officer recommendation which was duly seconded. He said that this was a quiet area and that 10 flats on the site would set a precedent in the area. He said that it would overlook Dawn Close, would not look like terraced properties as was reported, and would be detrimental to the area. Councillor Hampson added that Princes Avenue was a busy road and he commented on the access and the visibility splays. He concluded that the development would be of no benefit to the area.

Councillor R.C. Bithell spoke in support of the officer recommendation for approval. He said that following refusal of the previous application, he was surprised that the applicant had not appealed against the decision. The proposal had now been reduced to 10 dwellings and the application which had been submitted complied with the policies of the Council. He said that there was already accommodation of this type in the area and even though highways had been suggested as a reason for refusal when the previous application was refused in November 2011, it was reported that, subject to ensuring the provision of the required splays and the applicant entering into an appropriately worded legal agreement to that effect, then there was no highway objection on this basis.

The other local Member, Councillor N. Phillips, said that there was not a need for this kind of development in Buckley and spoke of empty flats at a nearby development. He commented on the 26 letters of objection and said that he agreed with Councillor Hampson that the application should be refused.

Councillor H.G. Roberts said that the Committee should judge the application on whether it complied with policy, which this application did. He also commented on the nearby Llys y Nant development. He said that the application should be approved and that, if not, any costs awarded against the Authority on an appeal would be substantial.

Councillor P.G. Heesom sought legal advice on the issue of costs. He added that even though the application complied with policy for the number of proposed parking spaces, he felt that there would be a large number of cars at the development. He said that the application should be refused on the grounds of overlooking of neighbouring properties and the additional traffic generation in a suburban area.

The Senior Engineer - Highways Development Control confirmed that Highways had no objections subject to conditions and the completion of a section 106 agreement to maintain the visibility splays in perpetuity. She added that the proposal was compliant with TAN18 and Manual for Streets and was in line with the Authority's policy for parking.

On the issue of costs, the Principal Solicitor reminded Members of what was contained in the Welsh Office's Costs Circular and advised Members that it was important to bear this in mind in coming to their decision.

The officer advised Members that the proposed dwelling was not as high as the current dwelling Risboro, referring to the plans on display, and that the application was not considered to be overdevelopment or incongruous.

The Planning Strategy Manager reminded Members of the policy terms of the UDP and that the Highways officer had indicated that the proposal was compliant with policy standards.

In summing up, Councillor Hampson said that the application was overdevelopment, overlooked Dawn Close and set a precedent for redevelopment of similar properties in the area, detrimental to its character. He also felt that it would generate additional traffic which would be detrimental to highway safety and that the proposal was not appropriate for the area.

On being put to the vote, the proposal to refuse the application against officer recommendation on the grounds detailed by Councillor Hampson was CARRIED.

**RESOLVED:**

That planning permission be refused on the grounds of:-

1. Overdevelopment/overlooking of properties on Dawn Close
2. The setting of a precedent for redevelopment of other properties in the area to the detriment of its character
3. Additional traffic generation detrimental to highway safety.

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

9. **FULL APPLICATION – CONSTRUCTION OF A VEHICULAR ACCESS ONTO BRYN ROAD, REMOVAL OF PART OF THE HEDGEROW AND ERECTION OF DOUBLE WOODEN GATES AT 9 HILL VIEW, BRYN-Y-BAAL, MOLD (049371)**

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

Mr. R. Guest, representing the residents of Bryn Road, spoke against the application. He said that he had lived on the cul de sac for 20 years and that access onto the hammerhead represented a road safety issue for children attending the local school. There was a high level of usage of both the hammerhead and the footpath crossing the grassed area. He said that residents were very concerned about the detrimental impact on the surrounding area and the effect on property. He said that if the application was approved, he felt that there should be more stringent conditions. Mr. Guest felt that the application set a precedent and he hoped that it would be refused by the Committee.

Mrs. A. York, the applicant, spoke in support of the application, explaining that the original driveway to the property was very steep. She said that they owned a box trailer which they had not been able to move for three years due to the slope of the driveway and if the drive was icy it could not be used by vehicles and was difficult to walk on. When the applicants were not able to use the driveway, they had to park both vehicles on Hill View which she felt could cause potential problems for emerging vehicles. Mrs. York also explained that she had been diagnosed with a condition which meant that walking up the steep driveway would become more difficult. The grassed area on which it was intended to construct the new driveway was owned by Flintshire County Council and it was conditioned that details of the engineering works, levels and surface treatments of the access road would have to be submitted and approved before commencement. Mrs. York said that they would be happy to comply with policies and that the proposals would not block the public footpath and would not cause a problem for the school children.

Mr. C. Bull from Argoed Community Council spoke against the application because of the problems that it would cause for school children going to and from school.

Councillor H.G. Roberts proposed the recommendation for approval which was duly seconded.

Councillor R.B. Jones asked if the other access to the property would be closed if this application was approved and that putting an extra access onto the hammerhead would have an effect. Councillor W.O. Thomas asked whether approval of the application would result in cars being parked outside the gate on the verge. Councillor M.J. Peers said that the application had been through the Unitary Development Plan (UDP) process and asked whether there had been any objections to the green space designation. He added that in order to construct an access point, part of the hedgerow would have to be removed.

In response to comments made, the Planning Strategy Manager said that he did not know if there were any objections to the designation in the UDP. He added that the issue was whether the application would do any harm to the green space and in the officer's opinion, it did not. The green space was also safeguarded by conditions in the report and he highlighted condition 3 which would minimise the impact. On the issue of parking and blocking accesses, this was covered by condition 4 and could result in enforcement action if it was not complied with.

The Development Manager reminded Members that there was currently a pedestrian access from the rear of the property onto the grassed area and that there would be more likelihood of cars being parked on the road if this driveway into the plot was not allowed. The Senior Engineer - Highways Development Control explained that the proposed access did cross the right of way but it was not designated as a "safe route to school" and did not have a detrimental impact, particularly with the suggested conditions.

Councillor R. Hughes expressed concern at the removal of the hedgerow and felt that there should be a tight control with removal not being permitted in the bird nesting season.

In response to earlier comments, the Development Manager said that it was not the intention of the applicants to close the existing vehicular access and added that only a portion of the hedge was to be removed to accommodate the access. He referred to the proposed conditions and said that a note would be attached to the effect that the removal of the hedge could not take place in the bird nesting season.

**RESOLVED:**

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

10. **FULL APPLICATION – ERECTION OF A DETACHED DWELLING AT LAND SIDE OF 12 BANKS ROAD, MANCOT (049342)**

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 21 May 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 report explaining that outline planning permission had been granted on appeal in January 2006 and a reserved matters application had been approved in December 2007. He stated that this application proposed a dwelling which was almost identical to that previously approved but this was 300mm further back into the site to allow for additional parking space to the front. The windows proposed had also been reduced in size and the eaves amended to line through with the adjacent building at number 12.

Mr. P. Keenan, the applicant, spoke in support of the application. He said that the proposed house was identical in height to that approved in December 2007, was the same height as the neighbouring property and had been designed to fit the plot which was restricted in size. He commented on the letter of objection which had been received explaining that he intended to build a similar property to his neighbour. On the issue of whether the dwelling would be modest, he said that the neighbouring property was less modest than the one he intended to build.

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

The local Member, Councillor G. Diskin, spoke against the application saying that the proposed three storey four bedroomed property would be out of character with the neighbouring properties. She understood that it would also be higher than the dwellings on either side of the site, was an overdevelopment of a small plot and would have an overbearing effect. It was reported that when outline permission was granted on appeal by the Planning Inspector, it had been indicated that it would be possible to accommodate a modest detached dwelling on the plot in a manner that it would maintain adequate space between the dwelling and the boundaries of the site. Councillor Diskin also referred to a letter from the Hawarden Estate (also referred to in the late observations sheet) which stated that a drain associated with a stream which ran through the site and into neighbouring gardens had been damaged during clearing of the site. She requested that the application be refused.

Councillor Bithell said that although it was a confined space, the site had been granted outline planning permission. However he felt that the pitch of the roof could be altered to be more in keeping with other nearby properties. Councillor W.O. Thomas said that it was a very small plot for a four bedroomed property.

Councillor P.G. Heesom said that he took the view of the local Member very seriously but added that the issue of the principle of development was not in dispute. He said that the proposed dwelling could not be classed as the modest dwelling indicated by the Inspector. He also commented on the limited parking on the front of the site but added that cars would not be able to turn around in the small space. Councillor Heesom queried whether the previous reserved matters approval had been a committee or officer decision. He said that attention should be paid to the local Member's views and that the application should be refused. Councillor D. Butler said that in granting the outline planning permission, the inspector had considered that a modest dwelling could be accommodated on the plot. Councillor Butler did not think that the dwelling proposed was a modest one.

In response to a comment from Councillor H.G. Roberts, the Senior Engineer - Highways Development Control confirmed that there was no requirement for vehicles to be able to turn around on the site as it was an unclassified road.

The Development Manager said that the two car parking spaces on the site met standards. He mentioned the Hawarden Estate letter to which Councillor Diskin had earlier referred, where it was requested that permission include a condition requiring reinstatement and maintenance of the drain. However, the Development Manager indicated that this was a private matter and a condition would not be appropriate. He agreed that the Inspector had referred to a 'modest' development on the basis of the information before him but this had been followed by a reserved matters submission which met the Council's standards. He added that this earlier permission had recently expired in 2011 and unless there were changes in policy or other material considerations there were no grounds to refuse the application.

**RESOLVED:**

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

**11. FULL APPLICATION – DEMOLITION OF EXISTING REAR SINGLE STOREY EXTENSION AND ERECTION OF A THREE STOREY EXTENSION AND CREATION OF NEW VEHICULAR ACCESS AT HOTEL VICTORIA, HIGH STREET, HOLYWELL (048425)**

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 21 May 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 main issues to be considered and explained that the application had been the subject of extensive and lengthy negotiations. On the issue of highways, he said that this would be an improvement on what was currently in place. The letters of objection had

raised health and safety issues as a reason for refusal but the officer explained that this was covered by separate legislation and should not be part of the consideration by Members today. He drew Members' attention to the late observations where it was suggested that condition 6 be deleted and incorporated within condition 4, and two additional conditions were suggested for highways and visual amenity. He also advised that an amended plan had been received.

Councillor H.G. Roberts proposed the recommendation for approval which was duly seconded.

The officer said that the proposed extension would mirror the current hotel building. In response to a query from Councillor R.C. Bithell, he said that precise details about the windows, doors, timber and paint finishes were to be agreed. He added that officers could discuss the issue with the local Member. Following a query from Councillor P.G. Heesom regarding the additional bedrooms, he said that paragraph 7.02 of the report provided details of the proposal and what the proposed accommodation would include.

**RESOLVED:**

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

**12. ADVERTISEMENT CONSENT FOR THE ERECTION OF 3 NO. NON-ILLUMINATED FREE-STANDING BILLBOARDS AT LIDL UK, DENBIGH ROAD, MOLD (049499)**

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 a similar application for the display of three hoarding signs had been refused in May 2011 as it was felt that one of the signs was visually intrusive. In this application, one of the billboards had been relocated in order to address the previous reason for refusal.

Councillor R.C. Bithell proposed refusal of the application against officer recommendation, which was duly seconded. He referred to the plan on page 55 of the agenda which showed that the site was adjoined on two sides by residential properties and was overlooked by residents. He referred to the signs which had been attached to the fence outside the store which he felt was distracting for passing traffic. He suggested that the signs could be put in the building itself.

Councillor W.O. Thomas referred to the restrictions relating to signs which had been put on the application when it had been granted planning permission. He also requested replacement of the hedgerow which had been

removed by the applicant. Councillor D. Butler highlighted paragraph 7.04 where it was reported that the application had been refused because of the siting of only one of the billboards.

In response to the queries made, the Development Manager confirmed that the whole application had been refused previously but that two of the signs had been considered to be acceptable. He said that the site was for commercial use so it was reasonable to allow advertising on the site and added that the signs were designed to give notice, to those who parked in the car park intending to use the store, of the offers which were available in-store. He said that the signs were a considerable distance to the nearest residential property.

Councillor Bithell felt that the signs were large and could be overlooked by neighbouring residents and that they should be located within the car park and not on the fences as was the current practice.

The Development Manager said that if two of the signs were acceptable but the third sign was not, then it was possible to have a split decision where two of the signs were permitted but the third, which was to be positioned at the rear of the car park, was refused.

Councillor Butler proposed that the signs positioned to the east and west of the site be permitted but that the sign to the northern car park boundary be refused. The proposal was duly seconded.

**RESOLVED:**

That advertisement consent be granted to allow the eastern and western signs subject to the conditions detailed in the report of the Head of Planning but that the sign on the northern car park boundary be refused due to the impact on residential properties.

**13. ERECTION OF 45 NO. DWELLINGS, ASSOCIATED GARAGES AND PARKING AND DEMOLITION OF EXISTING BUILDINGS AT OVERLEA DRIVE, HAWARDEN (048032)**

The Committee considered the report of the Head of Planning in respect of this application. Councillors A.M. Halford and D.I. Mackie, having earlier declared an interest in the application, left the meeting prior to its discussion.

The Head of Planning explained that following the resolution at the 2 November 2011 meeting by the Committee to refuse the application, the applicant had appealed against the decision. An appeal by Public Inquiry had been scheduled for 4 and 5 July 2012. Upon receipt of legal advice from Counsel appointed to appear at the Public Inquiry, this report sought a direction from Members in respect of the stance to adopt at the appeal in respect of one of the reasons for refusal which was attached to the decision.



The officer explained that three reasons for refusal had been put forward by the Committee at the meeting in November 2011. The advice from Counsel was that a case in respect of the reason for refusal no.1, on overbearing impact, could not be advanced. He added that if the Council tried to defend this as a reason for refusal, it was likely that it would attract a claim for costs against the Authority.

Councillor H.G. Roberts proposed the recommendation to not present evidence to defend Reason for Refusal 1 at the appeal proceedings which was duly seconded.

The Principal Solicitor said that Councillor C.S. Carver was able to address the Committee for three minutes and indicated that Councillor Carver had asked for the opportunity to explain why that was the case. Councillor Carver provided details of why he was only able to address the Committee for three minutes, explaining that in the Standards Committee minutes for meetings when he had applied for dispensation to speak on the application, the dispensation had not been minuted. As there had been no Standards Committee since March, there had been no opportunity to correct the error. He was therefore only able to address the Committee as local Member for three minutes as if he were a member of the public. He further informed the Committee that he intended to remain in the meeting after he had spoken as he wished to hear for himself the decision taken by the meeting. The possible consequences of so doing had been explained to him by both the Monitoring Officer and his Deputy. He concluded by explaining that a decision was needed today as he had Rule 6 status at the Inquiry which meant that he had to produce his evidence four weeks before the start of the Inquiry.

Councillor Carver read out a prepared statement which indicated that the minutes from the meeting held on 2 November 2011 reflected "that planning permission be refused on the grounds of overbearing impact on existing properties, lack of on-site play provision for younger children and the insufficient level and lack of integration of affordable housing". He explained that a resident had said that the most affected properties were 63 and 65 Overlea Drive. However, the decision notice issued 26 days later was specific in that the overbearing nature related to Penlan Drive and Overlea Crescent only, and not Overlea Drive. Councillor Carver also said that the plans contained errors relating to slab levels and also did not show, or take into account, extensions and conservatories on existing properties, details of which he provided. He explained that he was the Rule 6 Party referred to in the report and that he was now facing a part striking out of the decision notice which to him did not reflect the minuted decision of the Committee. He could also not understand how the decision notice detailed in paragraph 6.01 listed so many policies supporting reason 1, yet the legal opinion was the opposite view.

Councillor J.E. Falshaw queried why the decision notice had not included Overlea Drive, when this was the area most affected by the planning proposal. Councillor M.J. Peers said that for future reports, it would be useful to have Counsel's advice as part of the report to Committee. He said that

there was also a need to know why reason 1 could not be advanced as this information was not before the Members. In response, the Principal Solicitor said that Counsel's advice had been fairly summarised in the report.

The officer said that the reason for refusal was that advanced at Committee where reference to Overlea Drive had not been made. Councillor R.B. Jones said that they needed to see the evidence before making a decision and said that if the decision notice was different to the minutes, then the wrong information had been sent to the applicant. The Principal Solicitor read out the resolution from the Committee meeting in November 2011 which was approved at the subsequent meeting in December 2011. He said that reference had been made by Councillor Cheryl Carver of Hawarden Community Council about slab levels and the reference to overlooking which did not relate to particular properties. He also detailed what had been included in the decision notice which had been sent to the applicant.

Councillor Jones said that what had been agreed by the Committee in the minutes was not reflected in the decision notice. He said that the Committee had meant all of the existing properties and it was wrong of the officer to determine otherwise and what the Committee meant should have been checked. The Planning Strategy Manager said that to say that the decision related to all properties would be incorrect. The officer said that he had been present at the debate and that Overlea Drive had not been specifically mentioned.

Councillor P.G. Heesom raised concern at how general matters were handled and said that previously third party speakers had not been permitted. The Principal Solicitor said that Councillor Carver was the local Member for Hawarden.

Councillor R.C. Bithell said that it was obvious that there was a need for Committee to be specific in the grounds for refusal and accurately reflect what had been determined. He concurred that the minutes had also been approved by Committee. He said that there was a need to listen to the advice which had been given by Counsel in not putting forward reason 1 in the appeal. He added that it did not preclude the local Member making representations at the Public Inquiry.

Councillor C.A. Ellis said that this was the second time when this had occurred and suggested that officers and Members could learn from it. She suggested that the decision could be drawn up immediately and shared with the Committee before the decision notice was issued to ensure that discrepancies were identified. The Principal Solicitor said that there was always the intent for the decision notice to reflect the debate but added that misinterpretations could occur. He said that he would discuss the issue with the Head of Legal and Democratic Services.

Councillor D. Butler said that the Committee had a chance to amend the minutes when they had been submitted to the subsequent Committee, but they had not done so and had approved the minutes as being a correct record

of the meeting. He added that it should have been picked up by the Committee and the blame not put on the officers.

The officer said that paragraphs 6.07 to 6.10 of the report detailed the reasons expressed by Counsel in coming to his view on refusal reason 1 and he drew particular attention to paragraph 6.09.

Councillor H.G. Roberts said that what had been put on the decision notice had to be addressed, and taking everything into account, the Committee should take note of the recommendation in the report.

On being put to the vote, the proposal to accept the recommendation in the report was CARRIED.

**RESOLVED:**

That the Local Planning Authority should not present evidence to defend Reason for Refusal 1 at the appeal proceedings.

14. **APPEAL BY MR JONATHAN BARTON AGAINST AN ENFORCEMENT NOTICE ISSUED BY FLINTSHIRE COUNTY COUNCIL ON THE 6 JUNE 2011 AT WARREN DINGLE FARM, MOLD ROAD, PENYFFORDD (ENF/134176)**

**RESOLVED:**

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

15. **APPEAL BY MR. R. BORROW AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A REPLACEMENT DWELLING ON LAND ADJACENT TO GLENCAIRN, BRYN CELYN, HOLYWELL (048974)**

**RESOLVED:**

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

16. **DURATION OF MEETING**

The meeting commenced at 1.00 p.m. and ended at 3.49 p.m.

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

There were 27 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: 23 MAY 2012</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
Councillor A.M. Halford and D.I. Mackie	Erection of 45 no. dwellings, associated garages and parking and demolition of existing buildings at Overlea Drive, Hawarden (048032)	13

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** 20<sup>TH</sup> JUNE 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:** Yes

### **1.00 SUMMARY**

- 1.01 This application is for the operation of an outdoor recreation activity known as sphereing including retention of earthworks, portacabin and portaloo, car parking and alteration to existing access at land opposite Bryn Coch Road, Whitford, Holywell. Members will recall that a similar application was granted temporary planning permission by the Planning & Development Control Committee at the meeting on 13<sup>th</sup> April 2011. The reasons for granting a one year permission 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. The permission expired on 5<sup>th</sup> May 2012, hence this current application for continuation of the use

and retention of ancillary structures etc. The main issues to be considered within the determination of this application are the principle of the developments in planning policy terms, the highway implications, the effects upon the character and appearance of the area, the impact on the setting of the listed building, the effects upon the users of the bridleway and the economic implications. It is recommended to refuse this application given the complaints by the British Horse Society at the Flintshire Local Access Forums of horse riders being put off using this part of the bridleway for fear of themselves or their horses having an accident and the reported incident of one rider being thrown from a horse which bolted off, when the activity was in use.

**2.00 RECOMMENDATION: TO REFUSE FOR THE FOLLOWING REASON:-**

- 2.01 1. In the opinion of the Local Planning Authority, the activity has a detrimental impact upon the safety and enjoyment of horse riders using Bridleway No. 120 and therefore contrary to Policies GEN1 and AC2 of the Flintshire Unitary Development Plan.

**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**

2 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.

9 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 47928 – 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, portaloos, 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 portaloos 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 be assimilated into the existing landscape.
- 7.17 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.
- 7.18 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.

- 7.19 It is considered that the enjoyment of walkers using the bridleway is not significantly affected by the activity.
- 7.20 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.
- 7.21 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.
- 7.22 Measures to mitigate against the above concerns have been explored. However, it is considered that such measures e.g, signage, management of the activity to temporarily stop horse riders' use of the bridleway would also spoil the enjoyment of their activity in this part of the countryside.
- 7.23 Therefore, if planning permission is given for this activity, it would be equivalent to closing the bridleway at weekends and holidays, precisely the time when the activity would be taking place. In addition, in the event of horse riders being unaware that the activity was taking place, their lives could be put in danger and the welfare of their horses seriously compromised.
- 7.24 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.
- 7.25 In addition, the activity is a Farm Diversification Scheme providing another form of income to either the landlord, Mostyn Estates or the tenant farmer.

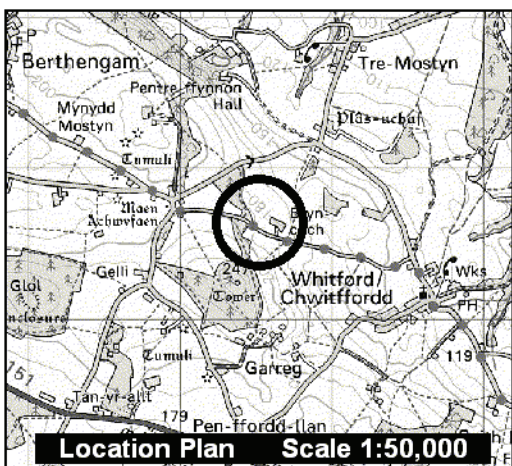
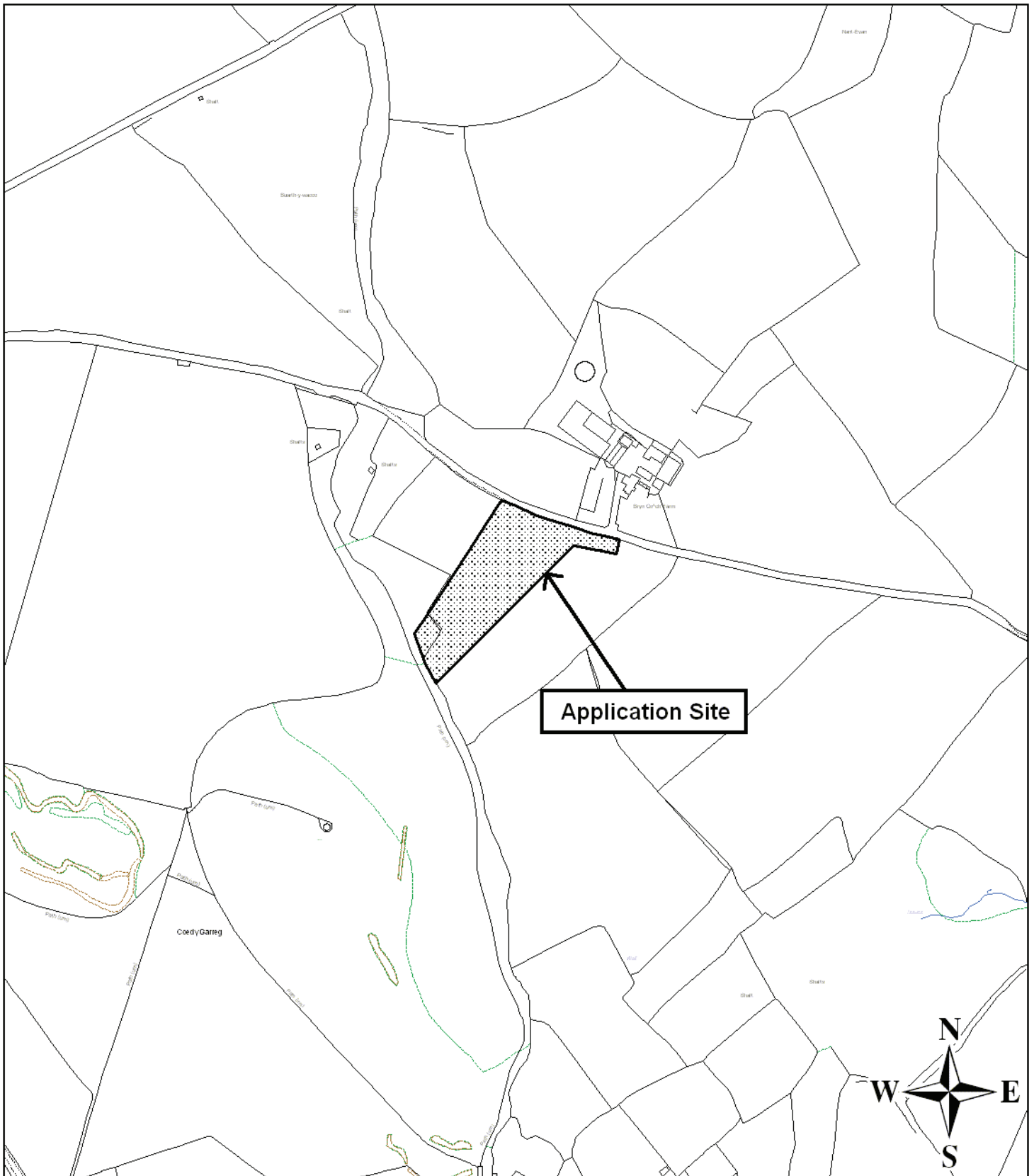
7.26 However, the national equine database shows that there are 5,300 horses registered in Flintshire, there are a number of horses brought in to the county to compete, to receive tuition and to take part in regular events. With the average annual maintenance cost of a horse is £3,000; this means that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

## **8.00 CONCLUSION**

8.01 Given the comments in paragraph 7.18 – 7.23, it is considered that the activity has a detrimental impact upon the enjoyment of horse riders using the bridleway.

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

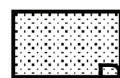


Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**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:** 20 JUNE 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.

### **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 12No. 3 bedroomed dwellings. 6No. 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 Council's 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**

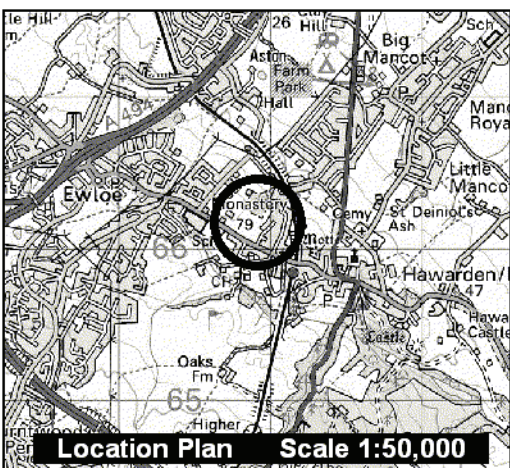
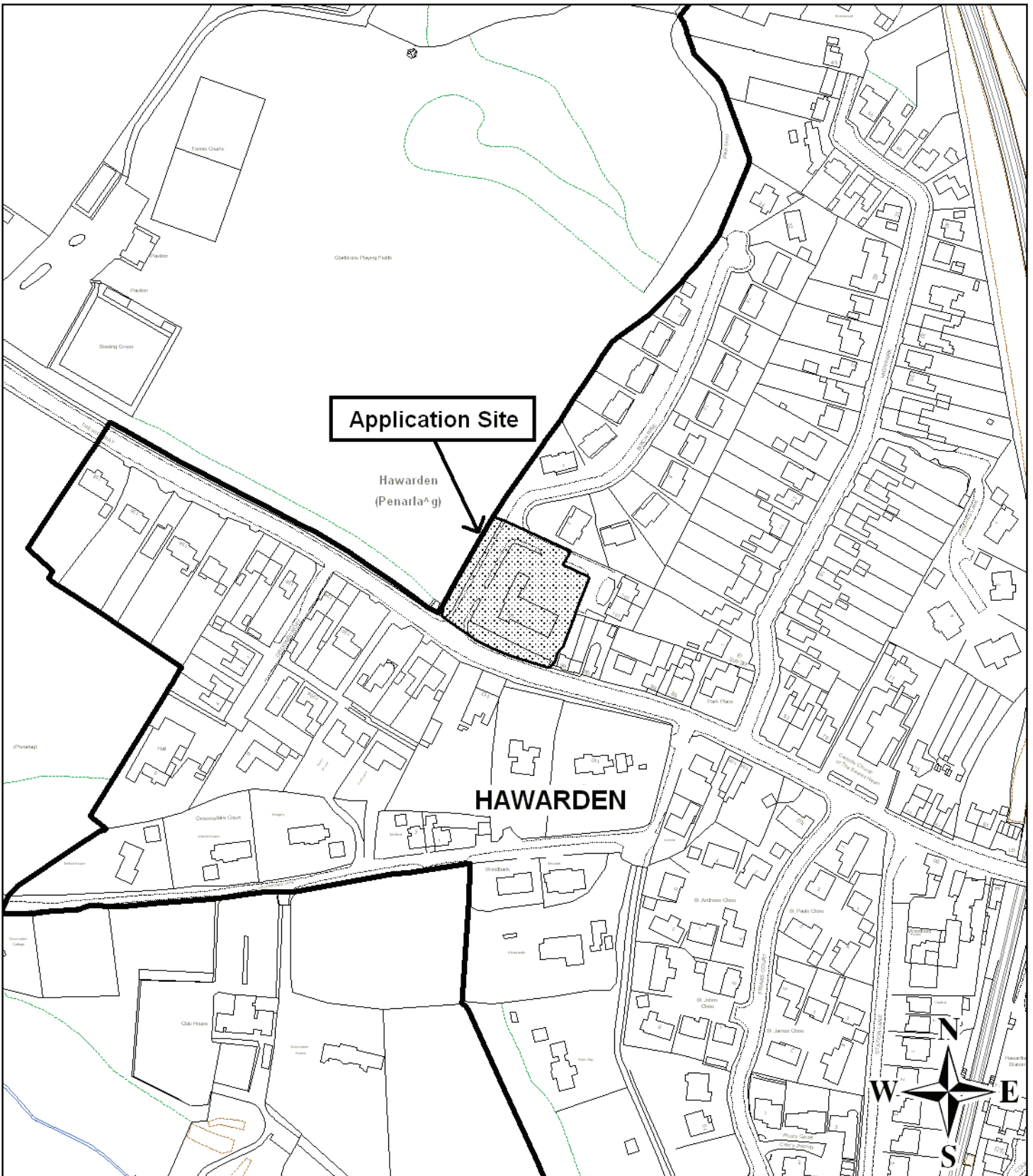
8.01 The site is located within the settlement boundary of Hawarden, where a presumption in favour of new development exists. The proposals have been considered having regard to the applicable planning policies and to all other material considerations and, for the reasons outlined above, is considered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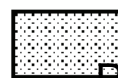


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**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:** 20 JUNE 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:** No.

### **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 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



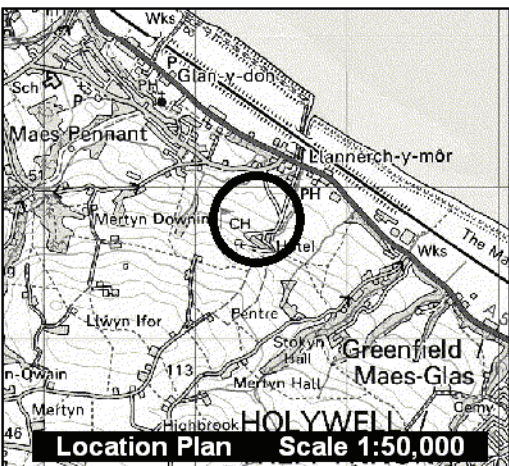
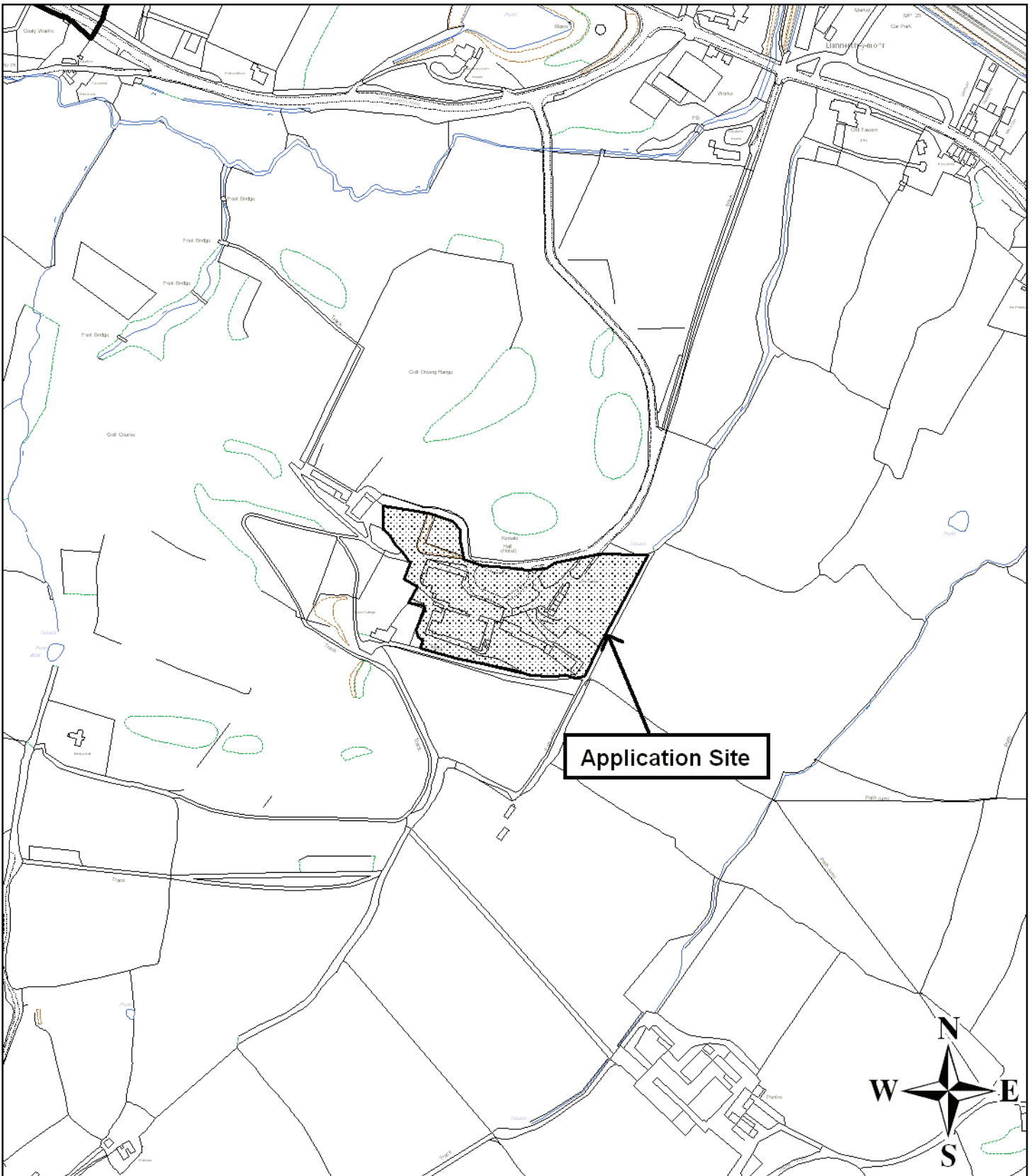
notably the sports hall extension which forms a visual backdrop to this current proposal. The acceptability of the design of the building has been carefully considered and can be supported subject to control over the use of materials to ensure that the development is sympathetic to the character of existing 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 therefore recommend that conditional planning permission be granted.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

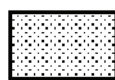
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Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

### 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:** 20 JUNE 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** Full Application - Erection of additional educational/residential facilities to complement existing school provision for children with Autistic Spectrum Disorder at "Kinsale Hall", Llanerch-Y-Mor, Holywell

**APPLICATION NUMBER:** 048115

**APPLICANT:** The Trevor Price Partnership Ltd

**SITE:** Kinsale Hall,  
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:** No.

### **1.00 SUMMARY**

1.01 This full application proposes the erection of additional educational/residential facilities at Kinsale Hall, 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
  - 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 the 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 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 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. 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, for use in connection with the school in lieu of 30 holiday lodges initially allowed.

7.22 In allowing the appeal under Code No. 040402, the Inspector essentially concluded that the holiday lodges would be relatively small scale temporary structures which could be screened and assimilated into the 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, 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 resisted 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 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.

7.25 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.

7.26 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.

7.27 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.

7.28 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

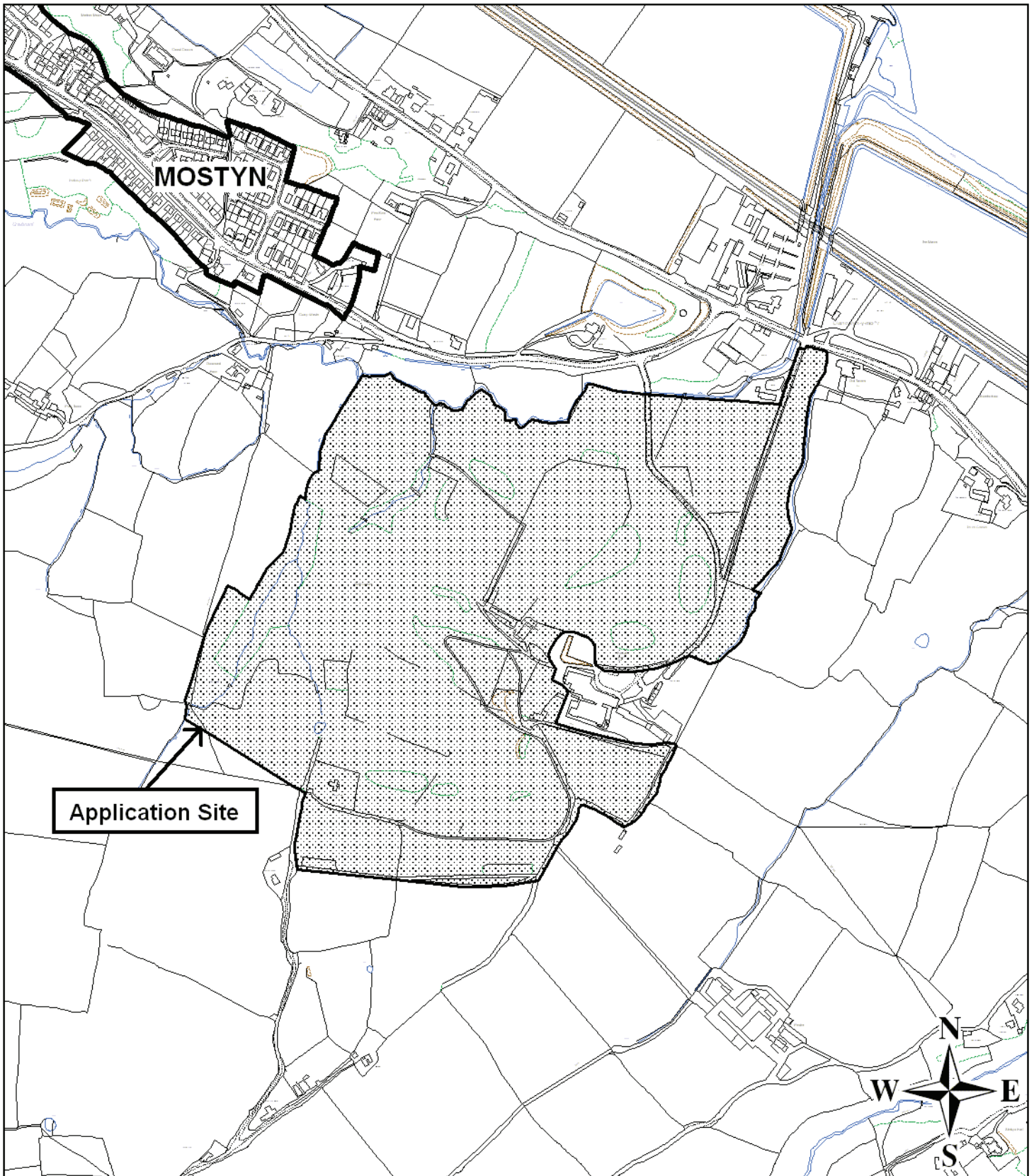


highlighted in the determination of previous applications and appeals. To this effect significant amendments and reductions to the scale/form/design of development have been secured which help to ensure that it respects the open countryside location and parkland setting in which it is sited. The amount 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.

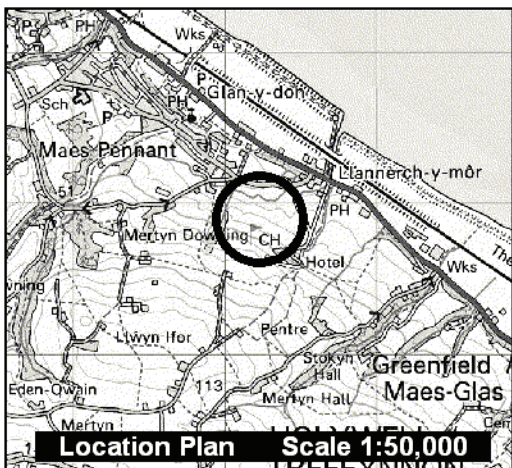
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

**Contact Officer:** Robert M. Harris  
**Telephone:** 01352 703269  
**Email:** [robert\\_m\\_harris@flintshire.gov.uk](mailto:robert_m_harris@flintshire.gov.uk)

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Application Site

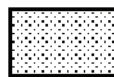


Location Plan Scale 1:50,000



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:** WEDNESDAY, 20 JUNE 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** OUTLINE – 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

**APPLICATION  
NUMBER:** 049488

**APPLICANT:** DEVELOPMENT SECURITIES

**SITE:** LAND WEST OF SHOPPING PARK LINK ROAD

**APPLICATION  
VALID DATE:** 28.02.12

**LOCAL MEMBERS:** COUNCILLOR MULLIN

**TOWN/COMMUNITY  
COUNCIL:** BROUGHTON AND BRETTON COMMUNITY  
COUNCIL

**REASON FOR  
COMMITTEE:** SCALE OF DEVELOPMENT AND COUNCILLOR  
REQUEST

**SITE VISIT:** MAJOR APPLICATION AND COUNCILLOR  
REQUEST

### **1.00 SUMMARY**

- 1.01 This is an outline application for the erection of up to 24 dwellings together with creation of a new means of access from shopping park link road and removal of part of existing earth bund involving change of use of land to domestic gardens. All matters except access are reserved for later approval. The vacant site amounts to almost 0.9hectares, having last been used as the compound whilst the Broughton Shopping centre was under construction. The site is part of a larger allocation for residential development in the Flintshire Unitary Development Plan.

1.02 The main issues are considered to be the fact that the application site is only part of the allocation in the UDP; the provision of affordable housing; the provision of a safe footpath link to the nearest area of public open space and the partial loss of the bund.

**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:

1. Affordable Housing – the provision of 6 units to be sold on a shared equity basis.
2. Education provision – £21,000 financial contribution for improvements to local education facilities at Broughton Primary School.
3. Public Open Space – £1,100 per dwelling to enhance existing recreation facilities in the community in lieu of on site provision.
4. 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.

**2.02 Conditions**

1. Outline – submission of reserved matters applications.
2. Outline – time limit on commencement.
3. Outline – details of reserved matters.
4. Foul and surface water to be drained separately.
5. No surface water to connect to public sewerage system.
6. Land drainage runoff not to drain to public sewerage system.
7. Comprehensive and integrated drainage scheme to be submitted.
8. In accordance with approved plans.
9. Code for Sustainable Homes ‘Interim Certificate’ to be submitted before work commences.
10. Code for Sustainable Homes ‘Final Certificate’ to be submitted before dwellings occupied.
11. Landscape implementation.
12. Restriction in hours of working
13. Means of dust suppression during construction works.
14. Provision of wheel washing facilities for construction works.
15. Enhanced glazing scheme to be submitted and agreed.
16. Submission of scheme of Reasonable Avoidance Measures for great crested newt population and their restoration.
17. Site clearance to avoid bird breeding season.

**3.00 CONSULTATIONS**

3.01 Local Member – Councillor Mullin

Has concerns regarding access and egress and other highway issues, the part removal of bund, lack of affordable housing. A site visit is requested to give the Committee a full understanding of the issues regarding this application and future development of the compound site.

Broughton and Bretton Community Council

Objects to this application on the grounds that:

- The bunding should remain in position as a noise and visual barrier.
- It is not a development of the whole site as was envisaged at the time it was included in the Flintshire Unitary Development Plan for housing.
- The highway in front of the proposed development is extremely busy and it is considered that it will cause a traffic hazard.

Head of Assets and Transportation

No objections subject to conditions and S106 agreement for footpath link.

Head of Public Protection

No response at time of writing report.

Head of Lifelong Learning

The proposed 24 dwellings will result in an additional 6 primary and 4 secondary school pupils.

Broughton Primary School has capacity for 450 and numbers on register of 439. An education contribution figure has been identified which would allow the Local Authority to make provision for the estimated additional 6 pupils in this school, which has less than 2.50% surplus places. A financial contribution is requested of £21,000 for that school.

St David's High School, Saltney has capacity for 687 and numbers on register of 620. A contribution is not requested for this school as it has surplus spaces.

Public Open Spaces Manager

An off site commuted sum payment of £1,100 per unit is required. The payment would be in lieu of on site public open space provision and would be used to improve existing recreation provision in the community.

Head of Housing Strategy

The development of 24 units requires 6 affordable dwellings to be sold on a shared equity basis. The developer would sell at 70% of the market value and the council would retain 30% equity in each of the affordable units. To be achieved through a S106 Agreement to ensure the local need is met on initial sale. Proposed occupants must be registered on the council's Affordable Homeownership Register which is administered by Cymdeithas Tai Clwyd.

Welsh Water  
Recommends conditions.

Airbus  
No objections.

Countryside Council for Wales  
No objection. The proposal is not likely to adversely affect any protected sites or species or other natural heritage interests. Ponds within 500m of the application site have had recordings of the great crested newt and it is advisable for the implementation of the scheme to have a licence from the Welsh Government. Suggest a condition for the applicant to propose and deliver appropriate species avoidance, mitigation and conservation (restoration) schemes and Reasonable Avoidance Measures to facilitate the implementation of great crested newt population restoration proposals.

#### **4.00 PUBLICITY**

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

The application has been publicised by way of site notice and neighbour consultation letters.

Responses have been received from two local residents commenting as summarised below:

1. The land was originally Green Barrier and marked for parkland when the Tesco store was built.
2. The proposed housing is only acceptable if the whole tree bank remains as it is a noise barrier and wildlife corridor.
3. 24 units seems too many.

#### **5.00 SITE HISTORY**

5.01 046564 – Outline – erection of a budget hotel of up to 70 rooms and a separate restaurant/public house together with car parking, landscaping and other associated works. Withdrawn 2009.

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
GEN1 - General requirements for development  
GEN2 - Development within settlement boundaries  
D1 - Design quality, location and layout  
D2 - Design  
AC13 - Access and traffic impact  
AC18 - Parking provision  
HSG1 - New housing development proposals  
HSG10 - Affordable housing within settlement boundaries



SR5 - Outdoor playing space and new residential development  
EWP2 - Energy efficiency in new development.  
D3 - Landscaping  
L3 - Green Spaces  
IMP1 – Planning conditions and obligations.

Development Brief for Housing at The Compound Site, West of Broughton Retail Park, Broughton – adopted March 2012.

Local Planning Guidance Notes:

2 – Space around dwellings  
3 – Landscaping  
9 – Affordable Housing  
11 – Parking standards  
13 – Open space requirements  
22 – Planning Obligations

Technical Advice Notes:

TAN2 Planning and affordable housing  
TAN12 Design  
TAN18 Transport

Planning Policy Wales 2011

**7.00 PLANNING APPRAISAL**

Introduction

7.01 This outline application proposes the development of this 0.89ha site for the residential development of up to 24 dwellings. All matters except access are reserved for later approval. An indicative layout has been submitted showing a new access.

Site Description

7.02 The site is roughly rectangular, generally level and bounded to west and south by a bund, constructed to give visual and noise protection to nearby dwellings during construction of the retail park. The bund is between 2.5 and 3 metres high and comprises self seeded trees. There is currently no vehicular access to this site as the access is in the northern part of the UDP allocation. Land to the north was previously owned by the applicant and sold to Aldi in 2009.

7.03 The site is located within the settlement of Broughton, in the north eastern corner. The application site forms roughly half of the residential allocation in the UDP and is currently vacant and fenced off from public view. It was last used as a compound. It is located to the west of the main Shopping Park Link Road, opposite McDonalds and Carphone Warehouse. Shopping Park Link Road links Bretton Road to the south with Chester Road to the north and roundabouts R1, R2 and R3. To the north is vacant land forming the other part of the allocation and there is no formal demarcation of this northern boundary. Further north is Chester

Road and Airbus. To the west and south is residential development along Simonstone Road and Larne Drive.

#### The Application

7.04 The outline application seeks to establish the principle of residential development for:

- up to 24 dwellings;
- new access;
- internal roads;
- 48 car parking spaces;
- reduction in the size of the landscaped earth bund by about 50%; provision a footpath link beyond the site;
- change of use of land to domestic gardens for the part of the bund nearest to dwellings on the west and south sides of the site.

The application is accompanied by an illustrative layout plan, Design and Access Statement, Planning Statement, Transport Statement, Ecological Assessment, Noise Assessment, Energy and Sustainability Report including Code for Sustainable Homes Pre-assessment.

The Design and Access Statement includes a Masterplan showing a layout of 51 units for this site together with the one to the north, with 2 access points.

#### Principle of Development

7.04 The application relates to part of an adopted UDP housing allocation, HSG1 (19) which allocates the whole 1.8ha site for 54 units. There is an adopted Development Brief for the whole of the allocated site, therefore the principle of residential development has been established and is acceptable.

#### Education Contributions

7.05 The application proposes up to 24 dwellings which would generate 6 primary school places. The nearest primary school is at Broughton. This requires a S106 Agreement to pay a financial contribution of £21,000 which would allow the Local Authority to make provision for the additional pupils.

#### Public Open Space Provision

7.06 Policy SR5 of the UDP and LPG13 state that for developments of less than 25 dwellings, on-site public open space will not be sought, but instead a financial contribution in lieu of on-site provision. The Development Brief says:

'New development is generally required to provide open space and appropriate play facilities in accordance with the relevant policies and guidance, although in some cases an off-site payment is appropriate. Although there is an existing recreation facility at Broughton Hall Road which caters for the play requirements of the proposed development, this cannot currently be accessed by a safe, continuous footpath from the site

and therefore the provision of a new facility on this site will be required unless a safe footway is provided'.

- 7.07 The agents have identified that guidance in LPG13 points to off site provision on smaller sites. The amended proposal includes a footway link to provide a safe and continuous footpath between the site and Broughton Hall Road. This satisfies the concerns expressed in the Brief above and a contribution of £26,400 is supported (£1,100 per dwelling).

#### Footway Link and New Access

- 7.08 The proposed 1.8m wide footway takes a route through the structural planting forming part of the L3 Green Spaces UDP designation between R2 and R3. It links with the existing pedestrian paths connecting the residential areas (via Church Road), the retail park and Broughton Hall Road.

The Head of Assets and Transportation comments that a 3.8m wide strip of land must be dedicated to the council so that the footpath remains in perpetuity and any maintenance/renewal works are within the council's control. The footpath is to be constructed and lit to the council's standards. It will offer a safe route with good connectivity to the existing highway network.

Provided the proposed new link is laid out and maintained in a manner that ensures it provides a safe link then it is considered that a walking distance of approx 630m between the edge of the application site and the existing play facility is acceptable.

Amended plans show a new access constructed to Local Authority standards almost opposite an entrance to the retail park. The Head of Assets and Transportation considers the proposed access to be acceptable.

#### Affordable Housing

- 7.09 The applicant is willing to provide 6 affordable units to be sold on a shared equity basis. Although it strictly speaking falls below the 30% numerical provision by 1 unit, it is considered acceptable.

The agent says that on the basis of the scale of development and established planning policies, there is no justification for seeking an element of affordable housing because the proposal is for only 24 units which is below the affordable housing threshold and therefore does not trigger a requirement. The Compound site has been in two different ownerships since 2008, before the UDP Inspector's Report was published which recommended the site be allocated for housing. Therefore it cannot be argued that there has been a deliberate attempt to subdivide the site to avoid an affordable housing requirement. Should the site receive planning permission it will be sold later this year to a house builder. By contrast, it is unlikely the remainder of the allocation will come forward for residential development in the near future as it is currently

owned by Aldi.

### The Bund

- 7.10 The bund was introduced to visually screen the residential properties to the west and south of the application site from Broughton Shopping Park. The agent says its purpose was not as noise mitigation in relation to the shopping park. The construction of houses on the application site removes the need for the bund as they will screen existing dwellings from the shopping park.

The Development Brief says the landscaped bund afforded protection to the amenity of existing residents when the site was in use as a construction compound. In bringing the site forward for residential development it is considered unnecessary for the bund to be retained in its entirety as there is no inherent amenity conflict between existing and proposed housing development, subject to satisfactory separation distances. Over time the bund has developed in terms of vegetation to now form an extension of the present strategic landscaped buffer along the eastern edge of properties of Larne Drive. Whilst the bund can be narrowed to increase the developable area of the site, it should be retained in some form to ensure adequate screening and continued amenity for the residents of Larne drive and continue to provide a landscape feature, visual relief and green corridor.

It is considered acceptable to reduce the width of the bund along the southern boundary by 50% and to remove the bund along the western boundary, transferring the land to adjacent occupiers.

### Amenity Impacts

- 7.11 Local residents have raised concerns about the density of development. The illustrative layout plan shows 24 dwellings laid out in a manner which meets the council's standards for space around dwellings and privacy. The density is therefore considered to be acceptable.

Concern is also raised about the reduction in the bund. However, as stated above, this has been established as an acceptable way forward in the development of this site.

### Other Matters

- 7.12 The other main points are:
- Building height – as stated in the Development Brief, the majority of the buildings should be 2 storeys and if the developer wishes to provide some dwelling of 2.5 storeys as proposed, then they will have to be carefully considered.
  - Mix of development – a mix of dwelling sizes and types is proposed in line with the relevant guidance and policies.
  - Site appearance / character – the dwellings are set back from the road to reduce the noise levels and ensure an attractive frontage.
  - Energy efficiency and renewable energy. As required the CSH pre-assessment indicates that Code Level 3 can be achieved. The

Energy Statement indicates that the most suitable form of renewable energy technology for this proposal is solar PV. It should be ensured that this is incorporated in line with policy EWP3.

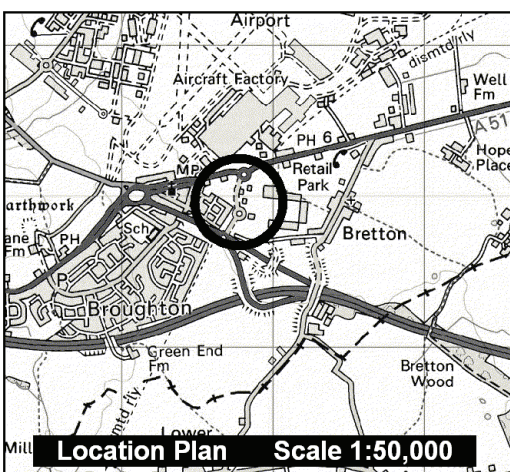
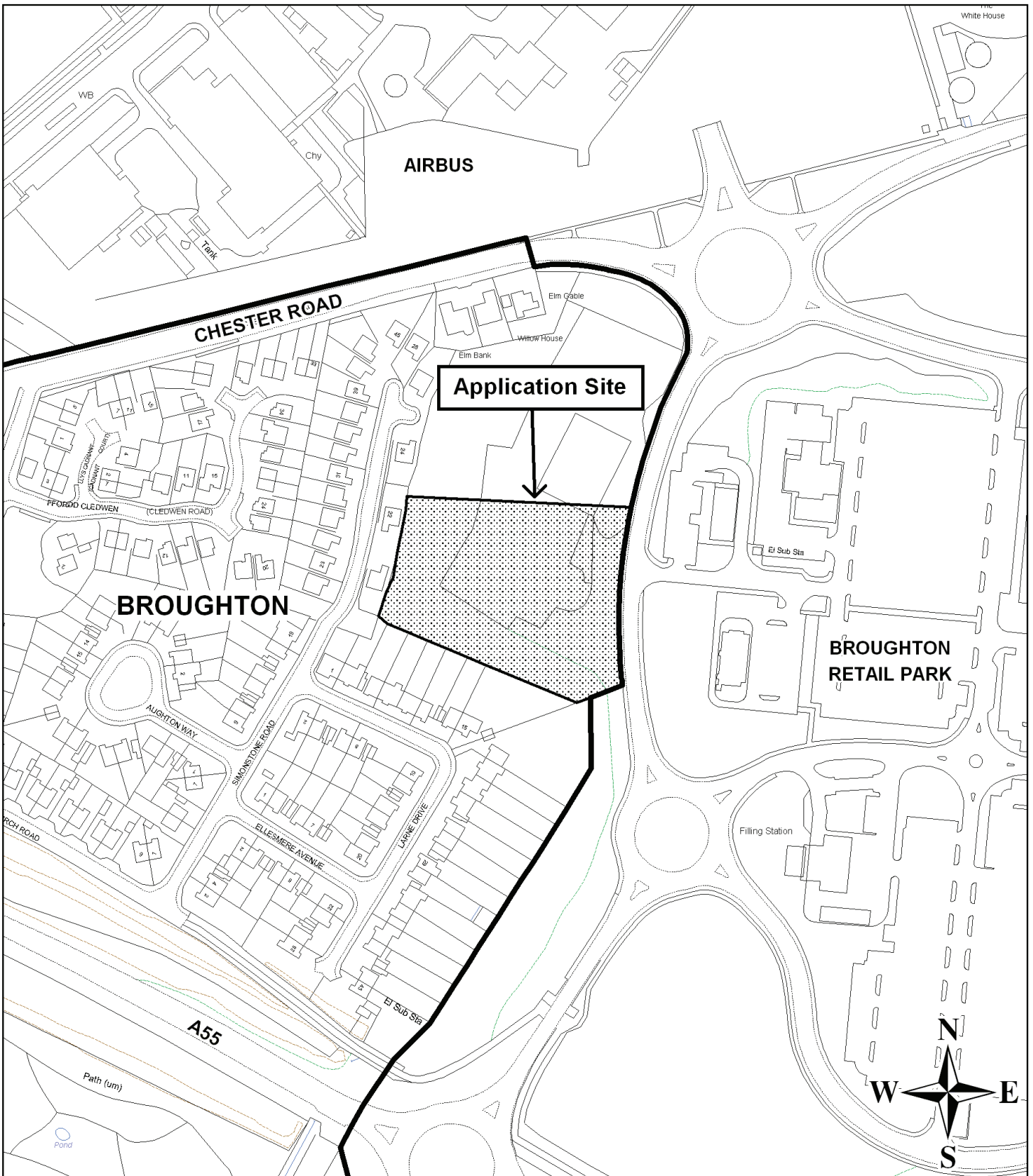
- 7.13 During the processing of the planning application the agent has been asked to make changes to the proposals to ensure that they comply with the Development Brief and with the UDP. As a result of these negotiations amended plans have been received and the proposal amended to include:
- a) Provision of a 1.8m wide footway, on land owned by the applicant, to link with the existing roadside footways between roundabouts 2 and 3.
  - b) Revised access to comply with the council's standards.
  - c) Financial contribution of £21,000 towards education – for the local primary school.
  - d) Financial contribution of £26,400 towards improvement of local public open space.
  - e) Provision of 6 affordable housing units to be sold on a shared equity basis.

## **8.00 CONCLUSION**

- 8.01 The amended proposal is considered acceptable, in line with UDP policies and the Development Brief.
- 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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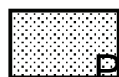


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:2500

OS Map ref SJ 3463

Planning Application 49488

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 20 JUNE 2012**

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

**SUBJECT:** **PROPOSED EXTENSIONS AND ALTERATIONS AT GELLI FARM, GELLI ROAD, PEN Y ALLT, TRELOGAN**

**APPLICATION NUMBER:** 049629

**APPLICANT:** Mr and Mrs S Parker

**SITE:** Gelli Farm, Gelli Road, Pen yr Allt, Trelogan.

**APPLICATION VALID DATE:** 5 April 2012

**LOCAL MEMBERS:** Councillor C J Dolphin

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

**REASON FOR COMMITTEE:** Local Member request for referral of the application to Committee and Committee site visit.

**SITE VISIT:** YES

### **1.00 SUMMARY**

- 1.01 This application seeks permission for the alteration and extension of this former farmhouse, which is designated as a building of local interest. (BLI).
- 1.02 The existing building is a part two storey and part single storey dwelling and attached former barn, set within the open countryside, within its own grounds. The dwelling has a number of outbuildings which were used in connection with the farm use.
- 1.03 It is considered that the scheme submitted is out of scale with the existing dwelling and would harm its historic character.

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

2.01 The proposed extension and alteration would by reason of scale and design result in a significant harm to the character of this building of local interest and its rural setting, as such the proposal is considered to be contrary to policies HE4, GEN1, GEN3, HSG12, D1 and D2 of the Flintshire Unitary Development Plan.

### **3.00 CONSULTATIONS**

3.01 Local Member:  
Councillor C J Dolphin  
Requests committee referral and site visit to enable the new committee Members to visualise the dwelling and its rural context.

Whitford Community Council  
No response received a time of writing.

Chief Highways and Transportation Engineer  
Recommends that any permission shall include a condition to provide facilities to be provided and retained within the site for the parking and turning of vehicles prior to the use being implemented.

Chief Environment and Resources Officer  
Confirms no adverse comments to make regarding this proposal.

Dwr Cymru/Welsh Water  
No response received at time of writing.

Environment Agency  
The Environment Agency has assessed the application as having a low environmental risk, standard advice is relevant.

Building Control  
A building regulations application is required.

Bhp Petroleum Ltd  
No comments to make on the proposal. BHP Bilton must be informed if there are utility connections associated with the proposed development.

Countryside Council for Wales  
The ecological surveys/assessments have been carried out to a satisfactory standard. The proposal will not be detrimental to the maintenance of the favourable conservation status of any statutory protected species, CCW therefore has no objection to the proposed scheme.

Highways Rights of Way  
No affected footpath or bridleways in the immediate vicinity, therefore no observations to make.

SP Energy Networks

Plant and apparatus in the area and the developer should be made aware of the potential danger that may arise during their works (in relation to electrical apparatus).

Clwyd Powys Archaeological Trust

No impact on any medieval structures or sub surface archaeology.

The Gelli Farmhouse and barn are of local vernacular architectural value and would wish to see these building retained in the landscape and converted rather than being demolished.

Support the renovation and matching extension to the rear.

If consent granted require a photographic record of the farmhouse and out buildings prior to renovation to enable a permanent record of the building in its current form.

**4.00 PUBLICITY**

4.01 Site Notice, Neighbour Notification

No response received at time of writing as a result of the above publicity.

**5.00 SITE HISTORY**

5.01 11/048403 - Lawful Development Certificate for use of land for the siting of caravan in breach of condition No 1 of 0418/88 Granted 27.09.11

10/47525 - Erection of replacement dwelling with garage block and new vehicular access Withdrawn 17.05.11

998/89 Conversion of outbuilding to provide extension to dwelling Permit 13.11.89

0524/89 Conversion of outbuilding to dwelling Refused 30.08.89

0418/88 Retention of caravan Permitted 21.07 88

0522/87 Alter and improve garage and lean to Permitted 05.10.87

0479/87 Caravan accommodation for casual worker Permit 27.10.87

(Earlier applications not relevant to current proposals)

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

GEN1 General Requirements for Development

GEN 3 Development in the Open Countryside  
HSG12 House Extensions and Alterations  
HSG13 Annex Accommodation  
D1 Design Quality, Location and Layout  
D2 Design  
HE4 Buildings of Local Interest  
AC1 Facilities for the Disabled  
EWP2 Energy Efficiency in New Development

## **7.00 PLANNING APPRAISAL**

### **7.01 Building of Local Interest**

The existing dwelling and former shippon are designated as a building of local interest (BLI), and this is important in the consideration of this application (the building was designated as a BLI as an example of an early 19<sup>th</sup> C cottage and attached former shippon, with late 19<sup>th</sup> C stables to the rear, with stone walls on three sides, some of which have subsequently been removed.

The building presently retains the character of a small historic farm house typical of this part of the North Wales landscape. The site lies in a prominent position on the north west side of a road junction, in an open hilly, pastoral and partly wooded setting. This area has a long recorded history and contains a number of important historic buildings, including a nearby house of medieval origin.

### **7.02 Landscape within which the building is set**

The landscape within which the building is set is noted in LANDMAP (which is the national information system for taking landscape in to account in the decision making process). This area is described as of being of “regional value as part of Flintshire’s agricultural history” and contains a high number of good quality 19<sup>th</sup> C farm buildings. The principal management recommendation for the area is to ensure the maintenance of its existing character and appearance.

The existing farm complex of the application site has a prominent roadside presence, where it forms a local landmark and is also visible from public footpaths to the south west and north east, of these.

The simple vernacular horizontal form and relatively large ratio of solid wall to window allows the house to sit appropriately within this landscape character.

### **7.03 The Proposal**

The application proposes the retention of the existing front elevation of the dwelling but with the existing ridge line being raised by 300mm on what was the original dwelling. At present the ridge to the main building is 5.3m high and to the former shippon 4.4m. It is proposed that the ridge line to the original property would be raised to approx 5.6m high.

To the rear of the building it is proposed to extend westwards with a two storey wing, with a ridge line 5.5m high, linking the main dwelling to existing outbuildings, which are to be rebuilt to provide additional accommodation. The footprint of this two storey extension, approx. 8 m. by 6 m.(at ground floor level), provides an increase in floorspace of approximately 73m<sup>2</sup> on the ground floor and the upper floor by approximately 37m<sup>2</sup>. This, with the other minor additions, results in a percentage increase in floorspace of 115% over the existing dwelling, but this calculation includes the existing range of outbuildings within the increased floorspace.

In contrast to previous schemes little change is proposed to the curtilage of the existing farm and the access is to be retained in its current position (improved for visibility). It is proposed that a length of stone wall along the boundary is to be rebuilt and the chimneys on the building, recently removed, are to be replaced as part of the proposals.

The extension of this building is considered to be acceptable in principle and Committee has been advised previously, in relation to other applications, that the 50% referred to in the commentary to Policy HSG 12 is an indication of 'scale and character' and not a precise standard by which proposals can be judged. In lengthy negotiations with the applicant's agents prior to this submission it has been suggested by officers that the original dwelling might be linked to the range of outbuildings to the rear and this remains the logical method of maximising the potential for adapting and extending the property.

The issue here is that the principles for alteration and extension outlined by officers have not been followed and were the proposals to be amended along the lines suggested in pre-application discussions a satisfactory scheme might well be achieved. Some of the required changes relate to fundamental issues : e.g. the raising of the ridge line (which is considered to adversely impact upon the visual appearance, scale and proportions of the main property), the span (and consequent massing) of the westward extension to the rear, the rebuilding of the range of outbuildings to the rear in a different form, the introduction of inappropriate architectural detail (For example, the existing house has a symmetrical window pattern and the windows are of a relatively small scale in relation to the area of solid walling. In contrast the proposed two storey extension would have a relatively large area of glazing, the design of which is considered to be complex and asymmetrical in its appearance).

In applying the various policies the deficiencies of the scheme are apparent :

7.04 Policy HE4 Building of Local Interest

Policy HE4 specifies that in the case of alteration and extension that

the works should not adversely affect the architectural or historic character of the building and attention will be given to ensuring that any features of architectural or historical interest are preserved. All new works should be in keeping with the character of the original building and its setting in terms of design, scale and material.

7.05 Policy HSG12 House Alterations and Extensions

As stated, the proposed extension would be of different and larger proportions than the original smaller dwelling's scale and proportion, and as such this would harm the historic character of the existing small dwelling and would adversely impact upon its historic character and the landscape within which it is set.

The raising of the roof on the existing house, seeks to match the height of the extension, rather than the extension being lowered to relate to roof height of the existing original house, which would be more in character and reflective of the existing dwelling.

The extension proposed would give the total development a far greater bulk or apparent size than the existing original and as such the extension is not considered to be subsidiary in scale and form to the existing dwelling, nor is the proposal considered to respect the design and setting of the existing dwelling and the surrounding area.

In addition it is considered that the undifferentiated massing of the complex, would not allow the original dwelling to remain as the primary focus. It is also considered that there would not be a sufficient differentiation between the original dwelling and the extension proposed to enable a clear distinction between the original dwelling and the new parts of the development, and this is considered to be detrimental to the historic character of the building.

Whilst the council are sympathetic to the personal circumstances referred to in the supporting documentation submitted as part of the application, these circumstances do not justify an exception to the policy requirements, with regards to the policies which refer to BLI's, house extensions and alterations, design and development in the open countryside.

It is considered that these contribute to the cumulative impact of the proposed development on the character of this important historic building and its general landscape setting.

**8.00 CONCLUSION**

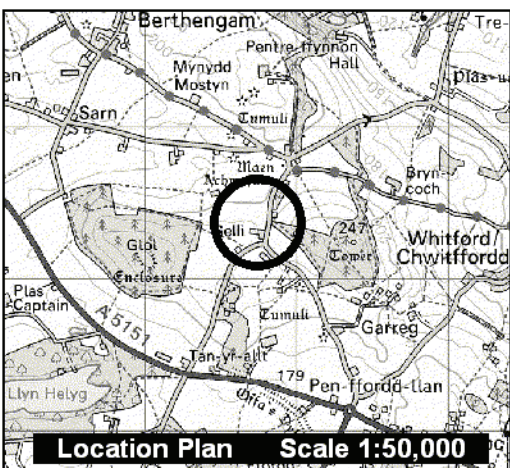
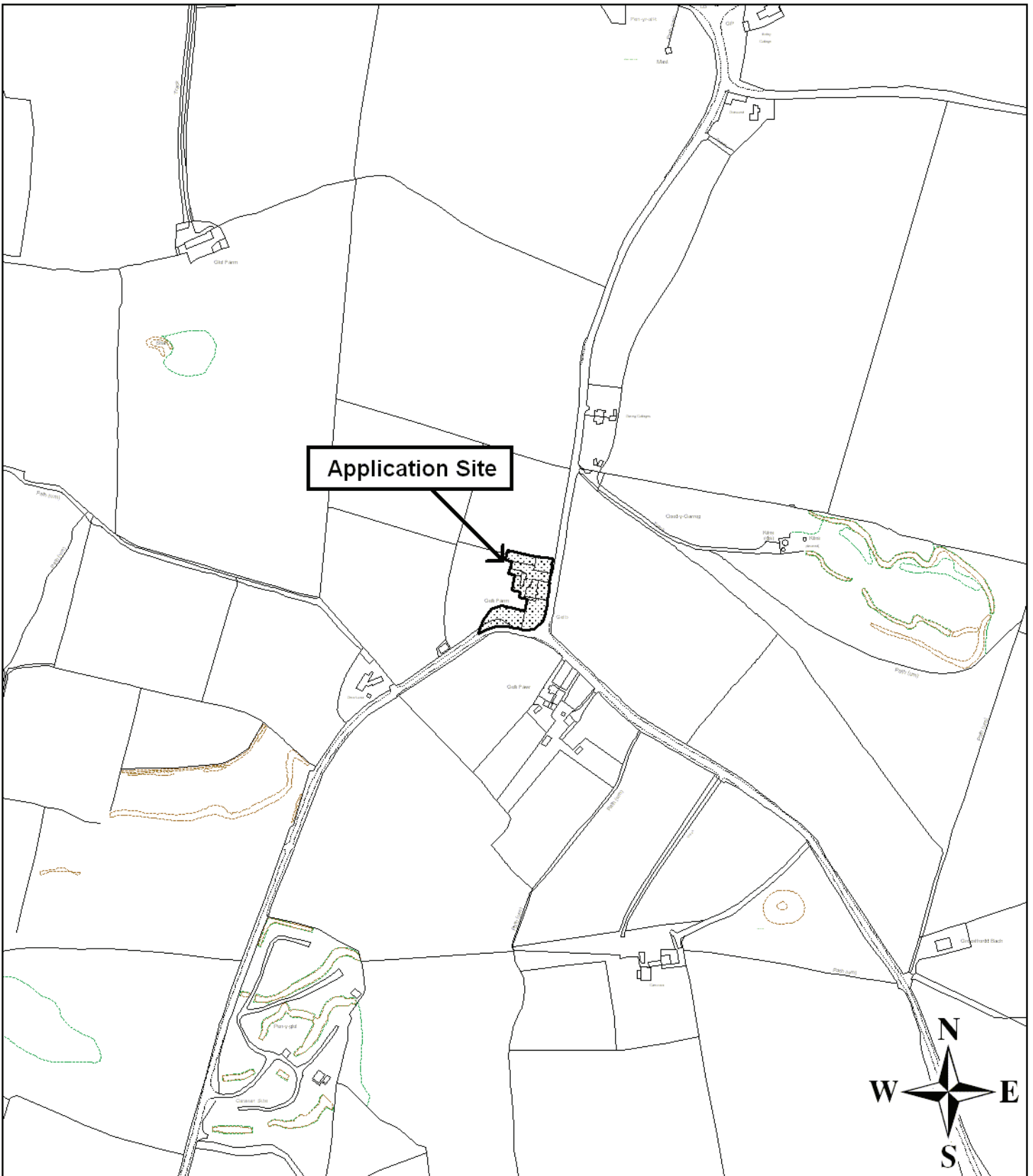
- 8.01 It is considered that the proposed extension and alteration not only adversely affects the original dwelling, its scale and proportions adversely affect the visual setting of the building as it is read in the landscape, within the rural setting, resulting in a recommendation of refusal for the reason stated.

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:** Barbara Kinnear  
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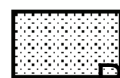


Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary



Application Site Extent

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Planning Application 49629

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 20 JUNE 2012**

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

**SUBJECT:** **PROPOSED ERECTION OF A REPLACEMENT DWELLING AT GELLI FARM, GELLI ROAD, TRELOGAN**

**APPLICATION NUMBER:** 049630

**APPLICANT:** Mr S Parker

**SITE:** Gelli Farm

**APPLICATION VALID DATE:** 05.04.12

**LOCAL MEMBERS:** Cllr C J Dolphin

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

**REASON FOR COMMITTEE:** Request from Councillor C J Dolphin for referral of the application to Committee,.

**SITE VISIT:** Yes

### **1.00 SUMMARY**

- 1.01 This application seeks consent for the erection of a replacement dwelling. The building is a building of local interest and as such demolition or alteration of the building would only be permitted if the building was structurally unsound and couldn't be made safe without extensive alteration or rebuild, or is incapable of refurbishment at a cost which is reasonable in relation to its degree of interest. The design of any replacement building should match or exceed that which is being demolished. In this case the Local Planning Authority (LPA) do not consider that the proposal complies with the above and as such that the existing building should remain.

### **2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR**

## **THE FOLLOWING REASONS**

2.01 1.The existing building which is designated as a Building of Local Interest (BLI) is considered to be of significant local historical interest, and its demolition and replacement would lead to the loss of this building and the contribution it makes to local distinctiveness by virtue of its age, materials and vernacular design, as such the proposal is considered contrary to Policy HE4 of the Flintshire Unitary Development Plan.

2.The building is considered by the LPA not to be structurally limited and therefore it is considered that there is no justification for its demolition. In addition the proposal is considered to be contrary to policy HSG6 in that the existing building (as a BLI) has significant local historical and architectural interest and the proposed new dwelling is not of a similar scale to the building its intended to replace, the design of the replacement dwelling does not reflect the character and traditional building style in terms of its design and form.

## **3.00 CONSULTATIONS**

3.01 Local Member  
Cllr C J Dolphin

Requests referral of the application to Planning Committee and a site visit, as this is now building of local interest and has importance within the landscape. A new Committee needs to see the state of the building visually and its setting in the landscape to enable the councillors to assess the proposals.

Whitford Community Council

No response received at time of writing.

Chief Highways and Transportation Engineer

Recommend that any permission shall include conditions with regards to the provision and retention within the site for parking and turning of vehicles, prior to the development being brought in to use.

Chief Environment and Resources Officer

Has no adverse comments to make regarding the proposal.

Dwr Cymru / Welsh Water

As the applicant intends utilising a septic tank facility advise that the applicant contacts the Environment Agency.

Bhpbilliton

No comments to make on the proposal.

Environment Agency

The Environment Agency has assessed the application as having a low environmental risk, however Environment Agency standard advice

is relevant.

#### Rights of Way

There are no affected public footpaths or bridle ways in the immediate vicinity, therefore have no observations to make.

#### Building Regulations

A building regulations application is required.

#### SP Energy Networks

It has been noted that SP Manweb plc have plant and apparatus within the area of the proposed development, the developer should be advised of the need to take appropriate steps to avoid any potential danger.

#### Countryside Council for Wales

The ecological surveys / assessments have been carried out to a satisfactory standard. The proposal will not be detrimental to the maintenance of the favourable conservation status of any statutory protected species, CCW therefore has no objection to the proposed scheme.

#### Drainage

No response received at time of writing.

#### Clwyd Powys Archaeological Trust

The Gelli farmhouse and barn are of local vernacular architectural value. Would wish to see these buildings retained in the landscape and converted rather than being demolished.

A photographic record of the buildings in their current form is suggested as a condition should consent be granted.

### **4.00 PUBLICITY**

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

No response received at time of writing.

### **5.00 SITE HISTORY**

5.01 11/048403 Lawful Development Certificate for use of land for siting of caravan in breach of condition No 1 0418/88 Granted 27.09.11

10/47525 Erection of replacement dwelling with garage block and new vehicular access Withdrawn 17.05 11

998/89 Conversion of outbuilding to provide extension to dwelling Permit 13.11.89

0524/89 Conversion of outbuilding to dwelling Refuse 30.08.89  
0418/88 Retention of Caravan Permit 21.07.88  
0522/87 Alter and improve garage and lean to Permit 05.10.87  
0479/87 Caravan accommodation for casual worker Permit 27.10.87  
0429/86 Renewal Permit 28.08.86  
0093/84 Renewal Permit 21.08.84  
Renewal 7.11.79 Permit 23.01.80  
3/WH/435/76 Caravan for supplementary accommodation Permit  
14.10.76.

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
Policy HE4 Buildings of Local Interest  
Policy HE7 Other Sites of Lesser Archaeological Significance  
Policy HSG6 Replacement Dwellings Outside Settlement Boundaries  
Policy STR7 Natural Environment  
Policy GEN1 General Requirements for Development  
Policy D1 Design Quality  
Policy D2 Design

## **7.00 PLANNING APPRAISAL**

7.01 Application Site  
This full application seeks consent for the erection of a replacement dwelling at Gelli Farm.

The existing dwelling is a detached part two storey and part single storey dwelling with various outbuildings (as part of the former farm complex), set within an open countryside setting.

The main buildings are designated as a Building of Local Interest and as such its demolition or alteration would only be permitted if the building was structurally unsound, could not be made safe without extensive alteration or rebuilding and is incapable of refurbishment at a cost which is reasonable in relation to the its degree of interest. As part of the policy criteria the design of the replacement building should match or exceed that which is proposed to be demolished.

7.02 Existing Building and Landscape.  
It is considered that the replacement of the existing building would result in the loss of an historic farm house which is a building of local

interest and is of significance in the landscape.

Its demolition and replacement would adversely impact upon the landscape which has been evaluated in Landmap as having high value in relation to the historic environment and its cultural landscape. An important consideration in this assessment, is that there should be no long term attrition of historic character, by new build, and or inappropriate change, to the landscape.

The proposed change to the historic form of the existing house and stable, and the contribution these vernacular buildings presently make to the, historic rural landscape in this location, will be resisted due to the adverse impact the change will have on the buildings and the local landscape.

### 7.03 Replacement Dwelling

The proposed replacement building would be of different and larger proportions in terms of its height, scale and depth in relation to the existing building. As such it is considered that the replacement dwelling would not have the historic character or integrity of the small existing house.

The details forwarded in support of the application have been assessed, not with standing these details, the existing building is considered by the local planning authority ,not to be structurally limited, as such it is considered that there is no justification for the demolition of the existing building .

In addition it is considered that the large rear extension proposed as part of the replacement dwelling scheme would over dominate the original house scale and form and this would be out of character with the general subordinate form that extensions to rural dwellings would be expected to achieve.

## 8.00 CONCLUSION

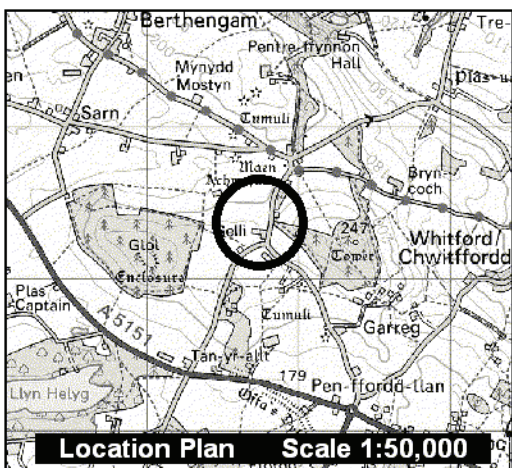
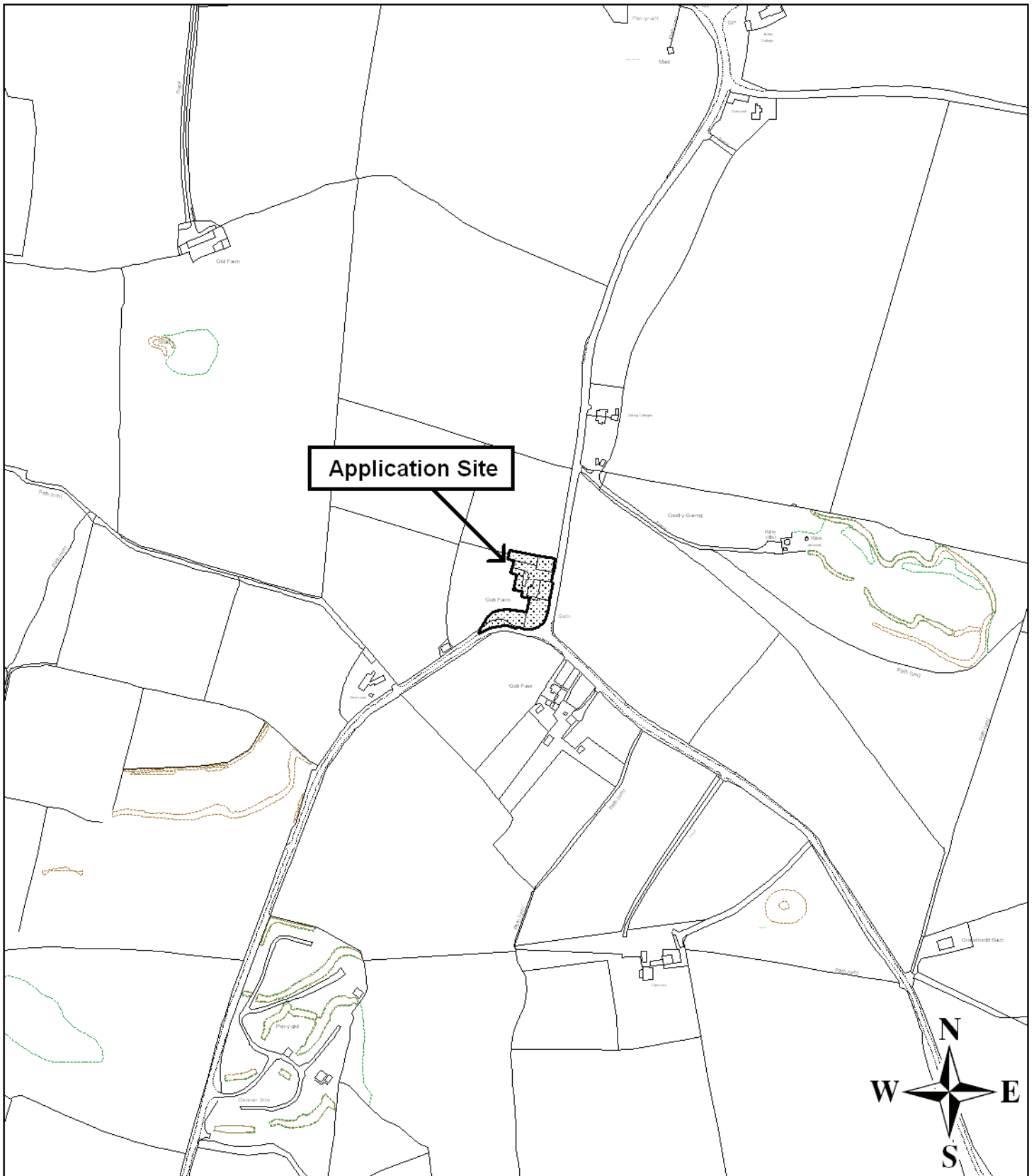
- 8.01 The proposed demolition of the existing building and its replacement with a new larger scaled and differently proportioned building, would lead to a loss of a building of local interest and significance in the local landscape and have an adverse impact upon the landscape.
- 8.02 The council consider that there is no justification for the demolition of the existing building, as it is consider that the existing building is not structurally limited.
- 8.03 The replacement of the existing dwelling by a new building would not have the historic character or integrity of the existing building.
- 8.04 As such the proposal is considered to be contrary to Policies HE4, HE7, HSG6, STR7, GEN1, D1 and D2 of the Flintshire Unitary

Development Plan.

- 8.05 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:** B Kinnear  
**Telephone:** 01352 703260  
**Email:** Barbara.kinnear@flintshire.gov.uk



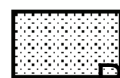


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:5000

OS Map ref SJ 1278

Planning Application 49630

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>TH</sup> JUNE, 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 ROAD, 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** **NO**

### **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.



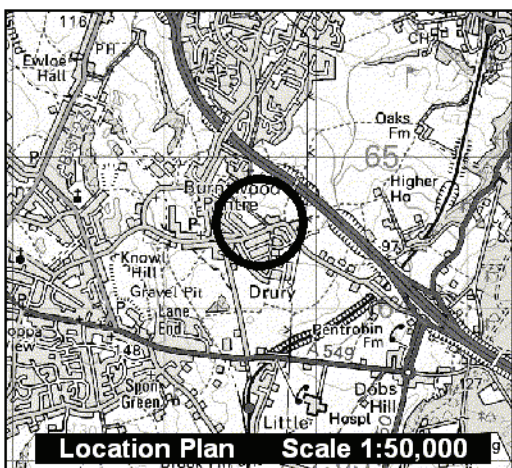
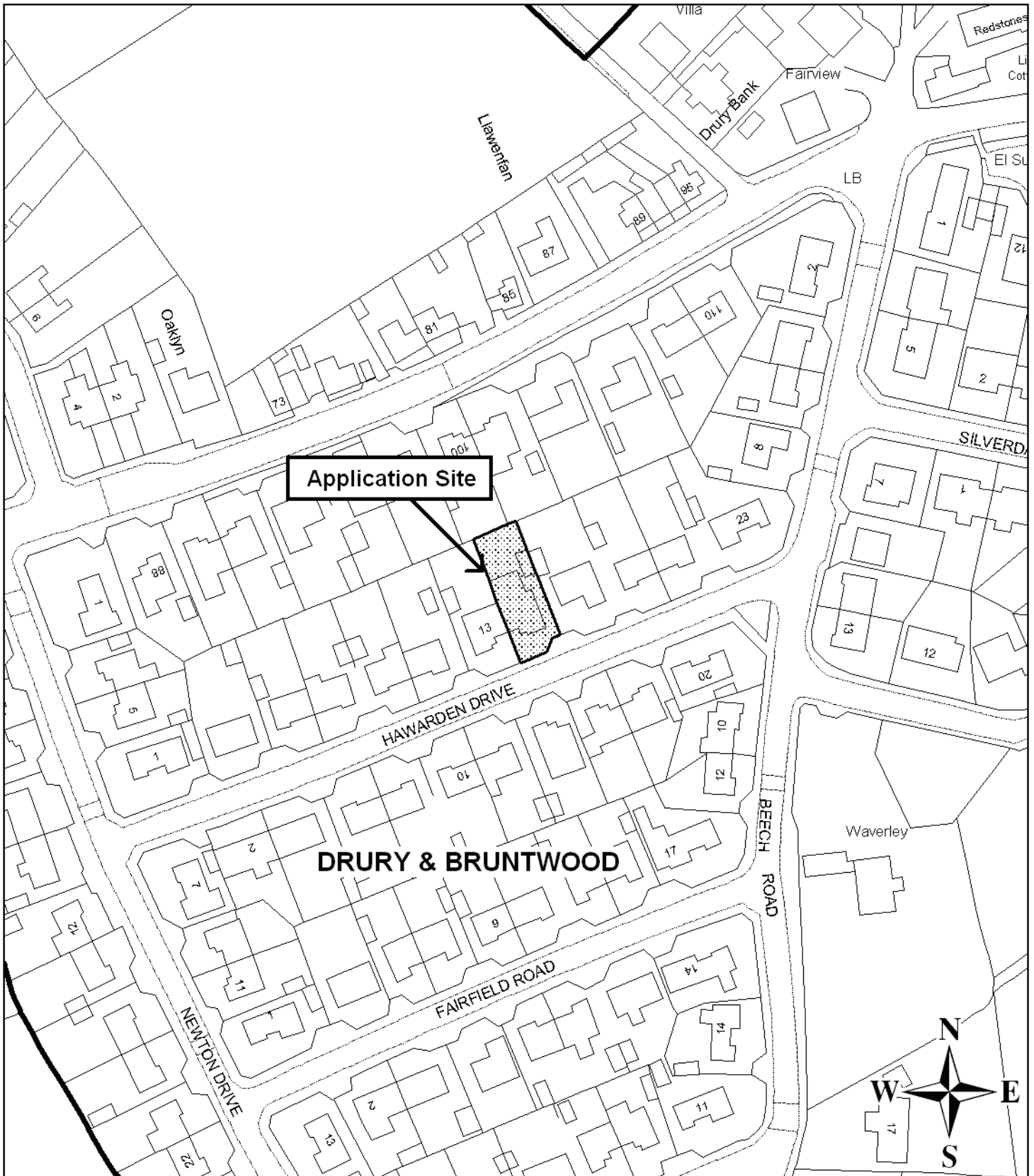
**8.00 CONCLUSION**

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**  
**Telephone: (01352) 703239**  
**Email: [pam.roberts@flintshire.gov.uk](mailto:pam.roberts@flintshire.gov.uk)**

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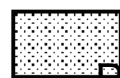


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**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:** **WEDNESDAY, 20 JUNE 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

### **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.

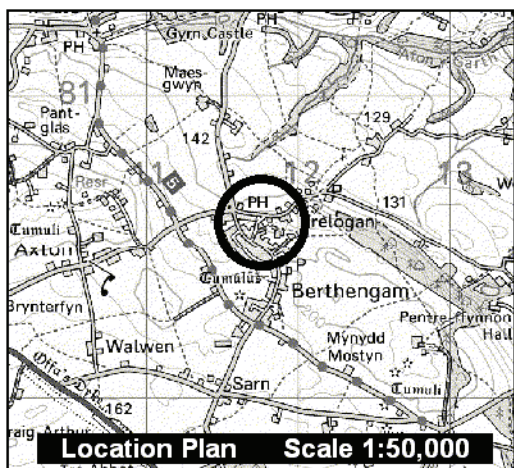
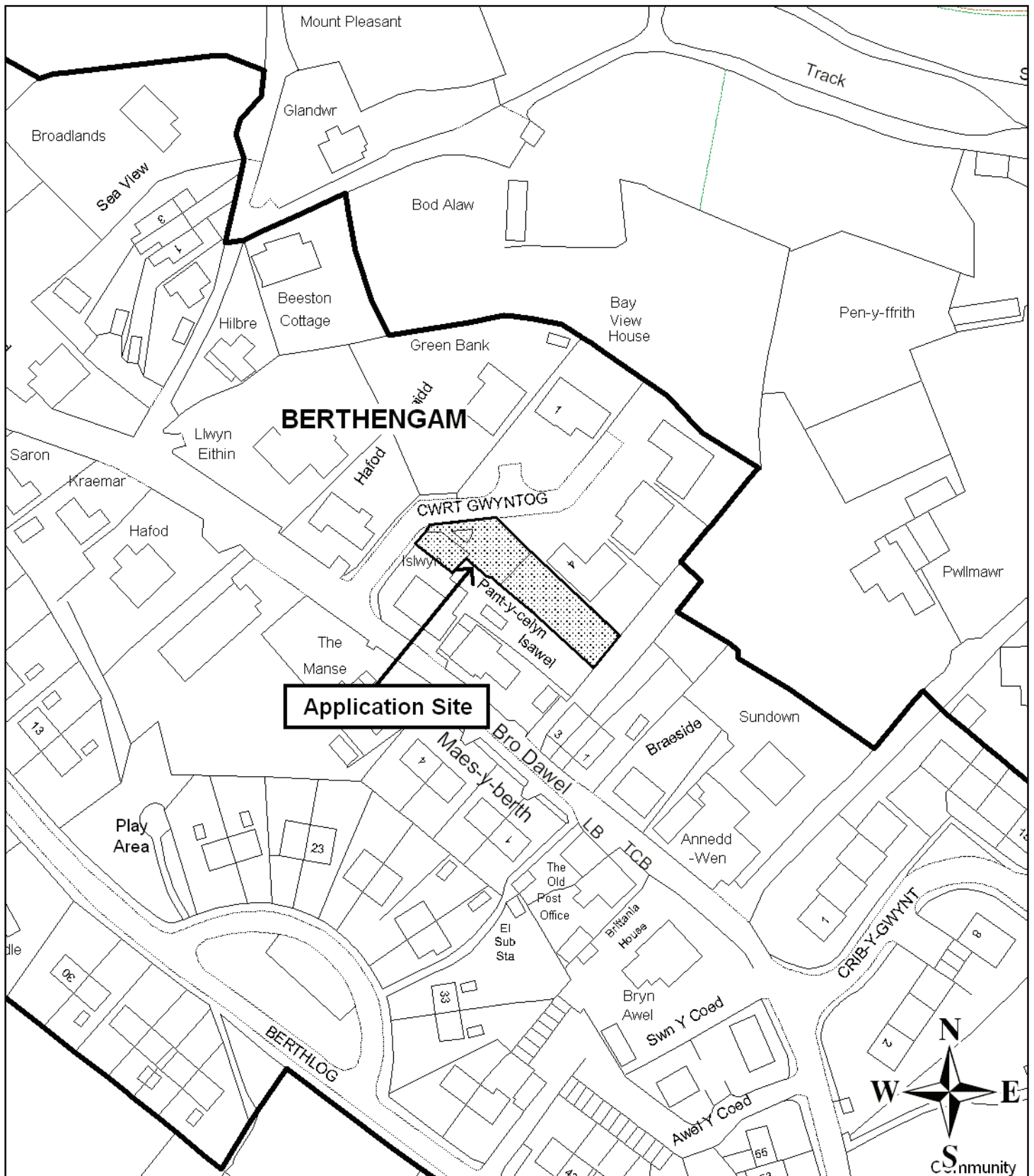
- 7.05 Principle of Development  
The site is situated within the settlement boundary of Trelogan as defined in the adopted Unitary Development Plan (UDP).
- 7.06 The main issue in regard to this proposal is in relation to Policy HSG3 of the Flintshire Unitary Development Plan (FUDP). This policy states 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  
**Telephone:** 01352 703235  
**Email:** celeste\_ringrose@flintshire.gov.uk

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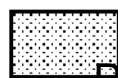


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application 49665

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 20 JUNE 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** OUTLINE ERECTION OF A TWO BEDROOMED  
SINGLE STOREY BUNGALOW AT OAKSWOOD,  
BERTH DDU, RHOESMOR, MOLD.

**APPLICATION  
NUMBER:** 049452

**APPLICANT:** MR P WICKES

**SITE:** OAKSWOOD, BERTH DDU, RHOESMOR, MOLD

**APPLICATION  
VALID DATE:** 13<sup>TH</sup> FEBRUARY 2012

**LOCAL MEMBERS:** COUNCILLOR C LEGG

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

**REASON FOR  
COMMITTEE:** The applicant will be required to enter in to a Section  
106 legal obligation to offer the property back to the  
Council or Registered Social Land lord if the property  
should come up for sale, on a first refusal basis.

**SITE VISIT:** NO

### **1.00 SUMMARY**

1.01 This application is an outline application for the erection of a bungalow within the existing grounds of Oakswood, a detached two storey dwelling. The application is considered primarily as an infill plot with the additional context of close care accommodation provision for the applicant's daughter.

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

2.01 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), that conditional planning permission be granted.

#### Conditions

1. Time limit for commencement
2. Reserved matters to be submitted
3. Visibility splays of 2.4 x 34m in both directions and no obstruction to visibility splays
4. Access in accordance with standard access details cojoined
5. Facilities to be provided and retained within the site for parking and turning.
6. Foul and surface water to be drained from site separately.
7. No surface water to connect to public sewerage system
8. Land drainage run-off shall not drain into public sewer
9. Submission of amphibian mitigation measures, Reasonable Avoidance Measures to the satisfaction of the Local Planning Authority.
10. Prior to commencement of work the route and the design of the existing land drain shall be investigated by the developer and if required shall be repositioned to enable development to take place without building over this land drain, in order to mitigate any potential local flood risk.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

Councillor C Legg

No response received at time of writing.

#### Halkyn Community Council

Comment that the development exceeds permitted development for the area.

Furthermore almost all development for the entire area has taken place within an area of approximately 500sqm, creating overcrowding and comment that the proposed small garden area is inadequate.

They comment that three tiny bungalows have already been granted permission, (on the grounds of compassionate need, and in retrospect only one was genuine).

The proposed building is out of context with adjacent dwellings and will be detrimental to the character of the area.

Residents are concerned that further compromise to planning guidelines will create a strong precedent that it will open a floodgate of

applications, thus destroying the rural nature of the hamlet.

#### Head of Assets and Transportation

Recommend that any permission shall include conditions with regards to:

- Visibility splays of 2.4 x 34m in both directions, no obstruction to visibility in excess of 1m
- The access shall be cojoined with the existing and set out in accordance with the standard details
- Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be submitted to and approved by the County Council.

#### Head of Public Protection

They have no adverse comments to make regarding this proposal.

#### Dwr Cymru / Welsh Water

Requests that any consent be conditioned with regards to:

The provision of foul and surface water being drained separately from the site

No surface water to connect to public sewage system.

Land drainage run-off will not be permitted to discharge to sewerage system

#### Drainage

No response received at the time of writing.

#### Power Systems Ltd

I SP Powersystems have plant and apparatus within the area of the proposed development, the developer is advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to electrical apparatus.

#### Countryside Council for Wales

CCW does not object to the proposal, which is not likely to adversely affect any of the identified interests.

The great crested newt has been previously recorded in a pond located close to the boundary of the application site and if a great crested newt is recorded within the boundary of the application site, operations may only proceed after an appropriate licence has been issued by the Welsh Assembly Government.

#### Halkyn Commoners and Graziers Association

Have no objection to the planning application.

#### Airbus

The proposed development has been examined from an aerodrome

safeguarding aspect and does not conflict with safeguarding criteria, we have no aerodrome safeguarding objection to the proposal.

#### Housing Strategy Unit

Have been consulted with regard to the application and are generally supportive of the application.

### **4.00 PUBLICITY**

#### 4.01 Site Notice, Neighbour Notification

Letter's received as a result of consultation on the following grounds;

- Similar application made before and was granted with a clause pertaining to sustainable housing.
- Oakwood itself is a substantial property does not appear to be a sustainable development.
- Request that the Council is made aware of a land drain that flows through the gardens of both Rose Cottage and Oakwood. This drains water from a natural well and carries a substantial amount of water and if blocked has the potential for serious risk of flooding.
- Concern that the bungalow is not in keeping with the two houses either side of the application site.
- Wish to ask why the first application was refused but a second application has been submitted with no apparent difference.

### **5.00 SITE HISTORY**

#### 5.01 **047351**

Outline application for erection of bungalow within grounds of Oakwood Refused 21 February 2011 as a Section 106 was not signed, this decision was taken to Appeal and this decision was upheld and dismissed by the Inspectorate on the 7<sup>th</sup> December 2011.

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

GEN 1 - General Requirements for Development

HSG5 - Limited Infill Outside Settlement Boundaries

### **7.00 PLANNING APPRAISAL**

#### 7.01 Introduction

This outline application proposes the erection of one (two bedroomed bungalow) for provision of "close care accommodation" for the applicant's daughter. The applicant's daughter is unable to secure independent housing provision for herself, and due to health issues requires housing at this specific location so that her parent s can provide an element of care and supervision whilst allowing her a



degree of independence.

7.02 Site and Proposed Development

The proposed bungalow is within the existing garden area of Oakwood. The site is presently a level grassed garden area with some brick and wooden outbuildings in situ, enclosed by established boundaries of fences, shrubs and stone walls. The site, whilst outside a recognised settlement boundary is considered to comply with infill policy HSG5 requirements, as it is set within row of dwellings where there is a clearly identifiable group of houses within a continuously developed frontage. The site is set between two, two storey detached houses set within large plots and accordingly the proposed small single storey dwelling proposed is considered acceptable in terms of scale, amenity and amenity space provision for both the existing and proposed properties.

7.03 Whilst the proposal is for a bungalow, it is set between two storey properties but it is considered that the scale, design and location of the proposal are appropriate and there is sufficient space on the proposed plot. The development is not out of character with the area which is characterised by a variety of design and plot sizes nor is it considered that the development creates overdevelopment.

7.04 Although the application has been submitted in outline, illustrative details on the location and the dimensions of the proposed footprint and the height have been submitted and are as follows, the proposed footprint size is approx 111sq m and a ridge height of approx 5.3m, with a rear garden depth of 12m being retained, this is considered reflective of the surrounding property plots. Further details with regards to the design, service provision, parking /turning will be secured at the full or reserved matter stage.

7.05 Principle of Development

Within the Flintshire Unitary Development Plan (UDP), Policy HSG5, provision is made for limited infill, subject to the criteria being for a proven local housing need. In the circumstances of this particular application I am satisfied that the personal circumstances are sufficient to provide an exception to the criteria of Policy HGS5. This concurs with the view of the Inspector on the previous appeal. The Housing Strategy unit have requested that the applicant enter in to a legal agreement with a clause, that should the property become available in the future, that the Council or the Registered Social Landlord be given first refusal if there is at that time an identifiable need for such a specialised or adapted property. This again reflects the Inspector's decision on the previous appeal which was effectively dismissed because the 106 agreement was not entered in to.

7.06 Access and Car Parking

The proposed development will be accessed by a co-joined access serving both the existing and proposed site and is to be constructed in

accordance with standard access details. This will enable the creation of a safe and satisfactory means of access which maintains highway safety.

7.07 Infrastructure and other matters

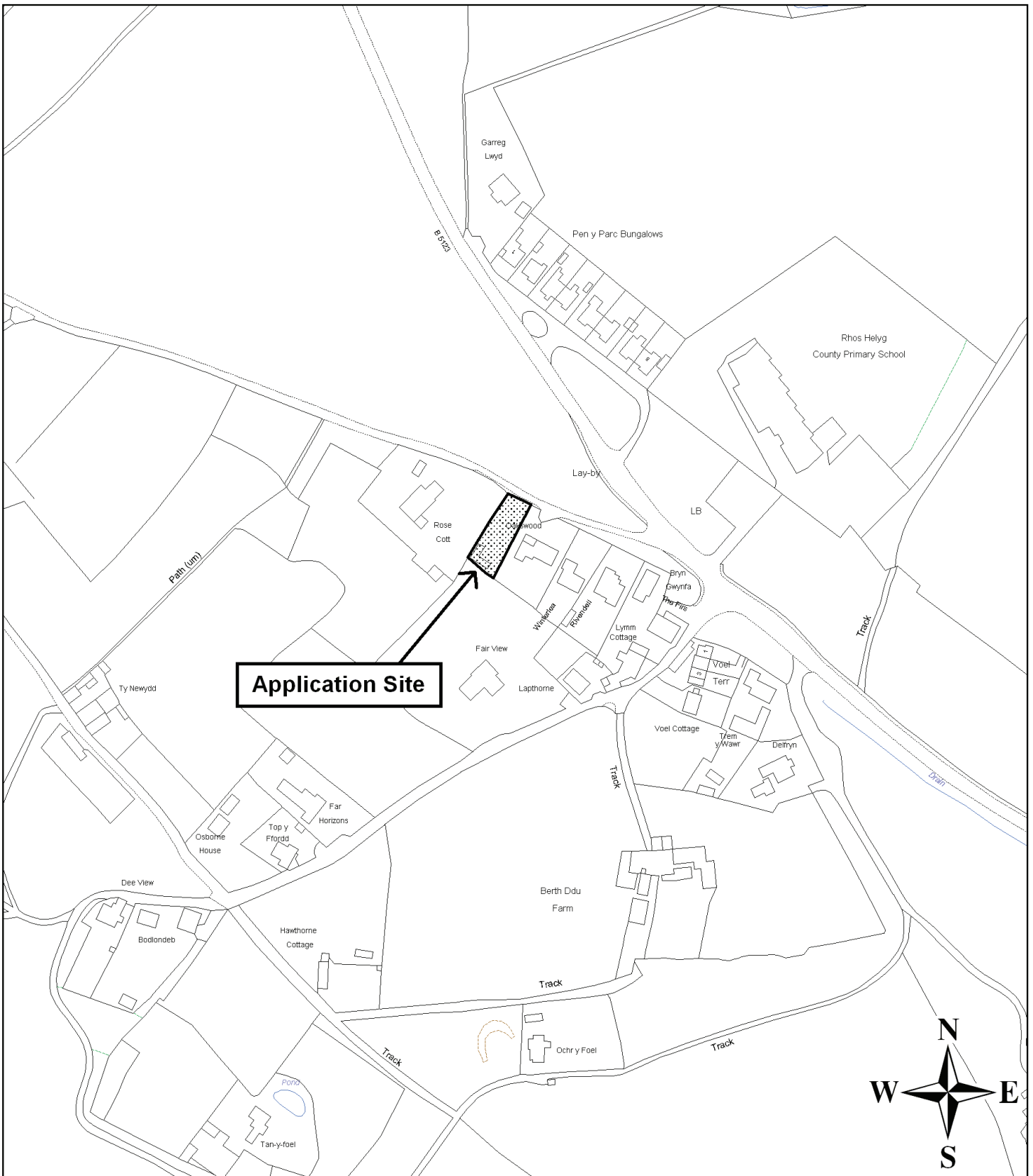
With regards to the land drain which crosses the site, this aspect has been considered as part of the previous application, in addition has been considered by the council's drainage section, who advise that the route and design of the existing land drain is to be investigated by the developer and following this research the land drain ,if required, shall be repositioned to enable development without building over this land drain, in order to mitigate any potential local flood risk to the applicant or the adjoining residents.

**8.00 CONCLUSION**

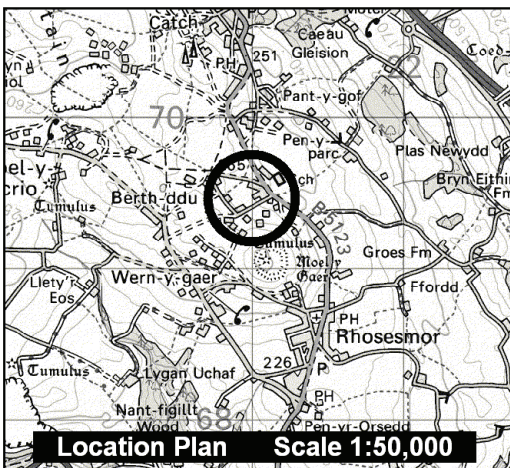
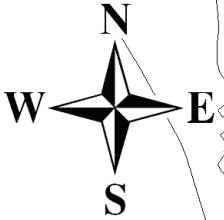
8.01 The proposed development is considered to be acceptable given the circumstances cited, subject to the suggested conditions and the applicant entering in to a Section 106 planning obligation, to offer the property, were it to come up for sale, back to the Council or Registered Social Landlord on a first refusal basis.

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:** Barbara Kinnear  
**Telephone:** 01352 703260  
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**Application Site**



**Location Plan Scale 1:50,000**

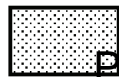


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale	1:2500
OS Map ref	SJ 2169
Planning Application	<b>49452</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 20 JUNE 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** 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 CROES ATTI, CHESTER ROAD, OAKENHOLT.

### **1.00 APPLICATION NUMBER**

1.01 49154

### **2.00 APPLICANT**

2.01 Anwyl Homes Ltd.

### **3.00 SITE**

3.01 Croes Atti, Chester Road, Oakenholt.

### **4.00 APPLICATION VALID DATE**

4.01 21/10/2011

### **5.00 PURPOSE OF REPORT**

5.01 Members were informed at the 14<sup>th</sup> March 2012 committee that an appeal against non-determination had been lodged with the Planning Inspectorate. The appeal is to be heard by way of a public inquiry on 20<sup>th</sup> – 22<sup>nd</sup> August 2010. Members resolved that the Flintshire Council 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 also stipulated a further condition requiring that the play area be up to adoptable standards, that it be offered to Flintshire County Council for adoption and that a 10 year maintenance sum be requested if the play area was adopted. The report to the Committee on 14<sup>th</sup> March is appended to this report.

- 5.02 The Public Inquiry requires final proofs of evidence in respect of this matter to be presented 4 weeks before the Inquiry date i.e., 20<sup>th</sup> August 2012.
- 5.03 Upon receipt of legal advice from Counsel appointed to appear at the Public Inquiry, Members are asked to consider further the stance to be adopted by the Council in respect of the appeal.

## **6.00 REPORT**

6.01 Following the Committee resolution of 14<sup>th</sup> March 2012, Counsel has been instructed in respect of the appeal. The strength of planning conditions and the proposed Section 106 Legal Agreement have been assessed. Counsel considers that an arguable case can be presented in respect of the majority of the conditions/Legal Agreement, but in respect of the condition requested by Members to be imposed regarding the provision and maintenance of the play area for the site, Counsel's Advice is that a case cannot be reasonably advanced for such a condition.

6.02 In his Advice, Counsel, points out that that Paragraph 72 of Welsh Office Circular 35/1995 (*The Use of Conditions In Planning Permissions*) states:-

“Conditions may not require the cession [or giving up] of land to other parties, such as the highway authority.”

Therefore, it is clear from the Circular that such a condition would in any event be contrary to national policy. As such, Counsel's view is that it is practically inevitable that the Inspector in this appeal would refuse to impose the condition.

6.03 Counsel accepts the reason behind the Committee's request for a condition to this effect was concern about the provision and maintenance of the play area. In itself that is a legitimate concern and planning consideration. Moreover, if the Appellant were willing to enter into a planning obligation to secure the transfer of the play area to the Council and to provide a sum for its maintenance, there would be nothing objectionable in that. The difficulty lies in the fact that the Council could not insist upon the Appellant doing so if they were unwilling for the following main reasons:-

- It was not required in the original grant of consent and it is unclear what material change of circumstances the Local

Planning Authority could rely on to justify its change of position, e.g. there does not appear to have been any material change in policy justifying the change of position.

- The local policies and supplementary planning guidance in force in relation to play areas and new residential development do not require that they should be given up for adoption by the Local Planning Authority. Rather, developers are advised that they have the option either to arrange for the maintenance of the site themselves (e.g, through a management company), or to dedicate the site to the Council and provide a commuted sum. Accordingly, there does not appear any policy basis for an insistence on transfer to the Local Planning Authority.
- In any event, concerns regarding whether the developer or third party will adequately provide or maintain a play area or open space can be addressed without the need to require the transfer of the area to the Local Planning Authority. For example, if a scheme is to be submitted under condition (or if the matter is dealt with alternatively by way of planning obligation), requirements can be imposed as to the standard of provision or maintenance which can then subsequently be enforced if there appears to be non-compliance.

In Counsel's view, it is therefore likely that the Inspector would consider that the Council would be acting unreasonably.

6.04 In that context, Counsel considers the following provisions of Welsh Office Costs Circular (no. 23/93) to be of particular relevance:-

"In any appeal proceedings, the authority will be expected to produce evidence to substantiate each reason for refusal, by reference to the development plan and all other material considerations. If they cannot do so, costs may be awarded against them. This is the ground on which costs are most commonly awarded against a planning authority. Each reason for refusal will be examined for evidence that the provisions of the development plan, and relevant advice in Departmental planning guidance in PPGs, RPGs, MPGs or Circulars, and any relevant judicial authority, were properly taken into account; and that the application was properly considered in the light of these and other material considerations. In any such proceedings, authorities will be expected to produce evidence to show clearly why the development cannot be permitted." (annex 3, paragraph 8)

"[another] example of unreasonable behaviour is when a planning authority cannot show good reason – such as a material change in planning circumstances – for failing to renew an extant or a recently expired planning permission." (annex 3, paragraph 19).

6.05 Counsel also has concerns regarding the non-determination of the application. The Costs Circular gives specific warning that an

inadequately explained failure to determine applications within the statutory period may also be met with an award of costs:-

“If a planning authority fail to determine an application within the statutory period, or any extended period to which the applicant agrees, the applicant may appeal to the Secretary of State [now the Welsh Ministers]. Paragraph 7 of Circular 22/80 (WO 40/80) advises that, if a decision will be unavoidably delayed, the applicant ought to be given a proper explanation, including information about any consultation with other bodies and some indication when a decision is likely to be given. In any appeal under section 78(2) of the 1990 Act, the planning authority will be expected to show that they had specific and adequate reasons for not reaching a decision within the time-limit. An example is where they were discussing relevant issues with the appellant and had requested an extended period, or required further information which was requested but not received from the appellant soon enough to enable a timely decision to be made. An award of costs may be made against the planning authority if, in the appeal proceedings, they cannot show that they had specific and adequate reasons for failing to make a decision; or if they cannot produce evidence to substantiate each of their stated reasons why they would have refused planning permission (if they had determined the application within the prescribed period).” (annex 3, paragraph 26)

In this case, Counsel considers that he has not seen any cogent reasons why the application was not determined in time.

- 6.06 Accordingly, the advice of Counsel in this matter is quite clear, that any attempt to impose the additional member requested Public Open Space condition during the course of the appeal proceedings is quite likely to be judged unreasonable, an application for costs will be made, and will be successful. In addition Members should be mindful that the appeal is against non-determination and there has been a duplicate application which Members resolved not to determine, which could give rise to a further costs application in the event of an appeal in that case.
- 6.07 Members will also recall that when the stance for the appealed application was presented to Committee on 14<sup>th</sup> March 2012 the Council were still in the process of clarifying whether or not an additional financial contribution would be required in addition to land “gifted” over to the Council to provide for a school, as set out in the existing Section 106 Agreement relating to the site. Members endorsed the stance that, if deemed necessary, a financial contribution for enhanced educational facilities be made for schools that are reasonably served by the development. In the report to the 18<sup>th</sup> April 2012 Committee which dealt with a duplicate application Ref: 044426, Members were informed that late observations received from the Head of Education and Resources confirmed that in addition to the “gifted” over of land to provide for a new school, an educational contribution of £290,500 would be required. Members' resolution was



that the application should be deferred.

Therefore, at that time 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 has reviewed the background data on justifying the need for an educational contribution and now is of the opinion that it would be unreasonable to require such a contribution. This being the case, Members are requested to allow the Council's stance on the appeal to be progressed without reference to a need for any commuted sum payment in regards to educational provision.

## **7.00 RECOMMENDATIONS**

7.01 That the Planning Committee reconsiders the Council's stance in this appeal and resolves in accordance with the recommendation in the report to the 14th March 2012 Planning & Development Control Committee) as follows:-

Not to object to the grant of planning permission pursuant to the appeal, subject to the re-imposition of all previous planning conditions attached to the outline planning permission and to the appellant 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.

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

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**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 5.4**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **14 MARCH 2012**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **GENERAL MATTERS APPLICATION - VARIATION OF  
CONDITION NO.3 ATTACHED TO OUTLINE PLANNING  
PERMISSION REF: 035575 TO ALLOW 7 YEARS FOR THE  
SUBMISSION OF RESERVED MATTERS FROM THE DATE  
OF THE OUTLINE PLANNING PERMISSION BEING  
GRANTED RATHER THAN THE 5 YEARS PREVIOUSLY  
PERMITTED AT "CROES ATTI", CHESTER ROAD,  
OAKENHOLT**

**1.00 APPLICATION NUMBER**

1.01 049154

**2.00 APPLICANT**

2.01 Anwyl Homes Ltd  
Anwyl House  
Mona Terrace  
Prince Edward Avenue  
Rhyl  
Denbighshire  
LL18 4PH

**3.00 SITE**

3.01 Land at  
Croes Atti  
Chester Road  
Oakenholt  
Flintshire

**4.00 APPLICATION VALID DATE**

4.01 21/10/2011

**5.00 PURPOSE OF REPORT**

5.01 To update members with regard to the planning application proposing the residential development of the land at Croes Atti, in view of the fact that an appeal against non-determination has been submitted by the applicant and has been accepted by the Planning Inspectorate. The application can no longer be determined by the local

planning authority and a resolution is therefore required to establish the stance to be adopted by Flintshire County Council in respect of the appeal.

## **6.00 REPORT**

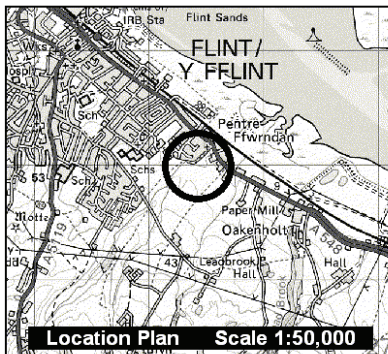
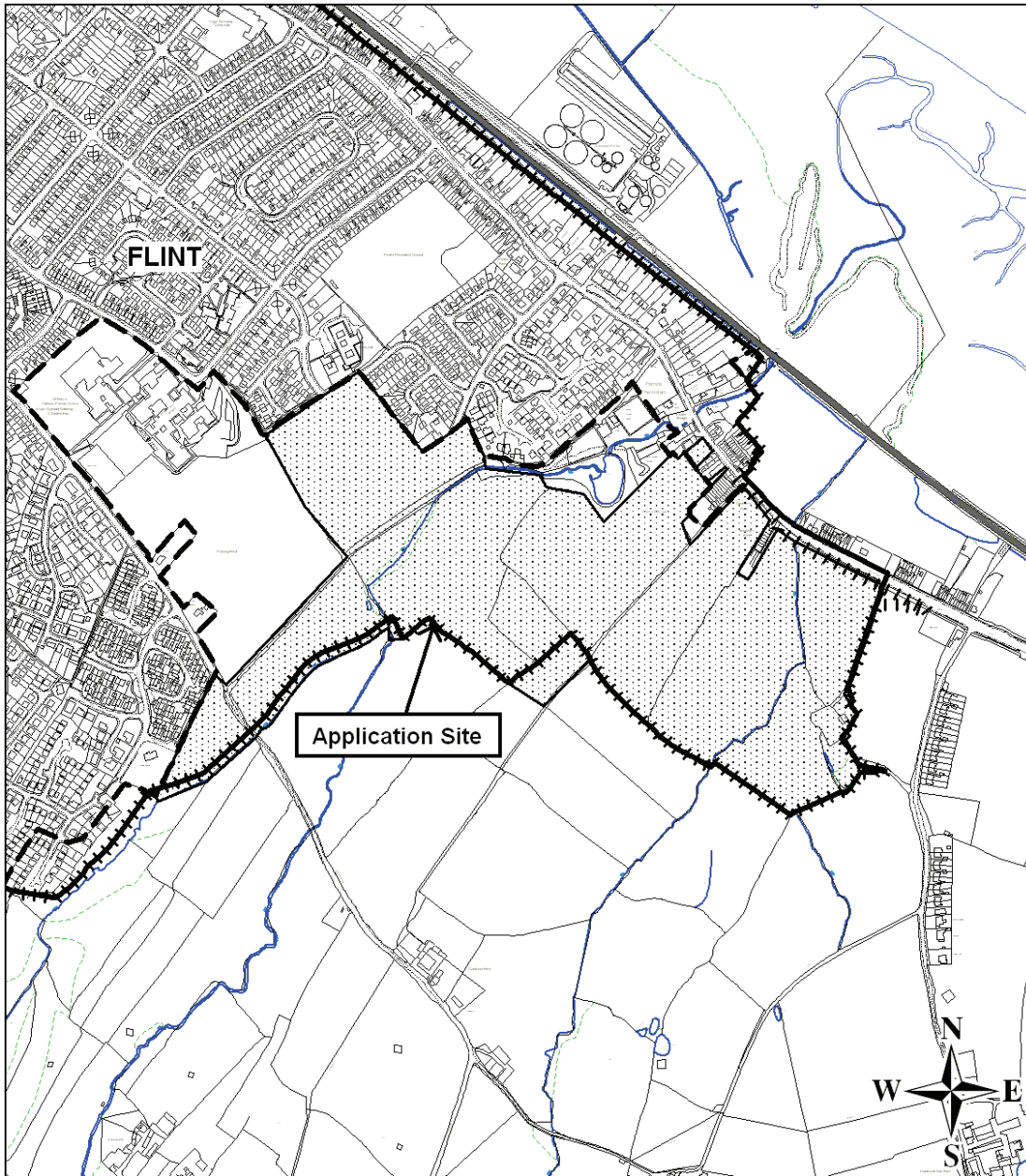
- 6.01 The proposed development relates to the variation of condition No.3 attached to outline planning permission Ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted at "Croes Atti", Chester Road, Oakenholt. 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 rest of those reserved matters applications within the lifetime of the outline permission.
- 6.02 In the normal course of events the application would have been reported to planning committee for determination, however as mentioned above this cannot now be pursued. The 8 week determination date for the application expired in mid December. In considering this application whilst the principle of the development is not in dispute, the Council can potentially review aspects of the scheme and it was at this stage in the process that the application was at prior to the appeal being made. The application was not due to be reported to planning committee until various matters relating to the application had been clarified e.g. educational provision. Some of these issues are still outstanding, however, notwithstanding the issues to be clarified, the officer recommendation in any event would have been to recommend granting of the variation of condition No.3 attached to outline planning permission Ref: 035575. The issues to be clarified would have related to conditions to be re-applied to the overall consent and any changes to the legal agreement if these were warranted.
- 6.03 The start date for the appeal has been confirmed, it is to be considered by way of an informal hearing and will be heard on Tuesday 12th June 2012 in Flint Town Hall.
- 6.04 The options now open to the Council are :**1. To resolve to permit the application** including the requirements covered by the proposed Section 106 Agreement and conditions as attached in Appendix 1. **2. To resolve to permit the application in some other terms** - including some or none of the conditions /limitations contained in the recommendation at Appendix 1. **3. To resolve to refuse the application** - in which case sound planning reasons would need to be brought forward to support this stance. A resolution to adopt no stance regarding the appeal is not therefore an option.

- 6.05 In the case of options **1** or **2** the Planning Inspectorate would be advised that the local authority would have been minded to permit the development in the terms set out and that the council would not wish to present a case other than to request that the Inspector considered these terms if he/she was minded to grant permission. In the case of option **3** the reasons for refusal would need to be substantiated with evidence and the case prepared in a manner appropriate to the appeal method. Once submitted, an appeal can only be withdrawn by the appellant.

**7.00 RECOMMENDATIONS**




- 7.01 My recommendation on the application is that planning permission should be granted subject to the completion of a Section 106 Agreement and appropriate conditions as attached in Appendix 1. These have been adapted to take account of material considerations since the outline planning permission was originally granted as these became apparent and the appended report sets out the terms under which I now consider that planning permission should be granted. As the grant of planning permission is no longer within the Authority's power I recommend that the Inspector be asked to allow the appeal in the terms set out in the recommendation (i.e. subject to the completion of the Section 106 Agreement and to the conditions listed) and that it be confirmed that, beyond this, the Authority does not propose to contest the appeal or make any further representations.

Contact Officer: Declan Beggan  
Telephone: 01352 703250  
E-Mail: declan\_beggan@flintshire.gov.uk



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

**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 1:7500

Ordnance Survey Sheet SJ 2571

Planning Application 49154

**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 5.-4**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **18 APRIL 2012**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **VARIATION OF CONDITION NO.3 ATTACHED TO OUTLINE  
PLANNING PERMISSION REF: 035575 TO ALLOW 7 YEARS  
FOR THE SUBMISSION OF RESERVED MATTERS FROM  
THE DATE OF THE OUTLINE PLANNING PERMISSION  
BEING GRANTED RATHER THAN THE 5 YEARS  
PREVIOUSLY PERMITTED AT "CROES ATTI", CHESTER  
ROAD, OAKENHOLT**

**APPLICATION NO:** **049154**  
**APPLICANT:** **ANWYL HOMES LTD**  
**SITE:** **LAND AT (WHOLE SITE)  
CROES ATTI,  
CHESTER ROAD,  
OAKENHOLT,  
FLINTSHIRE**  
**APPLICATION VALID DATE:** **21/10/2011**  
**LOCAL MEMBERS:** **CLLR. R. JOHNSON**  
**TOWN/COMMUNITY COUNCIL:** **FLINT TOWN COUNCIL**  
**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT**  
**SITE VISIT:** **NO**

**1.00 SUMMARY**

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

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

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

- scheme to be in general conformity with the Revised development Brief,
- construct or to reimburse the Council for the reasonable cost of a footpath/cycleway linking the site with Leadbrook Drive,
- phasing/occupation of housing,
- setting aside of 1.5 hectares of land and its transfer for a school site
- setting aside of land for a shop site,
- setting aside of a site of 0.45 hectares for a health centre,
- setting aside of a site of 0.25 hectares for a community centre and its transfer
- provision of 4.5 hectares of open space including an enclosed equipped children's play area, a landscape strategy, a management strategy for open space areas including establishment of a management company
- Provide for a maximum of 10% of number of dwellings for affordable use
- If deemed necessary a financial contribution for enhanced educational facilities in schools to be reasonably served by the development

Conditions

1. Reapply 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.

**3.00 CONSULTATIONS**



3.01 Local Member

Cllr. R Johnson

None at time of writing report

Adjacent Flint Members

Cllr. E.F. Evans, Cllr. D Cox, Cllr. I.B. Roberts

Agree to determination under delegated powers

Flint Town Council

Supports the application

Head of Assets and Transportation

No objections

Clwyd Badger Group

No objections

Welsh Water

No objections subject to conditions

Environment Agency

No objections

Countryside Council for Wales

No objections

Campaign for the Protection of Rural Wales

No objections

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

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

One letter of representation has been received who objects and is summarised as follows,

- Questions the validity of the applicant to submit a Section 73 application on the site and whether the applicant is out of time to submit any more reserved matters applications under such an a Section 73 application.
- The application should be refused, the applicant has had 7 years to accommodate such a request for an extension of time and no other developers have received such favourable conditions.

**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 Cores 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 proposed use or development to establish that outline planning permission for residential development at Croes Atti (035575) grants consent for vehicular access to be taken to the Thomas Land from Prince of Wales Avenue to serve residential development land at Croes Atti, Chester Road, Oakenholt - undetermined

**049425**

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

**049426**

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).

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

## **7.00 PLANNING APPRAISAL**

### **7.01 Principle of Development**

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

7.02 In the normal course of events the application would have been reported to planning committee for determination, however as mentioned above this cannot now be pursued. The 8 week determination date for the application expired in mid December. In considering this application whilst the principle of the development is not in dispute, the Council can potentially review aspects of the scheme and the application was at this stage in the process prior to the appeal being lodged. The application was not due to be reported to planning committee until various matters relating to the application had been clarified e.g. educational provision. Some of these issues are still outstanding, however, notwithstanding the issues to be clarified, the officer recommendation in any event would have been to recommend granting of the variation of condition No.3 attached to outline planning permission Ref: 035575. The issues to be clarified would have related 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

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.

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.

7.6 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.

7.7 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.

7.8 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.

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

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

7.11 Education

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

**8.00 Conclusion**

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

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

**9.00 Appendices**

9.01

## **8.00 CONCLUSION**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 20 JUNE 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** GENERAL MATTERS - ERECTION OF 10 NO. TWO  
BEDROOM APARTMENTS AT RISBORO, NANT  
MAWR ROAD, BUCKLEY

### **1.00 APPLICATION NUMBER**

1.01 049451

### **2.00 APPLICANT**

2.01 Mr. G. Ames

### **3.00 SITE**

3.01 Risboro,  
Nant Mawr Road,  
Buckley,  
CH7 2BR.

### **4.00 APPLICATION VALID DATE**

4.01 13/02/2012

### **5.00 PURPOSE OF REPORT**

5.01 Following the resolution at the 23<sup>rd</sup> May 2012 meeting of the Planning and Development Control Committee to refuse the above planning application, to seek guidance regarding the reasons for refusal to be attached to the decision.

### **6.00 REPORT**

6.01 Members are referred to the minutes of the previous meeting, where it will be noted that it was resolved that planning application ref. 49451 was to be refused for reasons referring to;

1. The overdevelopment of the site and its consequent overbearing impact upon the residential amenity of adjacent properties, namely those upon Dawn Close,
2. The development will give rise to additional traffic generation which would be detrimental to highway safety in this location,  
  
and
3. The approval of the proposed development would establish a precedent for the demolition of existing large properties in the vicinity to be the detriment of the character of the area.

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 the reasons for the refusal of planning permission. From discussion at the last Committee, Members will be aware of the views of officers with regard to the robustness of the refusal in general terms, but specifically in respect of the proposed reason for refusal attributed to highway issues, having regard to Planning Policy and other considerations. It is therefore suggested that Members consider this further report in advance of the drafting of this reason.

6.03 **Highway Issues**

At the Committee meeting on 23<sup>rd</sup> May 2012, debate in respect of the application focussed, in part, upon the issue of the impacts of the proposed development upon highway safety in the area generally. Questions were raised in respect of the adequacy of the visibility splays proposed at the proposed point of access to the site. Members were advised by officers that this issue had been considered by the Head of Assets and Transportation in his formulation of advice to the Committee. Advice was given that regard had been had to applicable guidance contained within both Technical Advice Note 18 : Transport (TAN18) and Manual for Streets 2 (September 2010) and therefore, there was no concern in this respect. Despite this advice, Members were concerned that, in view of the access being created onto what they considered to be a busy road, inadequate visibility was being provided.

6.04 Whilst not specifically citing inadequate visibility as the primary reason for refusal, Members were effectively stating that they believed there to be a need for the proposed point of access to be subject to a level of provisions other than that considered acceptable by the Head of Assets and Transportation. Guidance in respect of the calculation of the dimensions of visibility splays is set out in paragraph B.6 of Annex B to TAN 18 and is reiterated at Section 10 (Paragraph 10.5.8) of Manual for Streets (Sept 2010). These guidance documents advise that whilst a distance of 2.4 metres from the edge of the nearside

channel of the carriageway should be used, it specifically advises that a minimum distance of 2 metres may be considered acceptable in some slow speed or lightly trafficked situations. It recognises that the front of some vehicles will protrude slightly into the running carriageway but notes that many drivers will cautiously nose out into the traffic.

- 6.05 Members are advised that in view of the lightly trafficked nature of Princess Avenue and the fact that traffic is travelling at slower speeds either approaching or having executed a manoeuvre at the junction with Nant Mawr Road, the Head of Assets and Transportation remains of the view that the visibility splays indicated as part of the application are considered acceptable in the interests of highway safety.
- 6.06 Members are also requested to consider that, in coming to its determination upon a related and not dissimilar development proposal upon this site in October 2011, Highway reasons were also cited as a reason for refusal. Members will recall that this resolution necessitated the presentation of a further General Matters item to November 2011 Committee to advise upon the unsustainable nature of such a reason for refusal. Members may also recall that the Committee resolved to accept the advice in respect of the then suggested reason for refusal upon highway grounds.

#### **Recommendation**

**That Members reconsider the resolution made at the 23<sup>rd</sup> May Committee in respect of this particular reason for refusal for the reasons set out above and consider refusal upon grounds other than that of highway impact.**

- 6.07 **Overlooking & Overdevelopment**  
Members will recall resolving to refuse for an additional reason related to the overdevelopment of the site and its consequent adverse overlooking of adjacent properties on Dawn Close. In view of this fact, I set out below the proposed wording of a reason for refusal to reflect these comments.

#### **REASON FOR REFUSAL**

**The proposals are considered to amount to an overdevelopment of the site which, by virtue of the form, height and design of the proposed dwellings in relation to existing adjacent dwellings, would result in an overbearing impact, occasioned by overlooking, to the detriment of the levels of residential amenity currently enjoyed by the occupants of those dwellings. Accordingly, the proposals are considered to be contrary to the provisions of Policies GEN1, D1 and HSG3 of the Flintshire Unitary Development Plan.**

- 6.08 **Precedent**  
In addition, Members resolved to cite precedent as a reason for

refusal. In view of this I set out below the proposed wording of a reason for refusal to reflect these comments.

#### **REASON FOR REFUSAL**

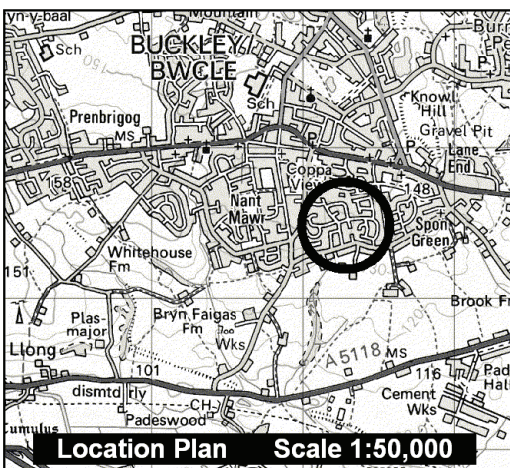
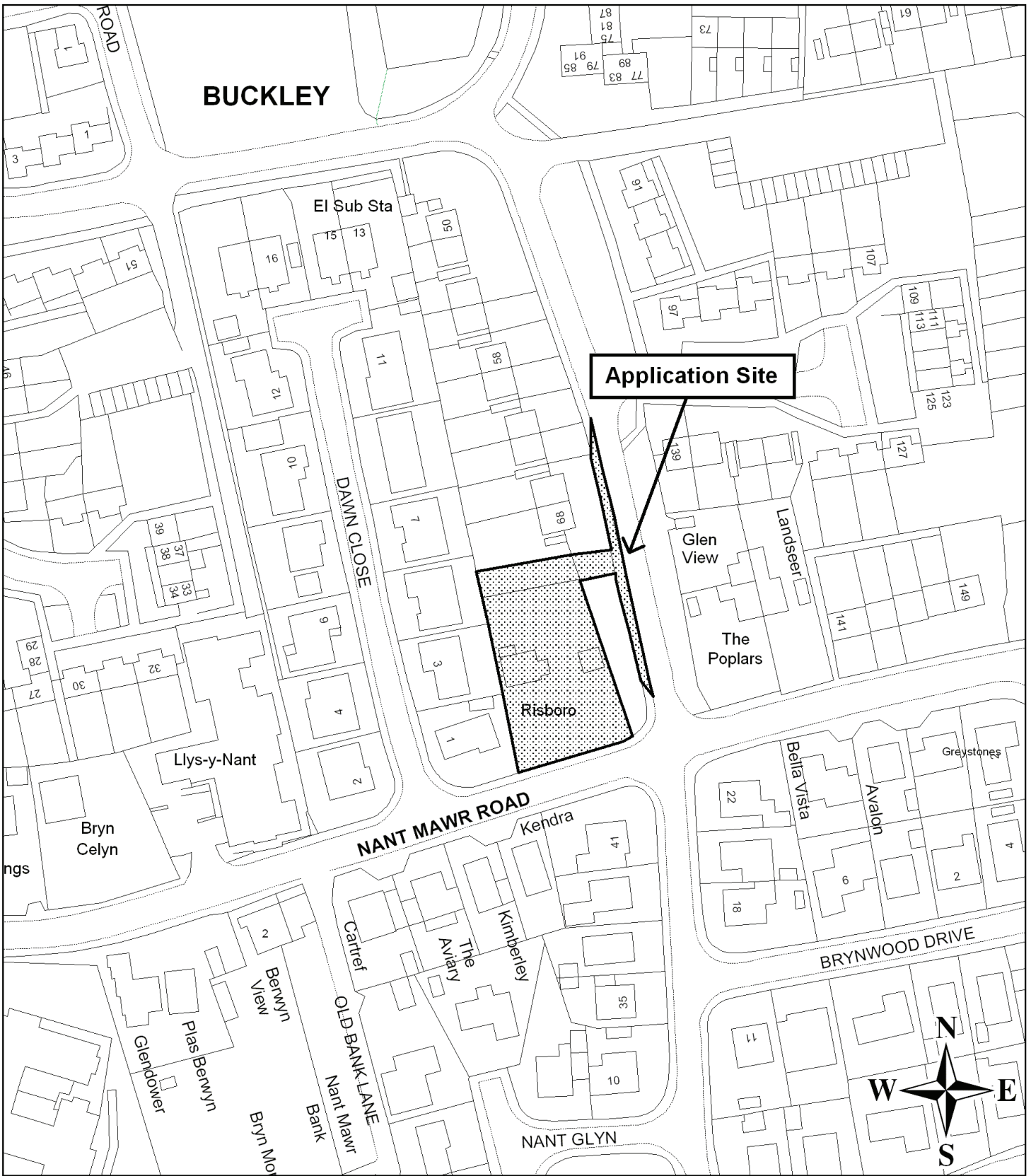
**The proposal seeks approval for a form of development which, if approved, would establish a precedent for the demolition of large detached properties in the area and the re-development of those sites with increased numbers of dwelling units, of a form incongruous with the locality, which would have a significantly adverse impact upon the character and appearance of the area. Accordingly, the proposals are considered to be contrary to the provisions of Policies GEN1, D1, HSG3 and HSG8 of the Flintshire Unitary Development Plan.**

- 6.09 In summary, Members are asked to consider the difficulty in defending the reasons for refusal in relation to the matters identified as part of the resolution of committee and, that relating in particular to highway issues, is reconsidered in view of the information presented above.

#### **7.00 RECOMMENDATIONS**

- 7.01 That the wording of the draft reason for refusal relating to overdevelopment and adverse impacts upon amenity arising from overlooking in relation to application ref. 49451 is considered by Members to determine whether this accurately reflects the resolution at Planning and Development Control Committee on 23<sup>rd</sup> May 2012.
- 7.02 That the reason relating to highways is not included in the decision on the application.
- 7.03 Should Members resolve not to accept the second recommendation, that delegated authority be given to the Head of Planning to draft an additional reason based on this issue.

**Contact Officer: David Glyn Jones**  
**Telephone: 01352 703281**  
**Email: glyn\_d\_jones@flintshire.gov.uk**

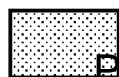


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale	1:1250
OS Map ref	SJ 2763
Planning Application	<b>49451</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>th</sup> June 2012**

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

**SUBJECT:** **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 AT SPENCER INDUSTRIAL ESTATE, BUCKLEY**

**APPLICATION NUMBER:** **049740**

**APPLICANT:** **Flintshire County Council**

**SITE:** **Materials Recycling Unit, Spencer Industrial Estate, Buckley, CH7 3LY**

**APPLICATION VALID DATE:** **09/05/2012**

**LOCAL MEMBERS:** **Cllr D. Hutchinson, Cllr M. Peers**

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

**REASON FOR COMMITTEE:** **Previous application was referred to committee**

**SITE VISIT:** **Not required**

### **1.00 SUMMARY**

- 1.01 This full planning application seeks to retain the primary use of the site as a materials recycling facility (MRF) whilst providing a new education centre, refurbished staff offices and facilities and to regularise the use of the existing car park compound. The site, located on the Spencer Industrial Estate, Buckley is owned and operated by Flintshire County Council and processes recyclates that arise from the kerb side collection service offered by the Authority.

There are no structural changes proposed to the MRF, but to the east of this building a two storey education centre is proposed. To facilitate

this development the existing scrubland will be cleared to allow construction of the building and so that a new access can be provided along with coach and car parking areas with sufficient space for manoeuvre. The existing offices opposite the entrance to the MRF will be refurbished to provide improved office and welfare facilities. The staff/visitor car park alongside the offices has already been constructed and this application seeks to regularise its current use.

One of the primary purposes of this application is to provide a single suite of planning conditions for the site, thus allowing the authority the ability to control and regulate activities that occur, and which would be enforceable by the authority in order to protect amenity.

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

- 2.01
1. Commencement
  2. In accordance with submitted details
  3. Waste types and definition of permitted uses
  4. Hours of working
  5. Condition to ensure site investigations are undertaken to ascertain extent and nature of contamination.
  6. Condition to ensure a Coal Mining Risk Assessment is undertaken and any remediation measures that are required are taken.
  7. Conditions to be applied in relation to drainage
  8. Condition to be applied in respect of development near water mains
  9. Porta Cabins to be removed upon occupation of improved welfare facilities
  10. Clearance to the site from waste and scrap upon cessation of use
  11. Implementation of Ecological Method Statement
  12. Lighting
  13. Maintenance of hard-standing, access splay, palisade fencing and security gates.
  14. Landscaping
  15. Copy of permission and schemes approved to be kept on site.
  16. No mud, debris or litter to be carried off site.
  17. All goods vehicles entering and leaving the site are to be sheeted.
  18. Restriction on noise levels arising from development.
  19. All plant and machinery on site shall be maintained and silenced.
  20. Should vibration from the sites plant and equipment be deemed to cause a loss of amenity off site a scheme to control it will be required.
  21. No crushing on construction and demolition waste to be carried out on site.
  22. No operations for the screening of construction and demolition waste shall be permitted on site.
  23. Condition to control dust generation on site.
  24. No sufficiently odiferous waste to be imported to the site.
  25. Inspection manholes to be provided on site for foul and surface



water drainage systems.

26. Any facilities for the storage of oils, fuels or chemicals on site shall be bunded.

### **3.00 CONSULTATIONS**

#### **3.01 Local Members**

Cllr. D. Hutchinson – no response at time of writing

Cllr. M. Peers – Welcomes the education facility, but raised the issue of parking on Globe Way where the access is to be created.

Buckley Town Council – Queries raised and clarified by officer

Chief Highways and Transportation Engineer – No objection

Chief Environment and Resources Officer – Advise condition to undertaken contaminated land survey and complete remediation works if required.

Valuation & Estates – Support the application

Ecology – No objection, advise scheme of reasonable avoidance measures and mitigation be submitted and agreed with the LPA prior to commencement of works to safeguard the newt population.

Coal Authority – Advise that a Coal Mining Risk Assessment be undertaken prior to any works and that any required remediation be undertaken.

CPAT – No archaeological implications for this development.

CCW – Raise no objections provided a condition is included on any permission to ensure the implementation of the Ecological Method Statement prior to the commencement of works.

Welsh Water – Advise conditions in relation to drainage and development near water mains.

Environment Agency – No objection in principle, advise developer be made aware of Environmental Permits that apply to the site.

Airbus – No objection.

### **4.00 PUBLICITY**

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

No objections received through public consultation process.

## 5.00 SITE HISTORY

5.01 **044960** Retrospective application for a recycling and waste transfer centre – **Deferred 27/05/2009**

**042255** Extended waste recycling operations and regularisation of existing waste management operations – **Approved 18/01/2008**

**038619** Change of use for waste transfer, recycling and recovery and construction of waste transfer station building, hardstanding and portacabin offices – **Approved 02/06/2005**

**037899** Erection of a waste transfer building and enclosed storage area – **Approved 29/07/2005**

**032743** Provision of facility for recovery of recyclable materials (partly in retrospect) **Approved 29/07/05**

Before permission was granted for waste transfer and recycling the site was previously a scrap yard within Spencer Industrial Estate. Prior to that, the area was in historic industrial uses such as for brick clay brick works and coal mining.

## 6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 New Development Criteria

STR3 Employment

STR10 Resources

GEN1 General Requirements for Development

GEN2 Development Within Settlement Boundaries

D5 Outdoor Lighting

WB1 Species Protection

WB2 Sites of International Importance

WB3 Statutory Sites of National Importance

AC13 Access and Traffic Impact

EM3 Development Zones and Principal Employment Areas

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

National and Regional Policy

Technical Advice Note 21: Waste

National Wales Waste Strategy: Wise About Waste

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 Site Location**

The site is located within Spencers Industrial Estate, which is not directly within a residential area, but is located within the settlement boundary. The site is separated from residential development by some considerable distance, including other industrial units, disused land allocated for employment (Mount Pleasant Road), a civic amenity site, Etna Park and Buckley Town Football Club. There is a high quality local access road, Globe Way, leading from Liverpool Road and the local highway network, and access can be gained via Burntwood and Drury Lane, though the local access road is not of a particularly high standard. The majority of vehicles access the site via Liverpool Road and Globe Way.

### **Development Proposal**

The total site area is 0.71 hectares and there are two distinct aspects which form this application, the provision of an education centre and the retention/regularisation of activities associated with the MRF.

The main physical change to the appearance of the site resulting from this proposal is the construction of the education centre which is to be located to the South West of the MRF building. It consists of two storeys and although in close proximity to the MRF its only physical link will be at first floor level by way of a viewing gallery allowing visitors to see recycling activities in practice through triple glazed fire resistant glass. The education centre will have a flat roof and is to be finished in insulated metal cladding panels in keeping with the existing cladding on the MRF building. Internally, at ground floor level the centre comprises a classroom/meeting room, toilets and a reception, above is an exhibition area, the viewing gallery and a small kitchen, a lift is proposed to provide access for all users.

To provide the education centre, the vegetation and scrub that currently occupies the site will be cleared so that a new access, car and coach parking/manoeuvring area can be created. The education centre will operate between the hours of 0900 and 2100 Monday to Friday, with up to 2 school visits per week during school hours, with community and other groups visiting in the evening.

The second aspect of the proposal is to retain the use of the site for the sorting, bulking-up, storage and onward transfer of sorted waste delivered to the site as a result of the Council's kerb side recycling service. The existing planning permission for the MRF building allows the emergency storage of household waste for up to three days and it should be noted that under this proposal no residual 'black-bag' or

'wheelie bin' waste will be brought onto the site.

The MRF currently comprises an industrial green coloured steel clad building with roller shutter doors located at the rear of the site, in front of which is a concrete surfaced storage area. The site has a soil bund adjacent to the highway and is secured by palisade fencing supplemented by 'reed' screening panels, whilst newt fencing also runs along the boundary. A wide entrance splay allows vehicular access and has locking security gates.

It is proposed to change the current five day working pattern to a six day pattern, resulting in a reduction in the number of vehicles needed to operate, this will be achieved by lengthening the working day and working on a Saturday. The MRF would operate between the hours of 0700 and 2000 Monday to Saturday with no working on Sundays or Bank Holidays. The proposed operating hours extended the working day from 1900 hours to 2000 hours, collection vehicles will return at 1700 hours as opposed to 1500 hours under the current permission. The range of waste streams to be processed on site will be restricted to: plastic bottles, glass bottles, metal cans and paper/cardboard.

In addition, opposite to the main entrance of the MRF a car park has been constructed on part of the former West Pennine Recycling Site. A compacted hardcore base has been laid down and a 2 metre high green powder coated palisade fence has been erected around the perimeter, lockable entrance gates provide security. The car park has provided an alternative area for the parking of the staff's private vehicles as opposed to along Standard Road.

The offices themselves will be subject to internal refurbishment to provide improved staff welfare facilities without altering the existing footprint. Upon completion, the portacabins providing staff facilities currently located on the adjacent MRF yard will be removed from site.

### Ecology

A method statement has been prepared and submitted to accompany this application in order to protect the Great Crested Newt (GCN) which could potentially be found on site. The existing scrub land that is to be cleared to provide the education centre and associated access/parking is located between two areas included in the Deeside and Buckley Newt Sites Special Area of Conservation (SAC). However, the site already benefits from enclosure by amphibian exclusion fencing, and an agreed period of trapping to remove any GCN that may be present from the site before works commence is detailed under the mitigation section of the method statement.

After conducting a test of likely significant effects, it is considered that the application will not have a significant impact on the Deeside and Buckley Newt Sites SAC.

A new license will need to be obtained by the applicant due to the potential for a protected species (GCN) to be present on site. It is considered that this proposal meets the derogation tests by way of providing a recycling facility which contributes to the conservation of the environment, and that the development is not detrimental to the maintenance of the species. Furthermore the only physical alteration to the site is the erection of the education centre, which must be located next to the MRF in order to serve its purpose, and as such there is no viable alternative location for the centre.

Compensation for loss of habitat will be within the area of Standard Landfill Site with habitat enhancement and creation. Detailed description of all proposed mitigation within the planning application area, and compensation will be provided in the License Application to the Welsh Government.

The Countryside Council for Wales have requested that any approval be subject to a condition ensuring the implementation of the Ecological Method Statement.

#### Highways

It is proposed that the 11 collection vehicles will leave the MRF at 0700 hours and return at the end of the day from 1700 hours using the existing access off Standard Road at the Northern boundary of the site. Although all vehicles will leave at approximately the same time their collection routes will differ and they will be quickly dispersed throughout the highway network. Again due to the varied collection routes the vehicles will return on an independent basis rather than all at the same time. During the working day the vehicles will make two or three trips to the site, resulting in an approximately 88 collection vehicle movements per day assuming 3 trips are made to the MRF by each vehicle during the working day.

A small hooklift vehicle will enter the site up to 5 times a day with small skips collects from the County's householder recycling centres. A large hooklift vehicle will also operate up to 8 times a day in order to collect paper/cardboard and glass for final disposal. The baled recyclates will be disposed of via an articulated vehicle that will arrive on a Saturday. Due to the differing volumes of material one articulated vehicle is required weekly and two are required fortnightly.

The designated staff car park will provide adequate parking for all operatives working on site, prior to its construction there was no such provision and staff parked along Standard Road. The main movement of staff traffic will be at the start and end of each day. At present there is an average of 40 staff vehicles using the car parking but this is expected to decrease slightly due to the change in the working pattern. The majority of these vehicles arrive at or before 0700 hours and will leave after 1500 hours.

It is anticipated that there will be up to two visits to the education centre made by schools from across Flintshire each week, by various modes including coaches, cars and mini buses. The proposed access and parking layout for the education centre is acceptable and coaches will be able to enter and leave the site in a forward gear. There is adequate turning space to enable them to manoeuvre on site.

Although currently unadopted, the road that will service the education centre and the adjacent civic amenity site has been constructed to adoptable standard and should the vacant plots further to the South East be developed there is the possibility of its formal adoption as public highway.

#### Contamination

It has been identified that the application site has the potential to be contaminated due to former uses. Therefore it has been advised that investigative works be conducted prior to the commencement of construction works on site. Remediation measures would be undertaken should they be required. A condition would be placed upon any approval that the Council may see fit to grant to ensure this process takes place. However, it should be noted that the vast majority of the site benefits from being overlaid by an existing concrete slab which reduces the risk of the ingress of contaminants onto the working site. The Contamination Assessment submitted with the application concluded that the given the current use of the site there was no significant risk to human health from underlying contamination.

#### Visual Impact

There will be limited visual impact as a result of the application proposal, the education centre is the only physical structure that is not already present on site. Its size is subsidiary to the existing MRF it abuts and to that of many of the other units that occupy Spencers Industrial Estate. Its steel cladding finish and flat roof design are in keeping with the surrounding units.

### **8.00 CONCLUSION**

The use of the site as a Materials Recycling Facility is already established in principle and this application seeks only to regularise the activities that will be performed on site as a result of the re-structure of the Street Scene service. The education centre would provide an educational asset for the County's schools which can also double as a meeting or conference room for the Street Scene service. The refurbished offices will provide improved welfare facilities for the operatives working at the MRF and will allow the existing porta cabins to be removed from site, thus improving the visual appearance of the wider site.

It should also be noted that the adjacent West Pennine Recycling centre and the landfill site have now closed. This has resulted in a vast reduction in the number of vehicles using Standard Road, and furthermore has reduced the potential for conflict between vehicles operating from either site. The staff car parking provision has resulted in a reduction in the number of private vehicles being parked along Standard Road, which improves highway safety and makes access to the MRF more convenient for all vehicles.

The proposal complies with national and local planning policy and it is for these reasons that the application is recommended for approval.

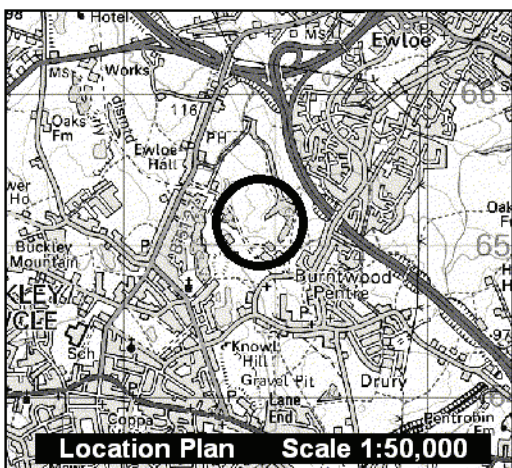
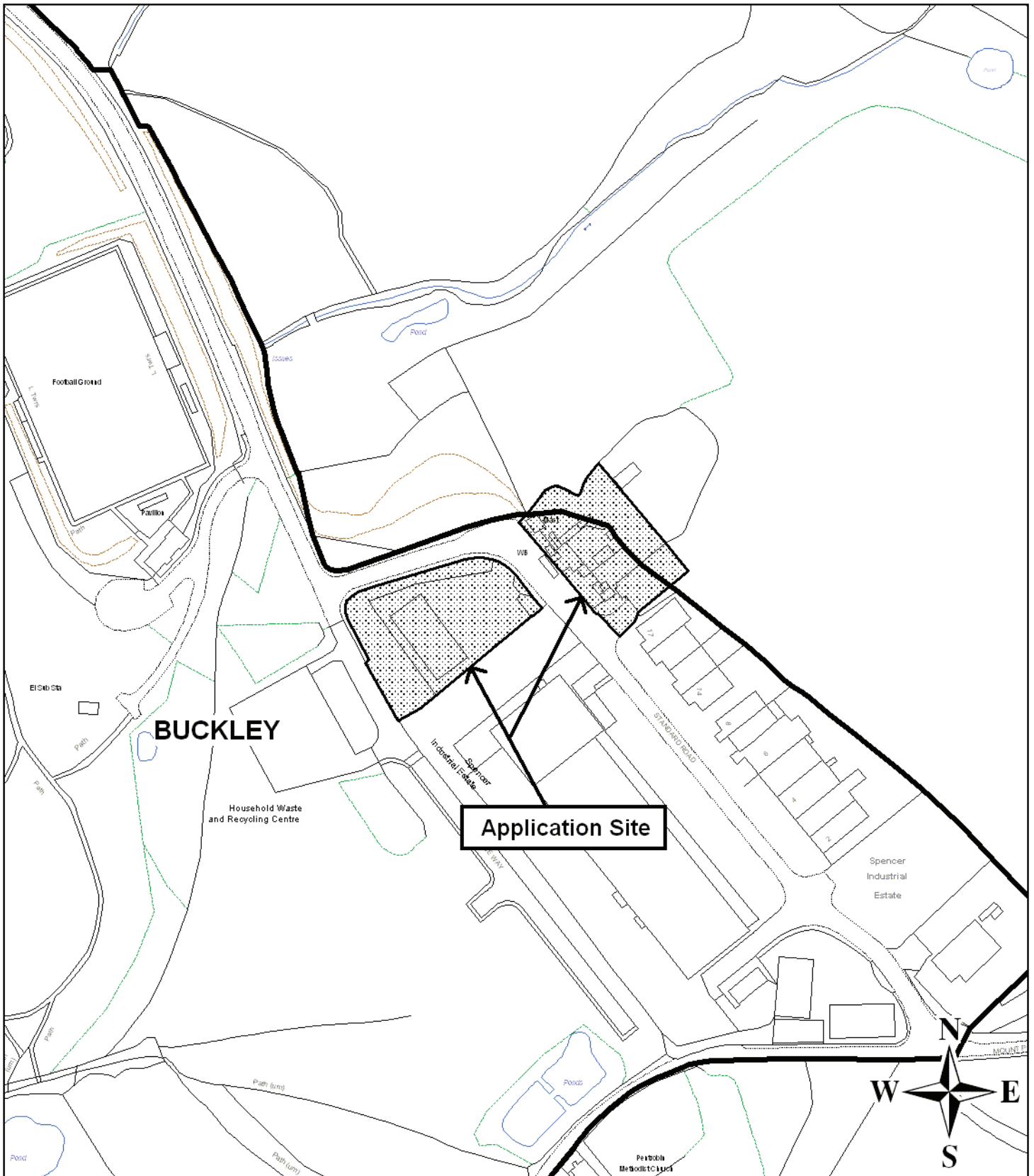
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In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the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

**Contact Officer: Tom Evans**  
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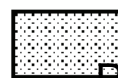


Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary



Application Site Extent

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Planning Application 49740

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>th</sup> JUNE 2012**

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

**SUBJECT:** **Appeal by Mr Noel Jones against Flintshire County Council for 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**

**1.00 APPLICATION NUMBER**

1.01 **048347**

**2.00 APPLICANT**

2.01 **MR N JONES**

**3.00 SITE**

3.01 **AEL Y BRYN, CARMEL ROAD, CARMEL, FLINTSHIRE CH8 8QP**

**4.00 APPLICATION VALID DATE**

4.01 **8/ 3/2011**

**5.00 PURPOSE OF REPORT**

5.01

To inform Members of the appeal decision, following the non-determination of against Flintshire County Council for 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. The appeal was considered by written representations and was ALLOWED and the reserved matters approved with conditions.

## **6.00 REPORT**

### **6.01 Procedural matters**

The Inspector noted that the Council limited their objections to the scale, massing and appearance of the proposed dwelling. As such the Inspector considered the other reserved matters not to be in dispute.

For the avoidance of doubt the Inspector based his decision on the set of plans dated January 2012.

6.02 The Inspector considered the main issue in this case to be the effect of the development on the character and appearance of the area.

6.03 The Inspector details the site and relationship to the neighbouring property Ael y Bryn. He comments that the Council failed to come to a decision on the present scheme about the scale, massing and appearance of the proposed dwelling but have explained that their original concerns about the scale, massing and appearance of the proposed dwelling appeared capable of being resolved as a result of revised drawings which the appellant submitted. However the appellant explained that it did not prove possible for him to modify the scheme in the way he had hoped.

The Inspector noted that the previous Inspector concluded that a dwelling, even of two storeys, would not be an incongruous part of the street scape. The Inspector considered that the building proposed would be prominent in views along Carmel Road and would alter the aspect form Celyn Park; he had no reason to fundamentally disagree with this analysis. Since the outline permission did not specify that the dwelling proposed should be restricted to single storey, it follows that the principle of a building of same scale has already been accepted.

The Inspector notes that the details show excavations providing a full basement level, a ground floor and first floor accommodation in the roofspace, with the ridge height 400mm above Ael y Bryn. He accepted that the scheme would not be an entirely harmonious addition especially from Celyn Park, where the dormer style properties largely reflect the topography of the area.

The Inspector accepted the proposal would not achieve the same effect, but did not consider that any significant harm arises from the scale or mass of the proposed dwelling.

The Inspector notes the conditions submitted by the Council but does not consider all to be necessary. However the Inspector has imposed conditions relating to landscaping and the need for proper sight lines to be provided for and maintained. He also imposed conditions in

regard to materials and site levels. A full list of the conditions imposed is attached as Appendix 1.

**7.00 CONCLUSION**

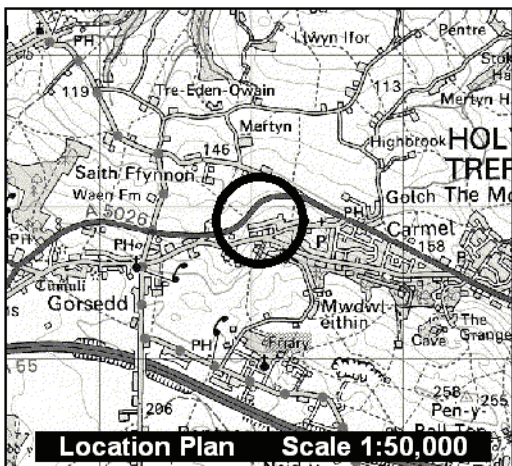
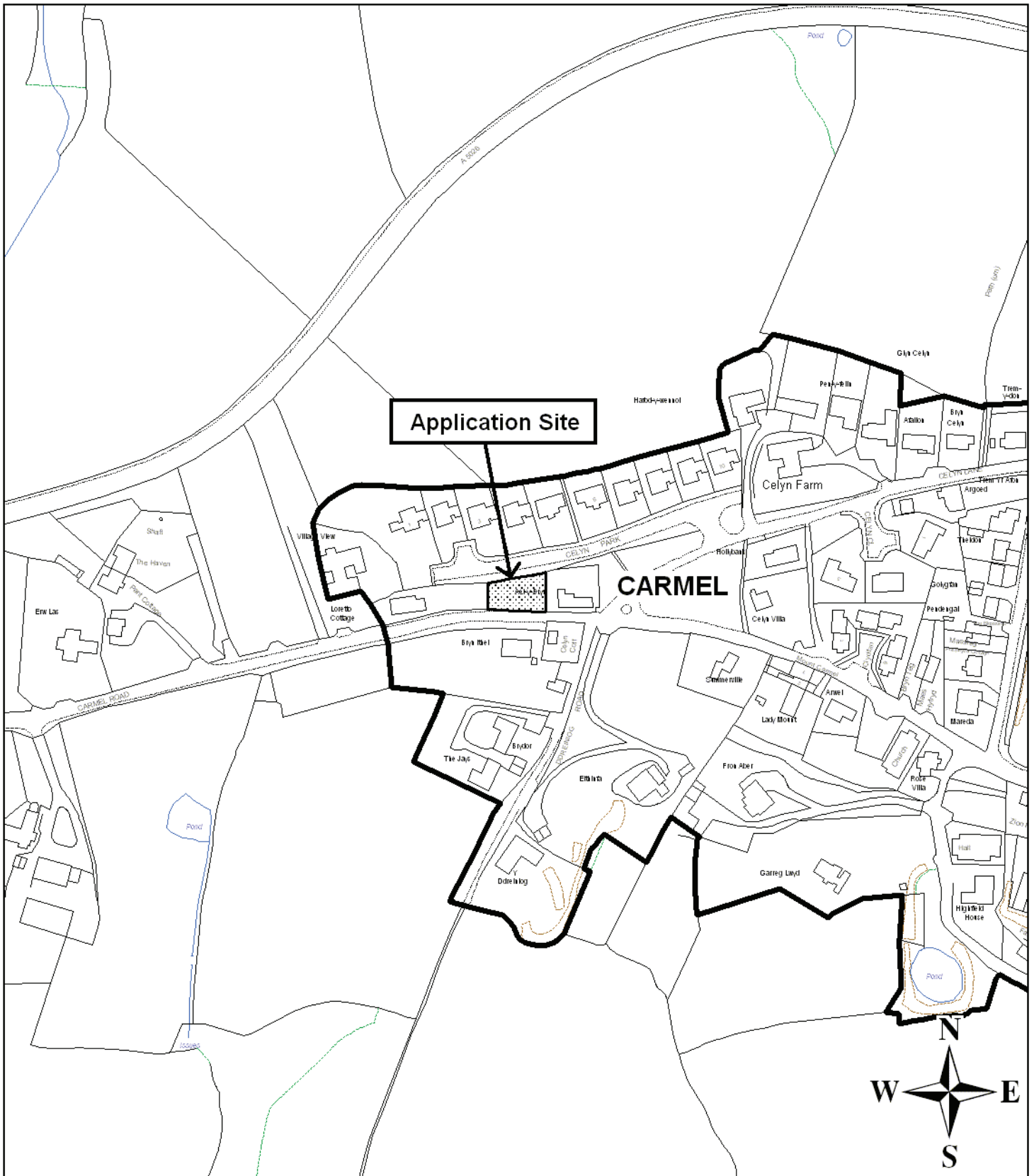
7.01 The Inspector concluded that the scheme broadly complies with the Unitary Development Plan policies STR1, GEN1, HSG3 and D2 and that the appeal should be allowed. The Inspector noted that objections had been made from some residents, but also noted that concerns regarding parking, traffic and possible loss of privacy were addressed by the earlier Inspector.

**Contact Officer: Celeste Ringrose**  
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## **APPENDIX 1**

### **LIST OF CONDITIONS**

1. Notwithstanding the details shown on the submitted plans, the development shall not begin until details of the sight lines between the site and the highway, together with the gradient of the access, have been submitted to, and approved in writing by, the Local Planning Authority. The dwelling shall not be occupied until the access has been constructed in accordance with the approved details.
2. No structure or erection exceeding 0.9 metres in height shall be placed within the sight lines referred to in Condition 1.
3. Notwithstanding the details shown on the submitted plans, no development shall take place until full details of both hard and soft landscape works have been submitted to, and approved in writing by, the Local Planning Authority, and these works shall be carried out as approved. These details shall include all existing and proposed trees and hedgerows and the means of enclosure.
4. No development shall take place until details of the proposed excavation works have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include the levels and contours to be formed, showing their relationship to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
6. No development shall take place until details of the materials to be used in the construction of the external surfaces of the building have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

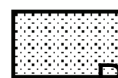


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application 48347

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>th</sup> JUNE 2012**

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

**SUBJECT:** **Appeal by Mr R Broughton against the decision of Flintshire County Council to refuse planning permission for the erection of a first floor extension to dwelling with single storey extensions to the northwest and southwest elevations, demolition of existing garage and various outbuildings and erection of a new detached double garage at Delfryn, Axton, Holywell, CH8 9DH**

**1.00 APPLICATION NUMBER**

1.01 **048431**

**2.00 APPLICANT**

2.01 **MR R BROUGHTON**

**3.00 SITE**

3.01 Delfryn, Axton, Holywell, CH8 9DH

**4.00 APPLICATION VALID DATE**

4.01 **17/ 3/2011**

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision, following the refusal of planning permission under delegated powers on 27/ 6/2011 for a first floor extension to dwelling with single storey extensions to the northwest and southwest elevations, demolition of existing garage and various outbuildings and erection of a new detached double garage. The appeal was considered by Written Representations and was DISMISSED.

**6.00 REPORT**

6.01 The Inspector considered the main issue in this case to be the effect of

the proposed alterations on the street scene and the rural character of the area.

- 6.02 Having described the existing dwelling and site the Inspector goes on to detail the proposed extensions. He notes that while there are some small-scale ground floor extensions proposed, the principle changes in the character of the dwelling would be to the elevations, as a complete first floor is proposed, resulting in an increase in roof pitch.
- 6.03 The Inspector comments on planning permission 049178 for a replacement dwelling which was granted permission on 9<sup>th</sup> March 2012 and concludes that this is a material consideration in relation to the appeal. The Inspector notes that the approved building would be in part on the same footprint as the existing dwelling, although it would be turned through roughly 45 degrees, so that it would not longer offer an elevation close and parallel to the lane. The Inspector also notes this application was assessed against policy HSG6 of the Flintshire Unitary Development Plan.
- 6.04 The Inspector accepted that what has been approved is more modest in scale and is a simpler design to what would result from the appeal scheme. The Inspector states that this is not a reason for rejecting the scheme, but constitutes a “fall back” position to which he attached considerable weight.
- 6.05 The Inspector notes that the Council refused permission as they considered the extension would not respect the character of the original building and are not subsidiary to it. The Council also state that they represent an increase of 150% which exceed the 50% guidelines set out in policy HSG12. The Inspector notes that no calculations were given to substantiate this; however, it was not challenged by the appellant.
- 6.06 In the Inspectors opinion and increase in floorspace of anything up to 50% of a dwelling such as this may difficult to achieve in such a way both as to maintain a sense of subsidiarity and to respect the original design. For this reason, the Inspector takes the view that the present proposal should be decided primarily on its individual merits, especially since the application of policy HSG<sup>^</sup> has lead to the approval which, although not as substantial, is still significantly different in scale and character to the original ‘vernacular’ building.

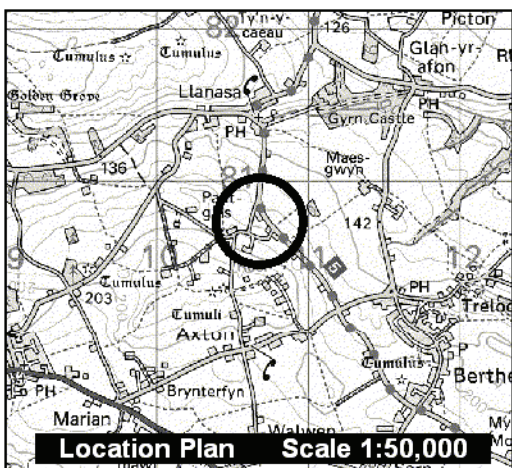
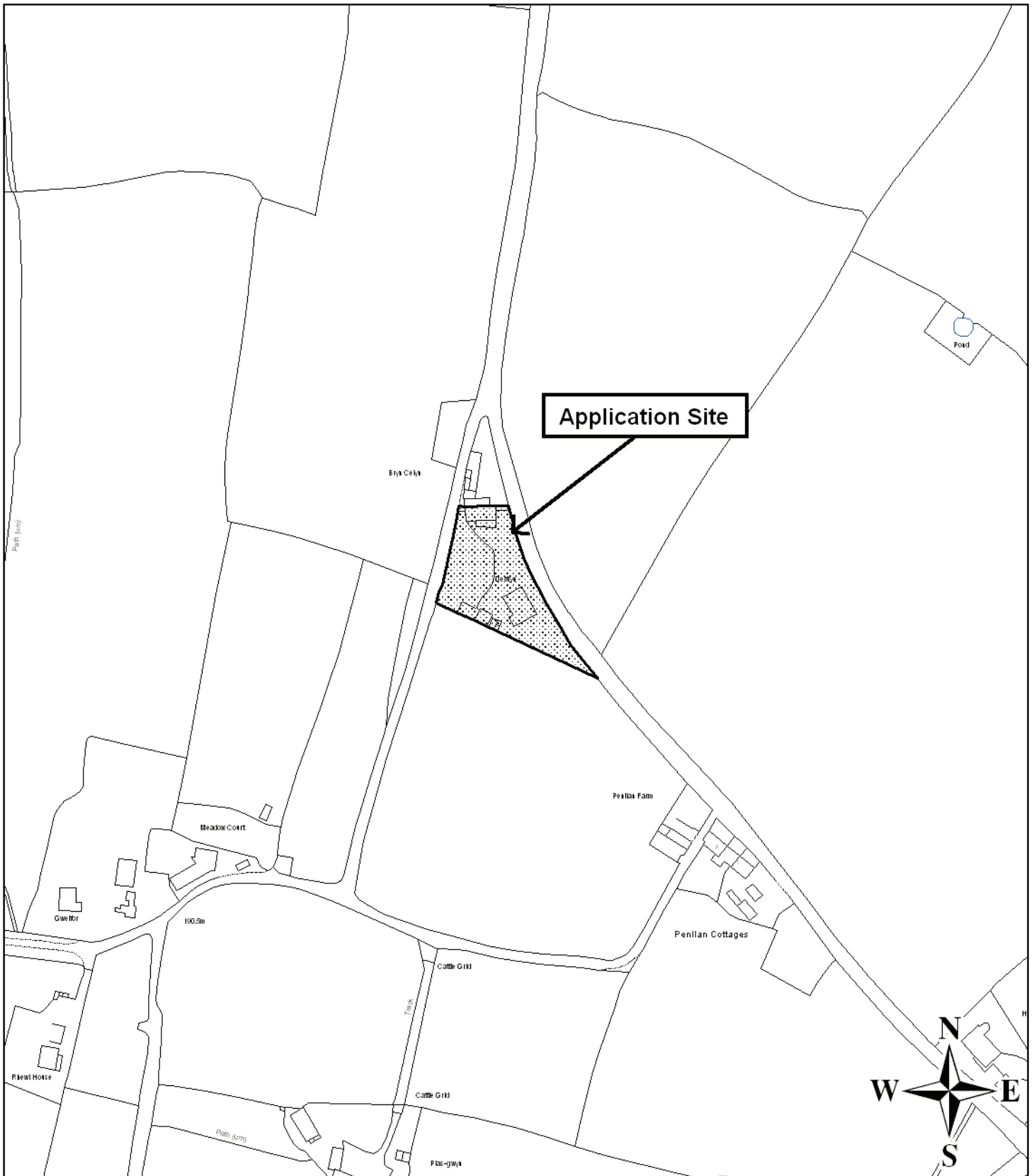
## **7.00 CONCLUSION**

- 7.01 The Inspector states that an increase of the scale proposed in this application is clearly far in excess of the guideline figure, irrespective of any other consideration, effectively creating a new dwelling in the open countryside. It would be seen as a significant, urban-type dwelling which fails to respect its rural location, having a much greater impact In that sense than the recently approved replacement. The Inspector expressed

concerns regarding the design in its own terms, which is dealt with under policy D2; when seen from the north-west the first floor dormers and the large porch would introduce over complex and bulky elements into the street scene bringing the scheme into conflict with general policy. As such the Inspector DISMISSED the appeal.

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

### 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	1:2500
Ordnance Survey Sheet	SJ1080
Planning Application	48431

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>th</sup> June 2012**

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

**SUBJECT:** **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 Cilfach, Walwen Lane, Axton, Holywell**

**1.00 APPLICATION NUMBER**

1.01 **048831**

**2.00 APPLICANT**

2.01 **Mr Jonathan Owen**

**3.00 SITE**

3.01 **Cilfach, Walwen Lane, Axton, Holywell CH8 9DL**

**4.00 APPLICATION VALID DATE**

4.01 **9/ 8/2011**

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision, following the refusal of planning permission under delegated powers on 4/10/2011f Erection of a first floor extension to existing dwelling and a two storey extension Cilfach, Axton, Holywell CH8 9DL The appeal was considered by the Householder Appeal Service (HAS) and was DISMISSED.

**6.00 REPORT**

6.01 The Inspector considered main issue to be the effect of the proposed alterations on the rural character of the area.

6.02 The Inspector states that there is no doubt that appeal proposal would radically alter the character of the existing building as it would significantly enlarge the existing footprint and increase the height and bulk of the dwelling, with the result that all sense of the original structure would be

lost.

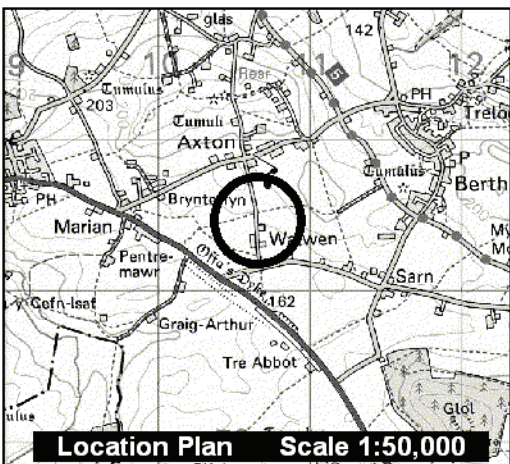
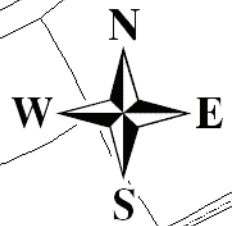
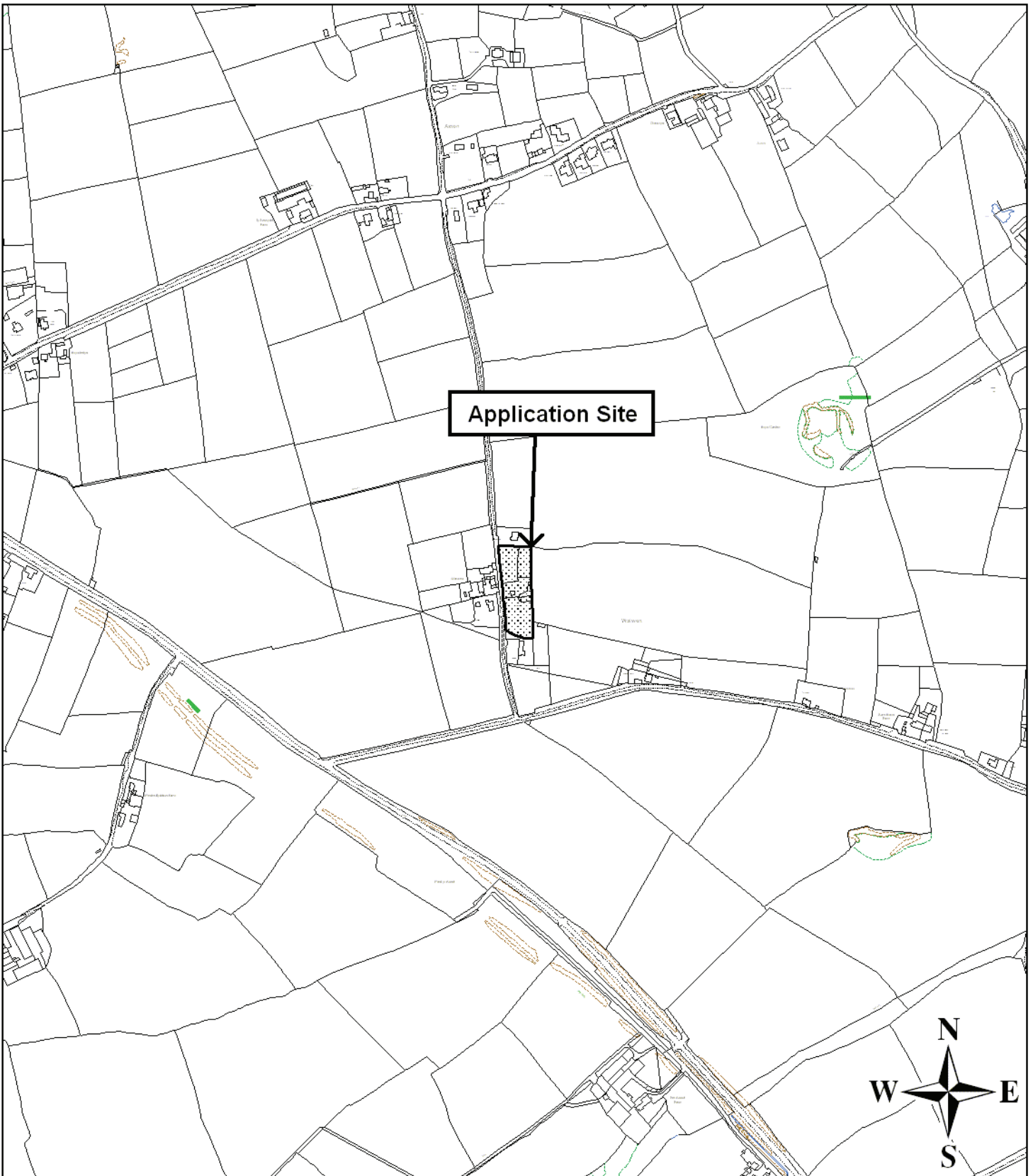
- 6.03 As such the Inspector was satisfied that the scheme would conflict with Policy HSG12 of the FUDP. The Inspector notes that the policy give a general guide of a 50% increase and comments on the differing figures submitted by the LPA and appellant. The Inspector does not agree with the appellant that the scheme represents only a marginal increase over the 50% guideline and is satisfied that overall scale of the proposal amounts to such a radical enlargement and alteration that neither the letter nor the board objectives of policy HSG 12 would be met.
- 6.04 Notwithstanding the policy guidance the Inspector considered that an increase in floorspace of anything up to 50% of a dwelling such as this may be difficult to achieve in such a way both as to maintain a sense of subsidiarity and to respect the original design. Nevertheless and giving weight to the over-arching need for new development in the open countryside to be strictly controlled, the Inspector is satisfied that the appeal scheme would create an uncharacteristic building of urban mass and form, in further conflict with HSG12.
- 6.05 The Inspector accepted that there are some mitigating considerations, in particular the various extensions over the years which have begun to compromise the dwelling's original character as a traditional single storey long house. These extensions in aggregate have weakened the sense of historical relationship between the original building and it rural/agricultural context. The Inspector also noted that the building is set well back from the lane and set at right angles to t the highway and is effectively screened by established planting.
- 6.06 In addition, the Inspector noted that the houses in the immediate locality vary widely in terms of scale and design, with a mixture of a modern dormer bungalow, a two storey modern house and a modern bungalow with a large gable containing space in the roof, with only Walwen, opposite appearing to be a traditional two storey farmhouse.

## **7.00 CONCLUSION**

- 7.01 Having taken all the above factors into account, and whilst the Inspector has some sympathy for the appellant's wish to modernise the family home, he considers that non of the other matters referred to outweigh the harm to the rural character of the area and he dismissed the appeal. The Inspector notes the appellants reference to other dwellings in the general area, but sought to determine the appeal on its own merits and in light of the current planning polices for the area

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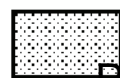


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application **48831**

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