

# Public Document Pack

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Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr David Wisinger (Chairman)

CS/NG

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

31 October 2012

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Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 7TH NOVEMBER, 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 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 1 - 16)

To confirm as a correct record the minutes of the meeting held on 10<sup>th</sup> October 2012.

- 5 **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

6 **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 7<sup>th</sup> NOVEMBER 2012**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
6.1	050088 - A	Outline - Sub-division of existing detached dwelling into 2 No. semi-detached dwellings and erection of 5 No. detached dwellings at Wylfa House, 159 Mold Road, Mynydd Isa, Mold (Pages 17 - 26)
6.2	047536 - A	Consolidation of Mineral Extraction and Processing Operations, Including Ancillary Development at Cefn Mawr Quarry, Castle Cement, Cadole Road, Gwernaffield (Pages 27 - 60)
6.3	049304 - A	Full Application - Extension to Existing Retail Unit together with Additional Car Parking Provision, Landscaping and Ancillary Facilities at Precinct Way, Buckley (Pages 61 - 72)
6.4	049845 - A	Full Application - Retention and expansion of facilities at existing streetscene depot at land at Alltami Depot, Mold Road, Alltami (Pages 73 - 82)
6.5	050175 - A	Full Application - Erection of 1 x 15 m Small Scale Turbine at Cae March Farm, New Brighton Road, Sychdyn (Pages 83 - 90)
6.6	049908 - A	Retention of the use of land for the reception and processing of construction and demolition waste together with the raising of land levels using fill material arising from the processing operation at former Titanium Works, Weighbridge Road, Connah's Quay (Pages 91 - 102)
6.7	304 (2012)	General Matters - Tree Preservation Order No. 304 (2012) Land at The Gorsey, Llys Ben, Northop Hall (Pages 103 - 108)
6.8	050133 - A	Full Application - Erection of a Conservatory to the Rear of 19 Hawker Close, Broughton (Pages 109 - 114)
6.9	045726	General Matters - Demolition of Existing Buildings and Erection of Apartment Block Comprising 9 No. Apartments (3 No. One Bedroom and 6 No. Two Bedroom) on Upper Floors with Lower/Basement Level Car Parking and Surface Level Parking to Rear at The Dairy, 2 Mold Road, Connah's Quay (Pages 115 - 120)
6.10	049989 - A	Full Application - Proposed Change of Use of Land to extend garden at 32 High Street, Saltney (Pages 121 - 126)

Item No	File Reference	DESCRIPTION
<b><u>Appeal Decision</u></b>		
6.11	038189 <b>ALLOWED</b>	Appeal by Development Securities PLC Against the Non Determination of Outline Planning Application for Residential Development and Formation of New Access at Land at Broughton Park, Broughton (Pages 127 - 132)
6.12	049056 <b>DISMISSED</b>	Appeal by Mr. & Mrs D. Waring Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 4 No. Detached Dwellings including New Access to Bryn Eithin and Amended Boundaries to 19 Bryn Eithin on land to the rear of Halkyn Hall, Bryn Eithin, Pentre Halkyn (Pages 133 - 138)
6.13	049154 <b>ALLOWED</b>	Appeal by Anwyl Homes Ltd Against the Non Determination of Planning Application Ref. 049154 to Allow Condition 3 (i) of the Outline Planning Permission to be Extended in Time at Croes Atti, Chester Road, Oakenholt (Pages 139 - 144)
6.14	049337 <b>ALLOWED</b>	Appeal by Roadaway Limited against the decision of Flintshire County Council to refuse planning permission for change of use from storage to storage and distribution of caravans and cars including temporary siting of a caravan for use as an office at Former Coal Yard, Min y Don, Mostyn Road, Llanerch-y-Mor, Holywell (Pages 145 - 150)

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## **PLANNING AND DEVELOPMENT CONTROL COMMITTEE** **10 OCTOBER 2012**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 10 October 2012

### **PRESENT: Councillor David Wisinger (Chairman)**

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

### **SUBSTITUTION:**

Councillor: Marion Bateman for Carol Ellis

### **ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillors Peter Macfarlane and Paul Shotton - agenda item 6.1. Councillor Dave Mackie - agenda item 6.3. Councillor Ann Minshull - agenda item 6.7.

The following Councillors attended as observers:

Councillors: Bernie Attridge and Haydn Bateman

### **APOLOGY:**

Councillor Richard Jones

### **IN ATTENDANCE:**

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

## **72. DECLARATIONS OF INTEREST**

Though he was not a Member of the Committee, Councillor R.P. Macfarlane declared a personal and prejudicial interest in the following application:-

**Agenda item 6.1 – Full application – Erection of Kelsterton Converter Station comprising valve halls, a control building and a spares building together with outdoor electrical equipment and associated infrastructure, security fencing, landscaped areas and habitat creation at Connah’s Quay Power Station, Kelsterton Road, Connah’s Quay (049981)**

Councillor D.I. Mackie declared a personal and prejudicial interest in the following application, even though he was also not a Member of the Committee:-

**Agenda item 6.3 – Full application – Change of use from agricultural to caravan park with 27 No. spaces including the**

**conversion of barn into residential and agricultural shed into campsite facilities, demolition of existing outbuildings, formation of an access, construction of three fishing pools, parking and ancillary works at land opposite Stamford Way Farm, Stamford Way, Ewloe (049803)**

**73. LATE OBSERVATIONS**

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

**74. MINUTES**

The draft minutes of the meeting of the Committee held on 5 September, 2012 had been circulated to Members with the agenda.

Councillor A.M. Halford referred to minute number 60 on Croes Atti, Chester Road, Oakenholt and said at the meeting she had stated that the application was back before the Committee because the applicant had said that the decision taken in December 2011 was ultra vires. This had also been mentioned by Mr. J. Yorke when he had addressed the Committee. She added that the Democracy and Governance Manager, who had been the legal adviser at the meeting, had confirmed that the decision taken in December 2011 was not ultra vires.

The Principal Solicitor advised that he would speak to the Democracy and Governance Manager to insert an amendment into the minutes to reflect the discussion.

**RESOLVED:**

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

**75. ITEMS TO BE DEFERRED**

The Head of Planning advised that none of the applications were recommended for deferral by officers.

**76. FULL APPLICATION – ERECTION OF KELSTERTON CONVERTER STATION COMPRISING VALVE HALLS, A CONTROL BUILDING AND A SPARES BUILDING TOGETHER WITH OUTDOOR ELECTRICAL EQUIPMENT AND ASSOCIATED INFRASTRUCTURE, SECURITY FENCING, LANDSCAPED AREAS AND HABITAT CREATION AT CONNAH'S QUAY POWER STATION, KELSTERTON ROAD, CONNAH'S QUAY (049981)**

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 8 October 2012. The usual consultations had been undertaken and the

responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and drew Members' attention to the late observations.

Mr. G. Bennett spoke against the application on behalf of Golftyn Residents' Association. He stated that the Association was not opposed in principle to the development but was against its siting being so close to residential properties. He referred to information on the web from National Grid and others which indicated that converter stations should not be close to residential areas due to factors which included noise and dust; he felt that National Grid were going against their own advice, being driven purely by cost. Mr. Bennett also raised concern about the visual impact and the noise which would be generated by the converter station 24 hours per day, referring to the outline application which had been refused for these reasons. He also referred to the contaminated nature of the site and to dust of an unknown nature which had appeared on cars in the locality. In referring to Article 8 of the Human Rights Convention he considered that alternative sites should be explored on the other side of the river to this site.

Mr. M. Williams, the Project Manager from National Grid, spoke in support of the application. He referred to the increased challenges to provide renewable energy and said that there was a history of power generation on this site. He said that other sites had been explored but they were not technically viable for the western link. The converter station was of a bespoke design, having the support of the Design Commission for Wales, which reflected local materials and on-site landscaping would also be provided to make the area more visually appealing. He stated that there would be no increase in the prevailing background noise as a result of the converter station, even at night and when the station was at production levels. He added that there was a need for the development and that a significant amount of work had been undertaken since the application was refused in February 2012 significantly to reduce the footprint and height of the building. He concluded that this was the best site for the site scheme and that this would be the most advanced converter station in the world.

One of the ward Members, Councillor P. Shotton spoke against the application as he felt that the noise and visual impact which had been the reasons for refusal of the outline application would still cause a detrimental impact to residents. Golftyn residents felt that the building was still too high and would be a blot on the landscape. The noise levels were still a concern as the levels would not be known until the building was in place, which would be too late. Councillor Shotton also said that residents had concerns about contamination of the power station site which would be disturbed by the development. Hundreds of residential properties had been built locally since the closure of the power station. He questioned why the converter station could not be located on the other side of the River Dee referring to the nine sites which had been considered. He implored National Grid to scrap the scheme and build on the northern side of the Dee.

Councillor R.P. Macfarlane, the other ward Member, spoke of the need to travel through the residential area to reach the site when Members attended the site visit and said that this application would dominate the community and was not the right site for those that lived nearby. The outline application had been refused in February 2012 and substantially nothing had changed since then although the height of the building had been reduced. He queried how adequate the noise mitigation scheme would be. He added that if this application was refused, a public inquiry would be a better opportunity for all of the information to be looked at. Councillor Macfarlane, having earlier declared an interest in the application, left the meeting prior to its discussion.

Councillor D. Evans proposed refusal of the application, against officer recommendation, which was duly seconded. He stated that the site was in the wrong location and was too close to a built-up area.

Councillor I. Dunbar referred to the screening, mature trees and bund which was to be put in place on the site and queried whether this would be sufficient as the building as proposed was 75 foot high. He referred to the report which spoke of the welfare of bats, badgers and newts in the area, suggesting that these were being given precedence over people. He commented on the curved building with curved walls which he felt would be out of character with the area. He queried whether the building had to be so high and felt that this site should be looked at along with other sites. He asked that the height aspect be further considered before a decision was made.

Councillor W.O. Thomas felt that it was an excellent site but he had concerns about whether the building should be built so close to residential properties. He said that the number of jobs to be created was minimal and asked whether the residents of Connah's Quay would gain anything from the application.

Councillor P.G. Heesom said that the building would obliterate the view for the local residents and would not enhance the landscape. He added that he had not heard any arguments about why it could not be located on the other side of the river. The impact on the local environment was a reason for refusal.

Councillor A.M. Halford said that the building had been lowered by 15 feet since the refusal of the outline application. She said that everybody needed to use electricity and queried where it would be sited if not at this location. She felt that it was on an industrial site and that the proposal was workable.

Councillor R.G. Hampson concurred that there had been improvements in the height but said that there were still issues of noise, dust and visual impact. He agreed that it should be sited on the other side of the river. Even if that would be more costly, the views of the local residents should be supported.



Councillor M.J. Peers referred to the location which he felt was an issue. He referred to National Grid's publication *Western Link News* which said that having the converter station to the north of the river would be more difficult to develop, but not impossible. He had been told that the building needed to be so high because of the plant and equipment which was located within it and the volume of space needed above the equipment. Having regard to its size, an alternative site to the north of the river should be looked at.

Councillor R.C. Bithell felt that the application would affect many residents and that residents' concerns could not be ignored. Councillor D. Butler considered that the report was dismissive regarding the evidence about alternative sites. He questioned where the evidence was to show that the alternative sites were not suitable.

In response to comments made, the officer confirmed that the height of 25 metres was required due to the plant in the building. On the issue of the lack of employment, he indicated that the site would provide for a small number of maintenance staff but reminded Members that the site would be in the employment area. Other sites had been discounted for a variety of reasons and these were reported. He confirmed that the noise would be below the current background levels, and referred to the relevant paragraphs in the report. A rationale had been provided to justify the visual appearance, which, on balance, meant that the building would not be out of character.

The Planning Strategy Manager said that the location had been mentioned as a concern, but he reminded Members that the site was allocated for employment use in the Unitary Development Plan which could include B8 use for warehouse type buildings. He also reminded Members that the public inquiry scheduled for December 2012 was in respect of the appeal against the refusal of the outline application and if permitted could result in a development which was less acceptable than this one. He queried whether Members were indicating that an application to the north side of the river would be permitted, no matter what size it was. The Planning Strategy Manager agreed that there would be little job creation but it would provide cheap energy for the Deeside Industrial Park and elsewhere in the county and this should be taken into account.

In summing up, Councillor Evans felt that the application should be refused on the grounds of its height and location. He added that, at the moment, the noise element of the development was an unknown quantity.

**RESOLVED:**

That planning permission be refused on the grounds of the potential effect on residential amenity by way of noise and visual impacts by virtue of the scale and design of the development in proximity to residential properties, particularly in that alternative sites had not been fully explored.

77. **RETROSPECTIVE APPLICATION – CHANGE OF USE FROM AGRICULTURAL LAND TO TOURING CARAVAN AND CAMPING FACILITY WITH ANCILLARY BUILDINGS/STRUCTURES AT FRON FARM, RHESYCAE ROAD, HENDRE (049756)**

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 8 October 2012. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and referred Members to the late observations where a letter of support and one of objection were reported along with two points of officer clarification.

Mr. I. Betts spoke against the application as a nearby resident of the site. He referred to the profound detrimental impact of the application on residential amenity and spoke of problems of poor site design, noise, dust, fumes, traffic and pedestrians. He requested that Members visit his property to see the effect for themselves. He also did not feel that the site complied with the Unitary Development Plan. He suggested that a solution to the problems could be to use fields to the side of Hendre Lane, which could include the use of the existing large buildings as facilities for the site and the use of a different access/egress. Mr. Betts referred to the Section 106 agreement which was in place in respect of the application approved in February 1993 for 25 caravans on the site which had been requested to protect the amenity of neighbours; he felt that the agreement had been ignored. He urged the Committee to refuse the application until the alternatives had been explored.

Mr. J. Williams, the agent for the applicant, spoke in support of the application. He said that the applicants wanted to diversify and that he felt that other businesses would benefit from the tourism brought into the area. He said that the reputation of the site had been built up on the basis of a family business. He said that 75% of clients stayed on the site on a repeat basis. He recognised that the other element to the application, the facilities for campers and backpackers, had the potential for anti social behaviour but this had been addressed by CCTV which operated for 24 hours per day and a strict curfew was in operation. He added that the site boundary had been moved 150 metres away from the residential property. Mr. Williams said that there had been no objections from statutory consultees and the 85 objections had been submitted by one family on grounds which were unsubstantiated. He commended the officer's report to the Committee.

Prior to speaking on the application, Councillor W.O. Thomas said that he had in the context of an earlier application signed an affidavit to confirm that the caravan park had been in place for a number of years but that he had had no involvement with the caravan park. In order to put Councillor Thomas's remarks in context, the Principal Solicitor drew Members' attention to application 049598 for a lawful development certificate for an existing use

as a touring caravan park and caravan storage and which was reported in the site history section of the report. The affidavit referred to by Councillor Thomas dealt with the factual information about the length of time that the site had been in operation. However, it also referred to Councillor Thomas knowing the applicant and that he had visited the site on many occasions. The Principal Solicitor suggested that Councillor Thomas might wish to clarify the position.

In response, Councillor Thomas said that he had lived in the area all of his life as part of the farming community, was familiar with the farm, and knew the family who ran it due to their being part of that community. Over time, he had visited the farm on a weekly basis due to his involvement with his own family's haulage business. The Principal Solicitor asked Councillor Thomas to confirm that, on the basis of what he had said, he did not have a personal interest in relation to the application. Councillor Thomas confirmed that to be the position.

Councillor Thomas proposed the recommendation for approval which was duly seconded. He said that most of the dwellings adjacent to the site were in his ward and indicated to Members that he had never received any complaints about the site. He said that there were a number of accesses into the site and that when the Committee had visited the site, caravans could not be seen until they entered the site as they were well hidden and secluded. It was kept tidy and safe and there were ample services available. Councillor Thomas felt that clients of the site would use the local shop, post office and public house which depended on visitors to the area and that diversification of the farm into the tourism industry should be welcomed. He thanked the officer for his work on the application.

Councillor D. Butler said that this application was as a result of an enforcement notice being served and that there had been ample opportunity for the applicant to comply with the notice but had not done so. He said that diversification was welcomed but felt that approval of this application would send the wrong message.

Councillor R.C. Bithell raised concern that the change of use had already taken place without permission and that the increase to 120 touring caravans and 40 camping pitches was a significant increase. In relation to the Clwydian Range Area of Outstanding Natural Beauty (AONB), he commented that if it could be seen from the site, the site could be seen from the AONB. It was open countryside and this was an aspect of the application which concerned. He asked if comments had been received from the AONB Joint Advisory Committee.

In response to the comments made, the officer drew Members' attention to the consultation response from the AONB Joint Advisory Committee which felt that the impact on the AONB would be minimal. At the site visit which had been held, Members had been close to Mr. Betts' property so had been able to judge the impact. The application needed to be determined on its own merits, the site was well screened and existing

landscaping would be augmented. The application reflected the applicant's wish to regularise the position, but if the application was not approved, further enforcement notice would proceed. The application site had been moved away from the residential area and the application was in line with tourism policies.

In summing up, Councillor Thomas confirmed that the site was well hidden and that the caravans had been moved from the nearest residential properties. He added that the application should be encouraged to create tourism and diversification for farmers.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and to the amended conditions 4 and 5 as detailed in the late observations.

**78. FULL APPLICATION – CHANGE OF USE FROM AGRICULTURAL TO CARAVAN PARK WITH 27 NO. SPACES INCLUDING THE CONVERSION OF BARN INTO RESIDENTIAL AND AGRICULTURAL SHED INTO CAMPSITE FACILITIES, DEMOLITION OF EXISTING OUTBUILDINGS, FORMATION OF AN ACCESS, CONSTRUCTION OF THREE FISHING POOLS, PARKING AND ANCILLARY WORKS AT STAMFORD WAY FARM, STAMFORD WAY, EWLOE (049803)**

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 8 October 2012. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and the main issues to be considered and drew Members' attention to the late observations where the matters raised at the site visit were addressed. She felt that the application did not cause unacceptable harm to the open countryside location and therefore approval of the application was recommended.

Mrs. J. Angell spoke against the application on behalf of residents. She said that the application site was outside the settlement boundary of Ewloe. She felt that it was not in accordance with the Unitary Development Plan (UDP) and that there was no need for the development in its entirety, although some elements were acceptable. Although she acknowledged that some controlled development might be suitable within green barriers, she considered that the overall development did not fall within any of the acceptable categories. The proposed development would harm the openness of the green barrier and she asked whether there had been compliance with the conditions of the sale of the land at auction. Mrs. Angell also queried whether it was a requirement for the land to be advertised for 12 months before the change of use could be considered.

One of the ward Members, Councillor A.M. Halford, proposed the recommendation for approval which was duly seconded. She thanked the officer for her report which she felt was methodical and thorough. The report indicated that the application would be good for tourism and she felt that the facilities were greatly needed and would bring business to the shops and other establishments in Ewloe.

In seconding the proposal, Councillor J. Falshaw said that the development would benefit the local economy and provided for the retention of two buildings on the site.

Councillor D.I. Mackie, the other ward Member, spoke against the application. He said that any development in the green barrier should not harm its open character and appearance as detailed in Policy GEN 4. He referred to an earlier application for an access which had been dismissed on appeal in October 2010 where the Inspector considered that a 5.5m wide access with 10m. radii would represent an urbanising and incongruent feature that would be harmful to the character and appearance of the surrounding rural area and therefore conflicted with policies in the UDP. Councillor Mackie said that even though the Inspector's comments could be viewed in two ways, he felt that the application should be refused for the same reasons. He urged Members to do so. Councillor Mackie, having earlier declared an interest in the application, left the meeting prior to its discussion.

Councillor P.G. Heesom urged the Committee to take the advice of Councillor Mackie and refuse the application. He said that the scale of the proposed development was way beyond what was credible in the open countryside. The application amounted to a new dwelling in the countryside and in the green barrier and, if permitted, would destroy any credibility in the Council's policies.

Councillor W.O. Thomas said that the land had not been advertised commercially for 12 months as policy required and queried whether there was a need for such a facility. He said that the applicant did not own all of the land and that the owner of part of the site was not aware of the application. The previous application had been dismissed by the Inspector and Councillor Thomas felt that the advice of the Inspector should be taken and this application refused for the same reasons.

Councillor H.G. Roberts said that if this application was approved, it would allow other applications to come forward for caravan sites in the open countryside and green barrier, and would contribute to the coalescence of communities. He added that there were several other fishing establishments in the area and he felt that the correct decision would be to refuse the application.

Councillor R.G. Hampson felt that tourism should be encouraged into the area and that the application met highway requirements and should be supported.

In referring to an application which had been permitted earlier on the agenda, Councillor R.C. Bithell raised concern about consistency in determining applications. The earlier application had related to the diversification of an existing farm business: this site had been bought speculatively. He also queried why the earlier application had been conditioned to open for 11 months of the year when this application was only being recommended to open for eight months from 1 March to 31 October.

Councillor D. Butler commented that the proposal was neither a diversification nor ancillary to a farm and queried why the business information had been included in the planning application. He asked whether the Economic Development officers had considered the information. He also raised concern about the funding for the enterprise as detailed within the report.

In response to the comments made, the officer said that the appropriate notice had been served on the owner of part of the site. The four month closure per year had been requested by the applicant as part of the application. The business plan had been submitted as part of the planning application.

The Development Manager said that the previous application had been dismissed by the Inspector because the access improvements were considered to go beyond what was required for agricultural use. Following this the applicant had been advised to submit details of his proposals for tourist use and this was the context for the current application. He said that with regard to policy, tourism developments of this type could be permitted in the green barrier, citing a similar but far larger facility in Sealand. He added that if it was accepted that the principle was acceptable, then each of the elements of the development met the requirements of the relevant policies. Although vacant, the authorised use of the land and buildings was agricultural and it would inevitably be used for some commercial purpose in compliance with policy. The Senior Engineer - Highways Development Control confirmed that there were no objections to the application, adding that a significant amount of work had been undertaken to design the access.

In summing up, Councillor A.M. Halford raised concern about some of the comments made by Members. She said that there were exceptions to the green barrier policy which allowed certain development and that this application would bring tourism to the area.

On being put to the vote, the proposal to approve the application was LOST.

Councillor P.G. Heesom felt that the reason for refusal should be that the application was unacceptable development in the green barrier and open countryside. Councillor H.G. Roberts added that it could lead to coalescence and erosion of the open character.

**RESOLVED:**

That planning permission be refused on the grounds of unacceptable use within this area of open countryside designated as green barrier which would lead to coalescence and erosion of the open character.

**79. FULL APPLICATION – SITING OF 18 NO. STATIC CARAVANS ON LAND AT PENNANT PARK GOLF CLUB, SAITHFFYNNON, WHITFORD (049812)**

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

The officer detailed the background to the report and reminded Members that the application had been deferred at the Planning Committee meeting on 5 September 2012 to allow consultations with Whitford Community Council and Councillor C. Dolphin to take place.

Mr. T.M. Bond, the agent for the applicant, spoke in support of the application. He said that the application was in accordance with Policy T4 in the UDP. The golf club already had permission for 15 units with six timber-clad units having been sold and the remaining nine for sale for long-term private ownership. That development had not provided that anticipated level of income. The applicant now wished to attract tourists seeking holiday lets to the site and was seeking permission for a second site to be marketed for letting for short breaks. The golf club had put in a significant investment to bring tourism into the area and it was felt that the caravans would be used by those also wanting to play golf. Mr. Bond said that Highways had raised no objections to the application, visual impact had been carefully addressed through screening and the development would not affect residential amenity.

Mr. B. Hughes spoke against the application as a representative of Whitford Community Council. He felt that the use of the narrow roads in the area by those using the golf club was a problem. There was no bus service in the area and no shops, with the nearest town being 2.5 miles away. Mr. Hughes said that the applicant did not own the entrance or driveway to the site and that the owner had not given his permission for its use. He said that tourism was important but not at the expense of losing green fields in the area. The Council had approved a barn conversion and new riding stables nearby which had increased the level of traffic on the surrounding roads.

Councillor P.G. Heesom moved refusal of the application against officer recommendation which was duly seconded. He said that there was a need to look at the policy of caravans in the open countryside and said that the site was very exposed and impossible to screen. Only six of the permitted 15 spaces had been used on the other part of the golf club and he felt that the application was premature or speculative. In referring to the "Proposed Development" section of the report, he commented that the site was to be separately commercially managed. Councillor Heesom said that it was

virtually impossible for two cars to pass on the feeder roads to the area and proposed that the application be refused as it would set a precedent in the open countryside for caravan parks, and create landscape, environmental and highway safety issues.

Councillor M.J. Peers felt that the application would take land for the sake of it. The development was speculative and there was no demonstrated need. He raised concerns that there were still unsold units on the other part of the golf club and suggested that these could be used as holiday lets.

In response to the comments made, the officer said that there were proposals to provide bunding and enhanced landscaping on the site and that the visual impact of the site would be low-key. The units which had already been permitted at the golf club were for permanent use and were for sale but this application proposed units for rental use.

Following a question from Councillor M. Bateman about the ownership of the driveway and access to the site, the Principal Solicitor said that land ownership was a separate issue and did not affect determination of this application.

The Senior Engineer - Highways Development Control confirmed that Highways had no objections to the proposals subject to the conditions detailed in the report. She added that there had been significant improvements in 1996 in connection with the application for the golf club.

The Planning Strategy Manager said that, in principle, the open countryside was not an inappropriate location for this type of application and this was reflected in UDP policies. He added that, if Members were minded to refuse permission, it should be on grounds of visual impact, not need or precedent in an open countryside location.

In summing up, Councillor Heesom said that the site could not be screened as it was very exposed and that it would create a visual impact. He reiterated his concerns over the inadequacy of the wider road network, landscape and environmental issues and said that the existing site would meet the level of need in the area. He said that this development would set a precedent in the open countryside and that the application should be refused.

**RESOLVED:**

That planning permission be refused on the grounds of:-

- visual impact
- highway safety issues on the wider road network
- the existing permission not being fully implemented and should not therefore release any more land
- setting a precedent for unjustified development in the open countryside



**80. FULL APPLICATION – ERECTION OF A PROTECTIVE NET BARRIER AT MOLD GOLF CLUB, CILCAIN ROAD, PANTYMWYN (049694)**

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

The officer detailed the background to the report and said that the net barrier as originally submitted measured 10 metres but the application had since been amended to propose a 7.5 metre high net. He detailed the consultation and publicity responses and advised that the recommendation was to approve the application.

Mr. J. Clewarth spoke against the application. He said that Members at the site visit would have noted that the 14<sup>th</sup> green on the golf course was only 10 metres away from his property. Consequently, golf balls frequently ended up in his garden arising from the second shot from the top of the hill to the green and had resulted in damage to his roof. He felt that neither the 7.5 nor 10 metre net would solve the problem and asked if there had been any expert advice about its effectiveness. He said that nets had not been successful at other golf clubs and were now redundant at the Northop golf club as the hole had been moved. Mr. Clewarth said that net would not be sympathetic to the area as it was to be 50 metres long and supported by stanchions, having the appearance of an institution and would cause overshadowing on his garden. He felt that the problem was not of his making but was the result of a badly designed golf course: that the situation could be resolved by moving the green.

Mr. J. Scott, Captain of Mold Golf Club, spoke in support of the application. As a result of recent complaints the risk assessment had been reviewed and had identified that the likelihood of injury from the golf balls was very low. The number of complaints had only increased following the removal of a beech tree and the regular trimming of the hedges by Mr. Clewarth. Signs had been erected, the 150 metre marker had been moved back, out of bounds markers had been put in place to discourage balls being hit in the direction of Mr. Clewarth's property, and a hardstanding path had also been removed to reduce the risk. Mr. Scott said that the erection of a net was a last resort and that environmental issues such as the impact of the netting on birds and bats was key to the proposal.

Councillor W.O. Thomas proposed the recommendation for approval which was duly seconded. He said that it was difficult to move the holes around on the long established golf course but added that safety was a key issue. He said that the net and the supports should be in a material that blended into the area and that they should be maintained to prevent them becoming unsightly.

Councillor I. Dunbar proposed an amendment that temporary permission be granted for two years to allow the effectiveness of the net to be

monitored and also suggested that it be conditioned that the net be properly and frequently maintained. The proposal was duly seconded.

Councillor D. Butler asked whether the installation of semi-mature trees would be cheaper and more effective than the installation and maintenance of a net. The officer responded that there was no space to put trees but felt that a temporary permission would allow for monitoring of the net to gauge if it was satisfactory.

**RESOLVED:**

That planning permission for a temporary period of two years be granted subject to the conditions detailed in the report of the Head of Planning and subject to the following additional conditions:-

- Supports/materials to be agreed
- Net to be maintained in the interest of appearance/effectiveness.

**81. FULL APPLICATION – ERECTION OF A SINGLE 5KW DOMESTIC-SCALE MICRO WIND TURBINE AT MOSS GIEL, CALCOED LANE, BABELL (050014)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and highlighted the consultation and publicity sections where the objections which had been received were detailed.

Councillor J. Falshaw proposed the recommendation for approval which was duly seconded. He felt that the objections had been addressed and that the application complied with policy.

**RESOLVED:**

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

**82. FULL APPLICATION – PLACEMENT OF A TELECOMS MAST FOR A PERIOD OF SIX MONTHS AT TELEPHONE MASTS, BRIDGE STREET, SHOTTON (050016)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the mast had originally been sited on the Shotton Lane Social Club, but had been

relocated to this site when the club burned down. A temporary mast had been put on this site for a period of six months to allow a permanent site to be found. This had now expired and an alternative location had not yet been secured. It was recommended that a temporary consent be granted for a further six months or until a new site was ready.

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

Councillor C.M. Jones read out a statement from Councillor A. Minshall who had been intending to speak as local Member, but had had to leave the meeting to attend a prior engagement. She said that the residents had been willing to allow consent for six months but that a further six months, as proposed, was unacceptable. There were now four masts on the site and she queried whether there was a policy of mast sharing. She asked that the application be refused by Committee.

Following a query from Councillor W.O. Thomas, the officer explained that the moving of the mast to this site had been under emergency powers and that there was a reasonable distance between the housing and the masts. It had been hoped that the mast would be relocated to a site of a garage but this had not been possible.

**RESOLVED:**

That planning permission be granted for a further 6 month period subject to the conditions detailed in the report of the Head of Planning.

83. **APPEAL BY J.T. HEWITT & SON LIMITED AGAINST FLINTSHIRE COUNTY COUNCIL'S DECISION TO REFUSE AN APPLICATION FOR FULL PLANNING PERMISSION FOR 8 NO. DWELLINGS AT A BUILDERS YARD, MAUDE STREET, CONNAH'S QUAY (048550)**

**RESOLVED:**

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

84. **DURATION OF MEETING**

The meeting commenced at 1.00 p.m. and ended at 4.13 p.m.

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

There were 36 members of the public and 2 members of the press in attendance.

.....  
**Chairman**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **7<sup>TH</sup> NOVEMBER 2012**

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

**SUBJECT:** **OUTLINE – SUB-DIVISION OF EXISTING DETACHED DWELLING INTO 2 NO. SEMI-DETACHED DWELLINGS AND ERECTION OF 5 NO. DWELLINGS AT WYLFA HOUSE, 159 MOLD ROAD, MYNYDD ISA, MOLD.**

**APPLICATION NUMBER:** **050088**

**APPLICANT:** **MRS H. MCGUILL**

**SITE:** **WYLFA HOUSE,  
159 MOLD ROAD,  
MYNYDD ISA,  
MOLD. CH7 6TG**

**APPLICATION VALID DATE:** **31<sup>ST</sup> AUGUST 2012**

**LOCAL MEMBERS:** **COUNCILLOR A. BRAGG**

**TOWN/COMMUNITY COUNCIL:** **ARGOED COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** Applicant is County Councillor and request for Committee determination from adjoining Ward Member as Local Member has declared an interest in the application.

**SITE VISIT:** Yes.

### **1.00 SUMMARY**

1.01 This outline application proposes the sub-division of an existing detached 2 storey property 'Wylfa House' into 2 No. semi-detached dwellings and the development of part of its associated residential curtilage by the erection of 5 No. dwellings. All matters are reserved for subsequent approval.

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

2.01 That subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of on site play provision that planning permission be granted subject to the following conditions:-

1. Outline – Reserved matters.
2. Outline – Time limit.
3. Materials to be submitted and approved.
4. Elevational treatment to Wylfa House to be submitted and approved.
5. Landscaping scheme to be submitted and approved.
6. Timescale for implementation of approved landscaping.
7. Accurate tree survey to be undertaken/protection of hedgerows/trees during development.
8. No dwelling shall be occupied until after 31<sup>st</sup> March 2014 given planned improvement works to Waste Water Treatment Works.
9. Foul water discharges only to be permitted to discharge to the public combined sewer located within Mold Road.
10. Foul and surface water to be drained separately.
11. No surface water to discharge into public sewerage system.
12. No land drainage to discharge into public sewerage system.
13. Site, layout, design of means of site access to be submitted and approved.
14. Forming and construction of means of site access shall not commence until details have been approved.
15. Site access to be kerbed and completed to carriageway base course layer up to internal tangent point of entrance radii prior to commencement of any other site building operations.
16. Access to have visibility of 2.4 m x 43 m in both directions.
17. Visibility splays to be kept free from obstructions for the duration of site construction works.
18. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads to be submitted and approved.
19. Access to have gradient from edge of carriageway for a minimum disturbance of 10 m to be 1:24 and 1:15 thereafter.
20. Existing footway along site frontage to be improved in width to 1.8 m.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

Councillor A. Bragg

Declares an interest in the application and does not wish to comment.

Councillor R.C. Bithell (Adjoining Ward)

Request site visit and Planning Committee determination given expressions of concern from residents regarding density, access, drainage, landscape and ecological issues.

Argoed Community Council

Only one objection received from the Council which reiterates residents concerns re: flooding. Consider that a letter from the Water Authority advising that development would not cause flooding problems would be beneficial.

Dwr Cymru/Welsh Water

Recommend that any permission be the subject of a Grampian style condition to prevent occupation of the dwellings until after April 2014 until improvements to capacity of the existing Sewerage Treatment Works have been undertaken. Also recommend conditions in respect of the discharge of foul, surface and land drainage.

Environment Agency

Have assessed the application as having a low environmental risk. Draw attention to standard advice.

Public Open Spaces Manager

Recommend a commuted sum payment of £1,100 per dwelling in lieu of on site recreational provision.

Countryside Council for Wales

No objection as the site has been subject to survey and no protected species will be affected.

Head of Assets & Transportation

Recommend that any permission includes conditions relating to access, visibility, construction of internal estate road and improvement to footway along site frontage.

**4.00 PUBLICITY**

**4.01 Site Notice, Neighbour Notification**

32 letters of objection including representations from the Wylfa Hill Preservation Society received, the main points of which can be summarised as follows:-

- No change in circumstances since a previous application for the erection of 7 dwellings at this location was refused in 2011.
- Proposal would represent overdevelopment.
- Inadequacy of access.
- Inadequacy of drainage system to accommodate further development.
- Impact on privacy/amenity.
- Conversion of Wylfa House into 2 dwellings will have detrimental impact on its character.

## **5.00 SITE HISTORY**

### **5.01 977/91**

New vehicular access – provision of hardstanding, infill and landscaping – Permitted 3<sup>rd</sup> March 1993.

### **427/94**

Landfill and forming of garden – Granted 8<sup>th</sup> November 1994.

### **46327**

Outline application – Demolition of existing property and the development of gardens for residential housing – File closed 21<sup>st</sup> January 2004.

### **047773**

Outline – Demolition of existing dwelling and proposed residential development – Refused 9<sup>th</sup> September 2011.

## **6.00 PLANNING POLICIES**

### **6.01**

Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D2 – Location & Layout.

Policy D4 – Landscaping.

Policy TWH1 – Tree & Woodland Protection.

Policy TWH2 – Development Affecting Trees & Woodlands.

Policy WB1 – Protected Species.

Policy HE4 – Buildings of Local Interest.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provisions & New Development.

Policy HSG3 – Housing on Unallocated Sites.

Policy HSG8 – Density of Development.

Policy EWP16 – Flood Risk.

Policy IMP1 – Planning Conditions & Obligations.

## **7.00 PLANNING APPRAISAL**

### Introduction

### **7.01**

This outline application proposes the sub-division of an existing detached 2 storey property 'Wylfa House' into 2 No. semi-detached dwellings and the development of part of its associated residential curtilage by the erection of 5 No. dwellings. All matters are reserved for subsequent approval.

### Site/Surroundings

### **7.02**

The site, the subject of this application amounts to approximately 0.3 hectares in area. It is located on the western side of Mold Road opposite an existing cul-de-sac at Bryn Offa. The character of the



site/surroundings is predominantly of detached/semi-detached dwellings fronting onto Mold Road, with detached dwellings at Pen y Lon adjacent to the site's western boundary.

#### Background History

7.03 Members may recall that there is a recent background of planning history at this location which is referred to in paragraph 5.00 of this report. In summary an outline planning application for the demolition of the existing property 'Wylfa House' and development of the site by the erection of 7 No. detached dwellings was refused under Code No. 047773 on 9<sup>th</sup> September 2011, following consideration at the Planning & Development Control Committee on 7<sup>th</sup> September 2011.

7.04 The application was refused for the reasons which are summarised as follows:-

- The scale of the development proposed would represent overdevelopment at this location.
- The proposed access to serve the scale of development would not provide for adequate visibility from and of emerging vehicles to satisfy highway safety.
- The tree survey submitted as part of the application does not provide adequate information to enable the impact of the proposed development on existing trees within the site to be assessed.

#### Proposed Development

7.05 This current application has been resubmitted in order to seek to address the above reasons for refusal. Although submitted in outline form, an indicative site layout proposes:-

- The retention of the existing dwelling 'Wylfa House' with its proposed sub-division into 2 No. semi-detached dwellings.
- The erection of 5 No. detached dwellings on part of its associated residential curtilage.
- The closure of the existing access serving 'Wylfa House' and erection of a new access approximately 20 m to the south of the existing access point. The new access and part of the driveway would be on part of the residential curtilage area which lies adjacent to but outside the settlement boundary at this location.

#### Main Planning Issues

7.06 It is considered that the main planning issues in relation to this application are as follows:-

- a. Principle of development having regard to the planning policy framework and background of planning history.
- b. Impact on the character of the existing dwelling 'Wylfa House'.
- c. Proposed scale of development.
- d. Adequacy of access to serve the development.

- e. Adequacy of drainage system.
- f. Impact on ecology.
- g. Impact on existing trees.

Planning Policy

- 7.07 The proposed dwellings are located within the settlement boundary of Mynydd Isa as defined in the adopted Flintshire Unitary Development Plan, although the proposed access/ driveway would be on a small part of the curtilage area which lies adjacent to but outside the settlement boundary at this location. This in my view would represent an acceptable form of development within this urban environment with the dwellings being contained wholly within the settlement boundary at this location. Within the UDP, Mynydd Isa is classified as a category B settlement; where in accordance with Policy HSG3 it is identified to experience growth of between 8 – 15% over the plan period and where higher levels of growth would only be justified for local needs. The current growth level of Mynydd Isa is below the growth band identified and therefore targeting the dwellings to meet local needs would not have to be satisfied. The principle of development for general purpose housing can therefore be supported subject to the safeguarding of relevant amenity considerations.

Impact on Character of “Wylfa House”

- 7.08 This current application proposes the retention of “Wylfa House” and its conversion into a pair of semi-detached dwellings within the proposed development. Although the building is not listed as being of special architectural or historic interest, it does contain a number of attractive features including an ornate timber raised entrance balcony, lending the house a colonial style.

- 7.09 The indicative site layout proposes the reorientation of the house front towards the west, which would appear to have been the main entrance into the dwelling. Whilst the principle of the sub-division of the dwelling into a pair of semi-detached dwellings is in my view acceptable and can be supported, careful design considerations will need to be introduced in order to retain the symmetry of the west façade. If Members are mindful to grant permission for the development this can be addressed and controlled at reserved matters stage.

Scale of Development

- 7.10 The plans submitted as part of this application also propose the erection of 5 No. additional detached dwellings within the associated residential curtilage area of Wylfa House. The objections received to the scale of development proposed and concerns that there has been no change in circumstances since a previous application was refused under Code No. 047773 in September 2011 for the erection of 7 No. dwellings are duly noted and addressed below.

It is considered that the character of existing development in proximity

- 7.11 to the site is defined by detached/semi-detached dwellings. A net reduction in the density of development by one unit from that previously refused under Code No. 047773 together with associated modifications to the site layout would in my view provide for a better balanced site layout at this location in comparison to that previously refused. This would not, in my view, represent overdevelopment and be comparative to the scale of existing development at Mold Road and Pen y Lon.

#### Adequacy of Access

- 7.12 Consultation on the application has been undertaken with the Head of Assets & Transportation in order to assess on the basis of the indicative layout submitted whether satisfactory access arrangements can be secured to serve the scale of development proposed. The Head of Assets & Transportation has advised that the proposed access would require a visibility splay of 2.4 x 43 m to be provided in both directions and that any permission includes conditions in respect of access, visibility and improvements to the footpath along the site frontage. The visibility splay would require the removal of the hedgerow along the site frontage which is in the ownership of the applicant. If Members are mindful to grant planning permission this can be covered by way of the imposition of a condition which would also require the planting of a replacement hedgerow behind the visibility splay in order to help assimilate the development into the locality.

#### Adequacy of Drainage

- 7.13 It is noted that the adequacy of the drainage system to serve the proposed development is highlighted by residents and the Community Council as being of particular concern, following the consultation exercise undertaken on the planning application given previous instances flooding problems within the locality.

- 7.14 Dwr Cymru Welsh Water have been consulted and clarified their position on this matter, confirming that there is no objection to the development subject to the imposition of a Grampian style condition to prevent occupation of any of the new dwellings proposed until 1<sup>st</sup> April 2014 until improvements to the Mold Waste Water Treatment Works have been undertaken. In addition it is also recommended that conditions be imposed to ensure that foul and surface water discharges separately from the site, with foul water discharges only being permitted to discharge to the public combined sewer located within Mold Road along the site frontage.

#### Ecology

- 7.15 The application site has been the subject of an ecological survey which has been undertaken to assess the impact of development on any protected species which may be present. The Countryside Council for Wales have confirmed that they have no objection to the proposed development as the proposal would not have a detrimental

impact on any protected species which may be present.

#### Impact on Existing Trees

- 7.16 The Council's Forestry Officer has no objection in principle to the development but considers that some of the trees, in particular a mature oak, need to be retained. This is an outline application and the conditions require the submission of a survey which accurately represents the spread of each tree which will allow the dwellings to be sited so as to allow the retention of the important trees. The site layout which has been submitted for indicative purposes only, will need a resiting of some of the dwellings proposed and removal of a number of associated outbuildings garages etc as shown to ensure the retention and protection of the trees on site.

### **8.00 CONCLUSION**

- 8.01 In conclusion, it is my view that the proposed scale/form of development as currently proposed would be sympathetic to the character of the site and its surroundings. Although submitted in outline form with all matters reserved for subsequent approval, some minor modifications to the indicative site layout submitted would ensure that the privacy/amenity of occupiers of existing properties were safeguarded and the requirements of the Head of Assets & Transportation, Dwr Cymru Welsh Water are included by the imposition of conditions and implemented at the detailed planning stage. I therefore recommend accordingly.

- 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:** Mark Harris  
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**Email:** Robert.M.Harris@flintshire.gov.uk



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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **7 NOVEMBER 2012**

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

**SUBJECT:** **CONSOLIDATION OF MINERAL EXTRACTION AND PROCESSING OPERATIONS, INCLUDING ANCILLARY DEVELOPMENT AT CEFN MAWR QUARRY, CASTLE CEMENT, CADOLE ROAD, GWERNAFFIELD, MOLD**

**APPLICATION NUMBER:** **047536**

**APPLICANT:** **CASTLE CEMENT LTD**

**SITE:** **CEFN MAWR QUARRY, CADOLE ROAD, GWERNAFFIELD, MOLD**

**APPLICATION VALID DATE:** **18/05/2010**

**LOCAL MEMBERS:** **COUNCILLOR N MATTHEWS**  
**COUNCILLOR A DAVIES-COOKE**

**TOWN/COMMUNITY COUNCIL:** **GWERNYMYNYDD COMMUNITY COUNCIL**  
**GWERNAFFIELD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **EIA SCHEDULE 1 DEVELOPMENT MAJOR MINERALS APPLICATION**

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

### **1.00 SUMMARY**

1.01 This applicant seeks to consolidate all of the current mineral extraction and processing operations at Cefn Mawr Quarry, including all ancillary development associated with the quarry operations under a single, all encompassing planning permission to continue to permit limestone extraction until 21<sup>st</sup> February 2042. The application relates solely to the quarry area which already has planning permission, therefore no additional operational development is sought. Furthermore, the application would not extend the quarry boundary in any way, or extend the life beyond what it already is consented. This proposal would slightly reduce the extraction area as part of the site to the north has been excluded due to nature conservation interests.

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

2.01 The applicant entering into a legal agreement under the terms of the Town & Country Planning Act 1990 (as amended) Section 106 to:-

- a) revoke the existing Section 106 agreement completed on 19 January 1999 which existing operations are governed;
- b) revoke the existing Section 52 agreement of the Town & Country Planning Act 1971 completed on 13 November 1973
- c) The Site of Special Scientific Interest and the Special Area of Conservation shall be managed in accordance with the Management Plan appended to the legal agreement and the plan shall be reviewed and updated at five-yearly intervals.

2.02 Conditions including:

1. Duration of permission
2. Approved Plans
3. Plans to be kept on site
4. Extraction Limit; area and depth
5. Hours of operation – quarrying for cement manufacture
6. Hours of operation – other uses
7. Dust control
8. Dust mitigation
9. Noise mitigation
10. Noise Limits
11. Noise limits for temporary working and temporary working zones
12. Restricted working zones
13. Blasting hours of operation
14. Blast vibration limits
15. Blast monitoring
16. Oil storage
17. Ground water monitoring
18. No dewatering or excavation below 200m AOD until further investigations have been undertaken
19. Soil stripping areas
20. tree felling only if restricting quarrying
21. Permitted Development rights removed
22. Surface of the quarry road and mud on the highway prevention
23. Quarry waste to be retained on site for use in restoration
24. Continuous progressive vertical face restoration
25. Phased restoration
26. Restoration Masterplan
27. Final restoration and removal of plant and buildings
28. Restoration should winning and working cease prior to approved restoration levels being achieved
29. Standard tree/hedge aftercare condition
30. Five year aftercare
31. Annual meeting and reporting to review aftercare



- 32. Programme of archaeological works
- 33. Biosecurity Risk Assessment
- 34. Nature conservation mitigation
- 35. Quarry Liaison Committee

### 3.00 **CONSULTATIONS**

#### 3.01 **Local Member**

**Councillor Nancy Matthews** has been consulted as local member for the Gwernymynydd area, and has agreed that the application could be determined under delegated powers. However, as the development is EIA development, under the scheme of delegation the application is required to be determined by the Planning Committee.

#### 3.02 **Town/Community Councils**

**Gwernymynydd Community Council** has been consulted and have raised no objections to the continuation of mineral extraction at Cefn Mawr Quarry but have expressed a number of concerns in relation to:

- blasting and the long term effect on properties in the surrounding villages; the Community Council request surveys to be undertaken of vibration levels;
- the increase in vehicle movements in Cadole and Gwernymynydd and the related nuisance of noise from heavy goods vehicles especially between the hours of 06:00am and 07:00am. The Community Council have request that a traffic survey is undertaken to determine traffic movements in the locality, with the aim of putting control measures in place where necessary to reduce nuisance;
- the suspension of constructing a noise mitigation bund to screen the quarry for noise attenuation purposes;
- fugitive dust released to the atmosphere that may contain metals such as cadmium, lead and antimony.

3.03 **Gwernaffield Community Council** noted that whilst it was understood that the quarry company already has the necessary permissions in place, and that no additional development was being sought, the prospect of potential increased activity (should the quarry commence extraction of limestone for aggregate production) does raise some obvious concerns with regards to noise, blasting and traffic. The Community Council have requested that, as far as is technically practicable, Hanson should be required to provide an undertaking to proactively maintain the workings of Cefn Mawr Quarry Liaison Committee. It is felt to some degree that there has been a recent lapse in the frequency of these meetings and that as a consequence there no longer seems to be a flow of information to the community in regards to the quarry's activities.

#### 3.04 **Chief Highways and Transportation Engineer**

From a highway operation perspective, there is unlikely to be any

problems with regards to the proposed operation although there are concerns regarding pedestrian use of Cadole Road due to the increase in the Heavy Goods Vehicle (HGV) traffic. The A494 is a trunk road. The A494 (T) has recently be re-surfaced through to the junction with Cadole Road and, with minor discrepancies the junction layout currently conforms with the requirements of Design Manual Roads and Bridges. With regards to junction capacity the assessments have concluded that the existing junctions and road network would have sufficient capacity based on predicted flows. The additional traffic analysis indicates that there is unlikely to be any significant queue of right turning vehicles, and therefore the existing junction layout is deemed to be appropriate.

- 3.05 **Chief Environment and Resources Officer**  
**Environmental Protection** – does not object to the proposal. It is recognised that the in the north west of the quarry there would be an exceedance of the daytime dB noise limit and would therefore recommend that working in this area be restricted to the temporary working limits as specified in MTAN1. The night time noise limit of 42 dB (A) should also be incorporated into the planning permission and it is recommended that the existing silo side noise barriers and site boundary barriers be upgraded.
- 3.06 **Environment Agency Wales (EAW)** has no objection to the proposal but has concerns with regards contamination of controlled waters from fuel and oil storage tanks and surface water road run-off. Also, there appears to be no reference to the undertaking of periodic and proactive nature conservation surveys for protected and BAP species over the duration of the quarrying operations to keep abreast of the changes to the local ecology which may occur over time which may be relevant to these operations. Following the further consultation, EAW has no objection to the additional aggregate operations proposed, provided all pollution prevention measures are employed to ensure protection to the aquifer.
- 3.07 **Countryside Council for Wales (CCW)** do not object in principle to the proposed consolidation application subject to a number of conditions in relation to ground water, Regionally Important Sites, protected species, invasive non-native species and aftercare management. They also welcome the proposal to reduce the extent of land that would be used for future mineral extraction.
- 3.08 **The Clwydian Range Area of Outstanding Natural Beauty (AONB)**  
**Joint Advisory Committee (JAC)** supports the intention to consolidate the planning permissions for this long established major quarry adjoining the AONB, and welcomes the opportunity to update and modernise the conditions for the site via this planning application. In addition, the applicant's intention to exclude the currently permitted northern extension of the quarry as part of the new permission is particularly welcome.

- 3.09 The JAC's principal area of concern, is the impact of the quarry on views from the AONB, notably Moel Famau Country Park and the Offa's Dyke National Trail. Therefore, the JAC would wish to see the continuation of the good work to progressively restore the visible upper quarry faces at the earliest opportunity, to mitigate visual impact from the AONB. This should be given priority in the restoration scheme and associated programme of work. The final restoration proposals are supported, but the JAC would suggest that further consideration be given to providing public access to the site via permissive footpaths for quiet enjoyment of the site in the future.
- 3.10 The applicant's recognition of the biodiversity and geodiversity value of the site and the approach to conservation, including the preparation of a Geodiversity Action Plan (GAP) and Ecological Management Plans, is to be commended. These plans should be regularly monitored and updated during the life of the quarry and for a period beyond. In addition, the JAC would recommend that the preparation, implementation and monitoring of the GAP should be undertaken in partnership with NEWRIGS and the AONB Geodiversity Officer. The JAC would also urge the planning authority to consider the use of an agreement under S.39 of the Wildlife and Countryside Act to secure the long term management of the site.
- 3.11 **NEWRIGS** (North East Wales Regionally Important Geodiversity Sites) have commented on the planning application and is pleased that there is a GAP for Cefn Mawr Quarry and would welcome a partnership approach with Hanson and Castle Cement for the overall enhancement of the Geodiversity and improve educational links.
- 3.12 **The Welsh Government Transportation, Housing and Regeneration Department**  
As the Transport Statement does not indicate that there is an unacceptable impact on the trunk road network, the Welsh Government has no further comments with regards to the proposal.
- 3.13 **Clwyd Badger Group** does not object to the proposals and concurs with the findings of the Environmental Statement (ES).
- 3.14 **The Clwyd-Powys Archaeological Trust** do not object to the application but have requested a condition added to require the submission of a programme of archaeological work in accordance with an approved written scheme of investigations to record any archaeological remains that are discovered. The archaeological recording undertaken on site would be carried out by mining archaeological specialists.

#### **4.00 PUBLICITY**

- 4.01 This application was initially advertised by way of a press notice, site notices, and neighbour notification letters were dispatched to nearest residential receptors. The application was advertised in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 on 3 June 2010.
- 4.02 There was a second phase of consultation from 16 November 2010 undertaken in accordance with the above Regulations following the submission of a revised Transport Statement and an additional Night-Time Noise Assessment which notified consultees and neighbours of this additional information received.
- 4.03 Subsequently, the Council requested additional information under Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as it was considered that the Environmental Statement had not assessed the potential impacts relation to the use of the quarry for aggregate limestone extraction. Therefore, once this information was submitted, there was a requirement for further consultation on this additional information received. The application was advertised in accordance with the EIA Regulations on 13 June 2012.
- 4.04 Over the duration of the consideration of this application, a total of 9 local residents have made representation against the proposed consolidation application. The main planning issues raised include:
- blasting and the affects of blasting including ground vibration, damage to properties and the cumulative effects on properties
  - the regulation of blasting and the monitoring
  - blasts being above acceptable levels and controls on explosions
  - dust
  - increase in heavy goods vehicle movements and traffic causing noise pollution and vibration
  - future developments at the quarry for aggregate and/or tarmac/asphalt production
  - the impact the quarry has on the Cadole Conservation Area
  - health concerns in relation to emissions from the cement works and dust pollution from quarry blasting and cadmium contamination
  - hours of operation – 24 hour operation
  - bank holiday working
  - hazardous waste that has been tipped at adjacent Pant y Buarth Quarry and potential contamination from any leaching
  - Run-off from the restored Pant y Buarth Quarry causing traffic hazards in winter months from freezing and causing ice hazards
  - Noise from loading of limestone from silos and the movement of heavy goods vehicles, especially through the night
  - Lack of noise attenuation
  - As traffic movements are unrestricted concerns have been raised with regards to conflict with Policy MIN3 of the Flintshire UDP.
  - Speed in which quarry vehicles travel along local roads

- 4.05 Concerns raised also include the potential intensification of activity at the quarry when nearby Aberduna and Trimm Rock Quarries close this year. Concerns have been raised with regards to the future use of Cefn Mawr Quarry for aggregate production once these nearby quarries are closed, which may result in the intensification of the operations at the quarry by additional plant and machinery such as crushers and screeners. Residents state that intensifying operations on the site would give rise to more blasts, more traffic movements, vibration, noise and dust. Also, it is considered that should this happen, the types of vehicles that would be used for aggregate production would be much smaller and potentially noisier than those delivering stone to Padeswood Cement Works. Therefore traffic would increase, resulting in more noise, dust and nuisance.

## **5.00 SITE HISTORY**

- 5.01 The site has a long a complicated planning history with a number of planning permission associated with limestone extraction and processing. There are a number of permissions relating to the built development on site and ancillary development associated with the limestone extraction. The main permissions pertinent to limestone extraction are detailed below:
- Interim Development Order (IDO) Permission ref H633 for Quarrying; Granted 24 January 1947
  - Permission ref H70/212 for extension to workings to the north-west; Granted 26 February 1971
  - Section 52 agreement dated 13 November 1973
  - Permission ref 3/MR/436/77 for extension to the south-east; Granted 20 September 1977
  - Registration of IDO permission 3/177/92; dated 22 May 1992
  - Determination of IDO permission ref 3/742/93; dated 27 March 1995
  - Section 106 agreement 5/99/19/133; signed 19 January 1999

## **6.00 PLANNING POLICIES**

- 6.01 Adopted Flintshire Unitary Development Plan  
Policy STR 7 - Natural Environment  
Policy STR 10 - Resources  
Policy GEN 1 - General Requirements for Development  
Policy GEN 3 - Open Countryside  
Policy D 3 - Landscaping  
Policy D 4 - Outdoor Lighting  
Policy TWH 4 - Woodland Planting and Management  
Policy L1 - Landscape Character  
Policy L2 - Areas of Outstanding Natural Beauty  
Policy WB 1 - Species Protection

Policy WB 2 - Sites of International Importance  
 Policy WB 3 - Statutory Sites of National Importance  
 Policy WB 4 - Local Sites of Wildlife and Geological Importance  
 Policy WB 5 - Undesignated Wildlife Habitats  
 Policy WB 6 - Enhancement of Nature Conservation Interests  
 Policy HE 1 - Development Affecting Conservation Areas  
 Policy HE 7 - Other Sites of Lesser Archaeological Significance.  
 Policy HE 8 - Recording of Historic Features  
 Policy AC 2 - Pedestrian Provision and Public Rights of Way  
 Policy AC 13 - Access and Traffic Impact  
 Policy EM 7 - Bad Neighbour Industry  
 Policy MIN 1 - Guiding of Minerals Development  
 Policy MIN 2 - Minerals Development  
 Policy MIN 3 - Controlling Minerals Operations  
 Policy MIN 4 - Restoration and Aftercare  
 Policy EWP 12 - Pollution  
 Policy EWP 13 - Nuisance  
 Policy EWP 16 - Water Resources  
 Policy IMP1 – Implementation and Planning Obligations

6.02 ***Regional***

North Wales Regional Aggregates Working Party Regional Technical Statement – Aggregate Minerals (2009)

6.03 ***National***

Planning Policy Wales (2010)  
 Wales Spatial Plan (update 2008)  
 Minerals Planning Policy Wales (2001)  
 MTAN 1 – Aggregates (2004)  
 TAN 5 – Nature Conservation and Planning (2009)  
 TAN 11 – Noise (1997)  
 TAN 18 – Transport (2007)  
 TAN 21 - Waste (2001)  
 Welsh Office Circular 601/96 (1996) Planning and the Historic Environment: Archaeology  
 PPS23 – Planning and Pollution Control (2004) (England)  
 MPG 9 – Planning and Compensation Act 1991 – Interim development order permission (IDOS) conditions  
 MPG10 – Provision of Raw Material for the Cement Industry  
 MPG 14 - Review of Mineral Planning Permissions

6.04 The main policies to be considered in the determination of this application are the emerging policies of the Flintshire Unitary Development Plan (FUDP) particularly: Policies MIN1 – MIN4, Policy L1 and L2, and Policies WB 1-4.

7.00 **PLANNING APPRAISAL**

**Introduction**

- 7.01 The planning application would effectively consolidate all of the various permissions pursuant to current mineral extraction and processing operations at Cefn Mawr Quarry. This would include the method of working, the quarry design and the final restoration concept and ancillary development associated with the site i.e. the minerals processing plant, concrete storage silos, site offices and canteen, weighbridge, workshop and garage, fuel/oil storage tanks, stores, magazine and site access road, under a single all encompassing planning permission which would permit limestone extraction until 21 February 2042. This represents the default date and limit under the provisions of the Planning and Compensation Act 1991 for IDO permissions and mineral planning permissions which had no working life limitation when originally granted.
- 7.02 The quarry extracts high purity limestone to supply Padeswood Cement Works with a constant and consistent source of limestone to manufacture cement. The remaining reserves within the mineral extraction area are at approximately 30 million tonnes of saleable limestone, which at a production rate of 1.3 million tonnes per year, would equate to a reserve life of 23 years. Operations in the past have seen an average of 850,000 tonnes of minerals transported per year but more recently, due to the recession, production figures have dropped significantly. In 2009 production was at approximately 433,000 tonnes, but by 2010 production was down to 234,000 tonnes. However, in 2011 production was up slightly to 278,297 tonnes, thus showing some signs of economic recovery.

#### **Site Location**

- 7.03 The quarry is located 0.6km north east of Loggerheads, 0.6km north west of Cadole, 0.8km south west of Gwernaffield, 0.9km south east of Pantymwyn and approximately 3km to the west of Mold. It is situated to the north of the A494, and between the villages of Cadole and Gwernaffield. Padeswood Cement Works is situated 8.5km to the east of Cefn Mawr Quarry, south of the village of Buckley.
- 7.04 The quarry is also located within and adjacent to the boundaries of the Alyn Valley Woods and Alyn Gorge Caves Sites of Special Scientific Interest (SSSI) and Alyn Valley Woods Special Area of Conservation (SAC). The Clwydian Range Area of Outstanding Natural Beauty (AONB) is situated to the immediate south and west of the quarry. The Milwr Tunnel is located to the east of the site at 26m AOD. Cadole Conservation Area lies approximately 300m away from the boundary of the quarry to the south east and is considerably lower topographically than the quarry.
- 7.05 Mold Golf Club lies to the immediate north of the site and the Loggerheads Country Park to the immediate south west. Alyn Valley Woods follow the route of the River Alyn to the west of the site. Recreation is a dominant land use surrounding the site. Elsewhere, the land surrounding the site is used for agriculture.

### **Site Description**

- 7.06 The application site covers an area of 93.64 hectares, with a permitted extraction area of 33.8 hectares. The plant site and offices are situated just off Cadole Road, which provides access to the A494 (T) to the south. To the west of the plant site area is the main quarry excavation area. The quarry is surrounded by broadleaved woodland, some of which is part of the Alyn Valley Wood, and some planted by the operator as part of the advanced planting for screening purposes and ongoing restoration at the site. Progressive restoration work have been carried out on the southern and western faces of the quarry by a combination of restoration blasting, earthworks, planting and natural regeneration of plant species on the quarry bench and shelves. This method of progressive restoration would continue throughout the development of the quarry.

### **Details of Proposed Development**

- 7.07 This planning application would effectively consolidate all of the current mineral extraction and processing operations and all ancillary development associated with the Cefn Mawr Quarry under a single, all encompassing planning permission, to continue to permit limestone extraction until 21 February 2042 at a depth of 173m AOD. The application relates solely to the area which has already been permitted and does not propose to extend the quarry boundary in any way, therefore no additional operational development is sought. The full extent of the currently consented extraction area has actually been reduced in the north of the site due to nature conservation interests.
- 7.08 The proposal would not alter the existing site infrastructure or the method of mineral working, extraction or restoration proposed. The limestone released from the extraction area would be processed through the existing plant and machinery as per the existing operation.
- 7.09 Carboniferous limestone is extracted from the quarry to be used primarily for the manufacturing of cement at Padeswood Works. As the chemistry of the limestone is important in cement manufacture, requiring a high purity limestone with low levels of contaminants, there are occasions when the quarry needs to be worked from two or more separate faces and the limestone blended in order to maintain a consistent mix of materials and to ensure that the chemical balance of the limestone remains consistent.
- 7.10 Generally, mineral working would be to the north-west to south-east direction by blasting, usually undertaken on a campaign basis; the frequency of which would depend on demand and the part of the quarry being worked. Blasted rock is crushed and loaded into the storage silo's ready for loading directly in the heavy goods vehicles, to then deliver the limestone to Padeswood.
- 7.11 The quarry does have the flexibility with in the existing IDO consent



and Section 106 agreement to supply limestone for alternative uses other than for the manufacture of cement. Therefore, the applicant would wish to continue to have this flexibility in any subsequent planning permission, hence the request by the Council for additional information to assess potential impacts of this operation.

- 7.12 For example, in 2011 the quarry supplied approximately 8,300 tonnes of armour stone to the coastal defence works at Colwyn Bay. Should planning permission be granted, the applicant would wish to be able to continue to supply armour stone for projects such as this in the future. Furthermore, they would also wish to be able to use poorer quality Cefn Mawr Limestone for other uses such as aggregate.
- 7.13 The supplementary information submitted by the applicant assessed the potential operational and development implications and effects of the production limestone for aggregate at a rate of 250,000 tonnes per annum, operating alongside the production of limestone for use in cement manufacture. At present the quarry does not have the infrastructure or equipment to process and supply aggregates on a large scale, and therefore this was a hypothetical scenario for the purposes of assessing the application, should the applicant wish to do so in the future.

### **Issues**

#### ***Principle of Development, suitability of location, Policy Context***

- 7.14 The principle of limestone extraction at Cefn Mawr has been deemed acceptable by virtue of previous planning consents. The proposal would not extend the extraction area further than is already permitted; as stated previously, the extraction area would actually be reduced slightly in the north of the site. It would not extend the life of the quarry beyond that of the existing consents.
- 7.15 MTAN1 recognises that the plan-led system in dealing with applications for new mineral extraction is best placed in determining the most suitable locations and that future extraction should only take place in the most environmentally acceptable locations. Whilst it is recognised that the existing active quarry is sited in close proximity to various environmental and landscape designations, these designations have been elected since the opening of the quarry, and indeed, some have occurred partly as a result of the operations at the quarry. Furthermore, mineral extraction can only take place where the mineral is found to occur.

#### ***Need for the application***

- 7.16 As the site was governed by a number of planning permissions and a legal agreement, it was considered necessary for the operator to submit a consolidating application to avoid any confusion as to which permission was relevant. One single all encompassing planning permission would also aid monitoring and compliance.

- 7.17 The Section 106 agreement signed in 1999 required the operator to undertake a 10 yearly review. Furthermore, with the provisions of the Environment Act 1995, this requires mineral sites to be reviewed every 15 years. This application effectively provides the mechanism for reviewing both the IDO permission and the Section 106 agreement as required, and opportunity to apply more modern and relevant conditions, if necessary, in accordance with MPPW and MTAN1.
- 7.18 Should planning permission be granted, a Section 106 agreement would be required to effectively revoke the existing 1999 Section 106 agreement, and Section 52 agreement. The IDO permission would lapse via the passage of time, and the sole consent would provide the means of controlling and regulating operations at the quarry, until a further review is required in 15 years.
- 7.19 In terms of the need for Limestone, MPPW and MTAN1 provide clear policy guidance to ensure that future supplies of minerals are planned to meet society's needs. Cefn Mawr Quarry is the sole supplier to Padeswood Cement Works. Other limestone quarries in the area, whether within the control of the applicant or not, lack the capacity to supply the necessary quantity and quality of limestone. Therefore, there is a clear need for the continuation of limestone extraction at Cefn Mawr to continue to supply Padeswood with a consistent and constant pure supply of limestone. Furthermore, MPPW highlights the specific importance of Cefn Mawr Quarry for the high purity limestone that is present; to continue to supply the cement works, thus highlighting the national importance of the extraction of limestone at Cefn Mawr specifically for cement manufacture in relation to the economy of Wales and beyond.

***Landscape and Visual Impact Assessment***

- 7.20 The ES assesses both the landscape and visual impact of the proposal to identify the magnitude of change and sensitivity of the receptors in order to establish the significance of the proposed development in bringing about change to the character of the existing landscape and the visual resources.
- 7.21 The Clwydian Range AONB is situated to the immediate south and west of the quarry. The site is also adjacent to the Alyn Valley Wood SSSI and SAC, which is located to the immediate south, east and west of the quarry. Whilst these are not specifically landscape designations they do contribute to the importance of the landscape.
- 7.22 Landscape impacts are essentially changes in the fabric, character and quality of the landscape. The overall landscape evaluation including scenic quality is considered to be low as the land is in poor condition due to limestone extraction. It is considered that the quarry has a weak sense of place and little landscape character with regards to visual and sensory. However, when assessing the cultural

landscape aspect of the quarry, it is considered to have a high landscape character due to its sense of place, and its historical and cultural significance for an understanding of Flintshire and its heritage. The impact on landscape features is considered to be neutral since the majority of the quarry footprint has already been opened, and forms the extraction area, which is well established.

- 7.23 With regards to landscape character, although the character of the wider landscape is dominated by the Clwydian Range AONB and the Alyn Valley Woods, the landscape impact of the continuing extraction at the quarry is also neutral as it would involve no significant changes to the landscape characteristics within the wider landscape. The impact on the local landscape would also be considered to be neutral due to the negligible change in characteristics with regards to the continuation of operations at the site. The existing quarry footprint area does have an impact on the surrounding landscape character; however, the deepening of these workings as proposed to continue would have no greater impact than already exists.
- 7.24 Visual impacts relate to specific changes in the character of views and the effects of those changes on visual receptors. The visual appraisal submitted with the ES identified a number of locations from which the quarry is visible. Whilst the site is considered to be well contained by surrounding woodland and topography, and views into the site are limited, the most direct views are from the AONB, and particularly from the viewing area at Moel Famau, and also from public rights of way that are located close to the quarry. The large silos in the quarry are visible from the valley floor surrounding the quarry.
- 7.25 The main views of the quarry from the immediate surrounding area include those from the immediate east of the site, including properties along Cadole Road, Hafod Road, and the properties and public footpaths on the hillside between the two roads where the top section of the processing plant and silos are obscured by boundary woodland. It is considered that the visual impact from these areas and from long distance footpaths on the AONB would be neutral as ongoing extraction operations would not create a change in the actual view. Future working would involve the progressive deepening of the existing quarry footprint. Furthermore, the progressive and vertical face restoration would continue, which would continue to mitigate impacts from the AONB. It is therefore considered that the impact of the proposal on statutory landscapes would be reduced and improved by restoration works undertaken at the site.
- 7.26 The visual impacts from areas that have views onto the top section of the quarry's northern extraction areas including views from the south west by Tafarn-y-Gelyn, properties on Frith Mountain, Mold Golf Club, and properties along Hafod Road, Gwernaffield and Pant-y-Buarth to the north would be considered to be intermediate-minor nature, as ongoing extraction operations would involve a minor change in view.

- 7.27 The submitted landscape and visual impact assessment is considered to be satisfactory. Much of the limestone above the surrounding ground level has already been extracted and therefore the working face is below ground level and it is considered that distant views of the site from lower levels would not be affected. Should the quarry commence processing aggregate, mobile plant would be located within the existing quarry void, vehicles would enter the quarry via the internal haul road which is well screened by existing mature trees and woodland, and distant views would be unaffected. There is the potential for an increase in the visible dust plume; however mitigation required by condition can required mechanisms to control dust to an acceptable level. Therefore, it is considered that the production of aggregates would have no significantly greater impact on visual impact or landscape.
- 7.28 The JAC for the AONB support the consolidation application. It is considered that the proposal would not have an adverse impact on the landscape character of the surrounding area or on the visual impact. As such the proposal complies with Policies L1, L2 and MIN2 of the Flintshire Unitary Development Plan.

***Ecology, biodiversity and Nature Conservation***

- 7.29 The quarry is immediately adjacent to three Wildlife Sites. The locality is ecologically rich and there are opportunities for enhancing the existing habitats through appropriate management. A full ecological assessment of the effects of the proposed development has been submitted as part of the ES, and concludes that the quarrying activities at the quarry would result in little adverse impact on any habitats or species found within or adjacent to the application area.
- 7.30 Should the quarry commence operations as an aggregate quarry, crushing and screening operations, together with the stockpiling and subsequent loading and transportation of aggregate from the quarry void has the potential to give rise to increase the risk of fugitive dust emissions from the site. Dust mitigation and dust suppression measures successfully employed at the quarry, including the use of water bowsers to dampen down internal haul roads would continue, which would manage any increased risk of fugitive dust that may arise from the production and sale of aggregates. It is considered that the potential operation is unlikely to give rise to any significant effects on features of ecological or nature conservation interests.
- 7.31 Using naturally regenerated vegetation within restoration, a range of habitats would be created which would maximise opportunities species already present at the quarry and enhance existing habitats. The unique vertical restoration techniques proposed would encourage new species to colonise which would contribute to the UK Biodiversity Action Plan and Flintshire Local Biodiversity Action Plan.

- 7.32 A Site Ecological/Biodiversity Management Plan is being prepared to ensure the maintenance and enhancement of the ecological interests of the site and surrounding areas. The ES is considered to be very comprehensive and appears to cover the current situation with regards to protected sites, and protected and priority Biodiversity Action Plan (BAP) species. The Management Plan would be part of the Section 106 legal agreement and would ensure that periodic and proactive surveys are undertaken over the duration of the quarrying operation to keep abreast of changes to the local ecology which may be relevant to these operations.
- 7.33 It is considered that the provision of the avoidance, reduction, mitigation and compensation measures, outlined within the ES have the potential to reduce the identified significant effects to have no significant impact. In the medium to long term, mitigation measures coupled with the implementation of the Management Plan, should provide an overall benefit for biodiversity within, and adjacent to the application area. As such, subject to conditions on implementation of mitigation measures as detailed within the ES, it is considered that the proposal accords with the provisions of Policies WB4, WB5 and WB6

***Statutory Sites of Ecological Interest and Protected Species***

- 7.34 As the site is located within and adjacent to the Alyn Valley Wood SAC the Local Planning Authority must have regard to the effect this proposal would have on the SAC, and consider if an appropriate assessment should be carried out in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010.
- 7.35 A test of likely significant effects has been carried out and concluded that with the mitigation measures proposed, there would be no significant environmental effect on the designated sites from the proposal. The main risk to the sites would be from dust. The quarry's operational permit, and also the permit for the plant and machinery used on site issued by the Local Authority would control and monitor dust emissions. A planning condition would also require dust mitigation and management to be employed on the site at all times to reduce dust. A Management plan would be required by the provisions of Section 106 and would be implemented in agreement with CCW which would enhance the SAC features in the long term.
- 7.36 Should planning permission be granted, the existing obligations requiring that no de-watering or excavation below 200m AOD shall be undertaken until a hydrological report has been submitted to and approved by the MPA. This would investigate the potential for impact on water features, including the Afon Valley Woods SAC, the Afon Alyn and also the River Dee and Bala Lake/Afon Dyfrdwy a Llyn Tegid SAC and the Dee Estuary SAC. The report would also require the quarry to address the need for the monitoring of water features/sources which may be at risk from derogation and identify and implement potential mitigation measures to an agreed timetable.

- 7.37 The quarry is surrounded by high quality habitat, which, if managed correctly would enhance the SAC and SSSI features, as well as benefit a number of associated habitats and species which would recolonise the quarry as natural restoration progresses. Ecological management plan required by the Section 106 discussed above would ensure the holistic management of all the nature conservation features including local, national and international designations. It would link the SSSI/SAC management ideals with the land within Hanson's control. Furthermore, Hanson Cement and CCW will be entering into a management agreement for the SSSI/SAC land within the control of the Quarry.
- 7.38 With regards to protected species, the application site has been subject to survey and assessment in respect of species protected under the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, and the Protection of Badgers Act 1992. As part of the assessment, ecological sensitive areas containing rare species have been found. As such, the quarry design has been amended such that the quarry would not be worked to its originally planned northern limit.
- 7.39 The application includes proposals that aim to demonstrate that operations would not be detrimental to the maintenance of favourable conservation status (FCS) and habitats management. It is considered that, based on the overall provision of information within the application, the proposal would not be detrimental to the maintenance of the FCS.
- 7.40 It is considered that the future operation of the quarry accords with various national and local policies, and that, provided sensitive operations and restoration is implemented, the quarry and the various designations can co-exist without undue conflict. Should planning permission be granted, the quarry would be permitted to work to a depth of no more than 200m AOD unless hydrological investigations have proved that there would be no detrimental impacts on hydrology and ultimately to a maximum depth of 173m AOD, which would ensure that there would be no conflict with the relevant wildlife policies of the FUDP, namely policies WB1, WB2 and WB3.

***Invasive Non-Native Species***

- 7.41 Due to the presence of *Crassula* in ponds, and other non-native species in woodland habitats on site, should planning permission be granted, a condition would require the submission and implementation of a bio-security risk assessment. Any non-native species planted for screening purposes would be removed as restoration progresses.

***Geology and Regionally Important Geological (RIG) Sites***

- 7.42 The area surrounding the quarry has historically been the subject of much geological interest, particularly because the area can be

correlated with limestone across the country. The extraction of limestone at the quarry has exposed some interesting marker horizons in the strata. The exposure of the quarry face has enabled the limestone structures to be examined in detail.

- 7.43 The operator is committed to the Geodiversity Action Plan (GAP) process. At the time the application was submitted, it was noted however that the Cefn Mawr GAP did not include any reference to the two RIG sites at Cefn Mawr Quarry. RIG 97 is situated on the western side of the quarry within a final face of the quarry. RIG 69 relates to the mineralisation on some of the boulders that can be found on site including fluorite, sphalerite, calcite and barite.
- 7.44 However, as this has now been drawn to the attention of the Quarry, they now have copies of the two RIG designations. Should planning permission be granted, the Cefn Mawr GAP would be revised to include reference and consideration to the RIGs, and the the GAP would be monitored and updated on an annual basis during the life of the quarry and during the aftercare period.
- 7.45 During the consideration of the planning application, over the past 2 years, the quarry company has improved links with the North East Wales Regionally Important Geological Sites (NEWRIGS) and the Clwydian Range Geo-partnership, and there has been representation from NEWRIGS on the liaison committee.

#### **Residential Amenity and Buffer Zones**

- 7.46 This section of the report will examine issues relating to residential amenity including impacts of the quarry of ground vibration from blasting, noise, dust/air quality and hours of operation.
- 7.47 MPPW establishes the principle of Buffer Zones around permitted and allocated mineral extraction sites to protect land uses or developments that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses to reduce the impact on residential amenity. MTAN1 defines the extent of the buffer zones where there should be no new mineral extraction, or sensitive development. Policy MIN10 of the FUDP echoes the advice provided within MTAN1 and states that Mineral Buffer Zones for hard rock quarries, such as Cefn Mawr Quarry are set at a minimum distance of 200m, within which no new mineral extraction or sensitive development will be permitted.
- 7.48 Whilst it is noted that there are some residential properties located within the 200m mineral buffer zone around the extraction and processing area of Cefn Mawr Quarry, this application is a pre-existing quarry. The Policy only applies to new mineral extraction and the proposal actually reduces the extraction, area thus providing some benefit. Furthermore, as will be examined in the following section, mitigation measures employed at the site, and additional measures

required by condition would mitigate any adverse effects of quarrying on residential amenity to acceptable levels, and would ensure that the quarry would operation within limits published by guidance.

### ***Ground Vibration and Blasting***

- 7.49 The quarry undertakes controlled explosions within the working face to release the limestone. This method of extraction is referred to as blasting. Blasting is undertaken periodically throughout the year depending on the demand. There are typically between 70 to 100 blasts per year which are usually undertaken on a campaign basis; the frequency required is dictated by which particular part of the quarry is being worked and demand. Should the quarry work a further 250,000 tonnes of limestone each year for aggregate sales, this could give rise to up to an additional 16 blasts per annum. This modest increase is achievable by increasing the area and yield of the existing blasts undertaken for cement production.
- 7.50 The effect of blasting at the quarry felt by local residents is from the blast causing ground vibration and what is known as air overpressure. The quarry currently operates to a planning limit with regards to ground vibration of 4mm/s peak particle velocity (ppv) when calculated with a 95% confidence limit. Should planning permission be granted, this limit of 4mm/s ppv would continue to be imposed. National Planning Policy is set out in MTAN 1 and recommends a limit of 6mm/s ppv. Therefore, the conditional limit of 4mm/s ppv proposed is below recommendations set at a national level.
- 7.51 Cefn Mawr Quarry monitors each blast from one of an established group of properties located around the quarry. On occasions additional blast monitoring equipment is used to take more than one measurement. The results of the blasting assessment within the ES has shown that all sensitive receptors further than 225m from the blast site are unlikely to experience maximum ppv levels above 4mm/s using a 30kg charge.
- 7.52 With regards to air overpressure, whilst all blasting operations undertaken by the quarry would be designed to minimise air overpressure, so far as is reasonably practicable, there are a number of factors outside of the control of the quarry which mean that predicting air overpressure levels are very difficult. As air overpressure is transmitted through the atmosphere, weather conditions such as wind speed and direction, cloud cover and humidity will all affect the intensity of the impact. Due to this unpredictability, planning conditions to control air overpressure are not considered to be enforceable. However, the results from monitoring presented in the ES demonstrates that air overpressure at sensitive receptors is predicted to be up to 104 dB, indicating that air overpressure from blasting at the quarry is unlikely to cause complaint in accordance with the suggested 120 dB outlined in British Standard 6472 "Guide to evaluation of human exposure to vibration in



buildings”. Further to the measurements taken to support the ES, blast monitoring has shown levels are typically between 106 dB and 110dB. Air overpressure can cause physical damage to properties at high level, this is typically at levels between 140 dB and 150 dB which is well above what is experienced at properties as a result of blasting at Cefn Mawr Quarry.

- 7.53 Residents have questioned the validity of the operator self monitoring their blasts. The North Wales Minerals and Waste Shared Planning Service undertake regular and ad hoc monitoring of blasting at all quarries in the region, including Cefn Mawr. The independent monitoring undertaken by the Shared Service indicates that the blasts at Cefn Mawr Quarry are well within the safe and permitted limits. Furthermore, through the monitoring of each blast operation, Cefn Mawr Quarry is able to continually improve and refine the blast design for each subsequent blast as far is reasonably practical.
- 7.54 Gwernymynydd Community Council and residents have raised concerns in relation to blasting and the long-term and cumulative effects on properties in the surrounding villages from blasting over time, thus attributing damage to properties from the quarry blasts.
- 7.55 MTAN1 draws upon advice set out in British Standard 7385 Part 2, 1993 Evaluation and Measurement for Vibration in Buildings entitled “Guide to Damage Levels from Ground Borne Vibration in Buildings”. The guidance sets out vibration limits to preclude the onset of damage to the types of structures encountered around quarries, including residential properties. It recognises that there is a major difference between the relatively low levels of vibration that are perceptible to people, and the far greater levels at which the onset of damage is possible. The guidance sets out the lowest vibration levels above which damage has been credibly demonstrated. Cosmetic damage, or hairline cracks in plaster or mortar joints, should not occur at vibration levels lower than 20mm/s ppv at a frequency of 15Hz and lower than 50mm/s ppv at 40Hz and above. This is significantly higher compared to the 4mm/s ppv limit which is set at Cefn Mawr Quarry.
- 7.56 Further research has been undertaken by the United States Bureau of Mines which concluded that no damage to buildings has occurred in any of the published data at vibration levels less than 12.7mm/s ppv; again significantly higher than the levels set at Cefn Mawr Quarry.
- 7.57 To put the blasting data into perspective with by comparing this with everyday events which produce vibration; measurements taken at 1m from someone walking on a wooden floor gives a max ppv of 2.3mm/s ppv, a door slamming measured at 1m away on wooden floors gives a ppv of 5.3mm/s ppv and a foot stamp on a wooden floor measured at 1m away gives a ppv of 52.7mm/s and when measured at 6m away it diminishes to 5.6mm/s ppv.

7.58 The quarry company continually seeks to minimise blast vibration and air overpressure through blast design and there is no evidence to prove that continued ppv levels of 4mm/s (well below guide values) can cause damage to properties. In the interests of local amenity, it is standard industry practice to limit the time of day during which a blast can take place. At Cefn Mawr Quarry blasting is limited to between the hours 10:00 and 16:00 hours Monday to Friday (excluding public holidays). Should planning permission be granted, these limited hours for blasting would continue. Further efforts have also been made by the quarry to inform local residents of the schedule of blasts so that residents are prepared for the blast to occur on a given day. Improved communication through the Quarry's Liaison Committee has reduced complaints with regards to blasting.

**Noise**

7.59 The applicant proposes that existing noise limits are imposed. Existing noise limits are:-

- 55 dB LAeq, (1 hour) (free field) as measured 3.5 metres from the nearest noise sensitive property between 0700 and 1900 hours
- 50 dB LAeq (1 hour) (free field) between 1900 and 2000 hours
- 45 dB LAeq (1 hour) (free field) between 2000 and 0700 hours.

The maximum noise level at any noise sensitive property excluding noise attributable to blasting shall not exceed 70 dBLA max (free field) during the permitted hours of work

7.60 MTAN 1 provides advice on noise limits for aggregate extraction. The guidance recommends a maximum daytime (0700-1900) noise limit of 55 dB(A). Night-time (1900-0700) working limits should not exceed 42 dB(A). During temporary and short-term operations, higher levels may be reasonable but should not exceed 67 dB(A) for periods up to 8 weeks in a year at a specified noise sensitive property. These are slightly different to the limits the applicant is requesting.

7.61 A noise assessment was undertaken as part of the ES which considered the worst case average noise levels at nearby sensitive receptors from the quarry operations associated with both operations as an aggregate quarry, and that of the existing supply of limestone for cement manufacture, including movements along the quarry haul road and site access road.

7.62 The assessment concluded that noise levels are predicted to be within planning limits (55dB(A)) except at some receptors when the limit is marginally exceeded when extracting at the 265m AOD bench (56.7 dB(A)). However, when the mineral extraction moves down into the quarry void, the noise from site activities is predicted to be below the existing planning limits and those recommended by national policy.

7.63 Mitigation measures are recommended within the ES to ensure that the site operates within proposed limits. The assessment establishes temporary working zones on the upper northern and western benches

of the quarry, where slight exceedences have been predicted to occur, within which the duration of mineral working should be limited to periods of up to eight weeks in a year. This would be considered to be in line with national guidance set out in MTAN 1 as detailed about for temporary operations. It is worth noting that the assessments undertaken predicted that no receptors would experience noise levels above the temporary limit of 67 dB (A) defined by MTAN 1 criteria.

- 7.64 During the hours of 1900–2000, the assessment results demonstrate that all receptors are predicted to be within the existing planning limits, again, with the exception of some nearby sensitive receptors. In order to remain within the 50 dB(A) limit as requested, between 1900–2000 a restricted working zone has been proposed. It is recommended that soil stripping, mineral extraction and restoration works within the restricted working zone should not take place between these hours. Only limestone extracted for uses in the cement manufacture would be occurring after 1800 hours and it is not normal practice for the quarry to be operating until 2000 hours.
- 7.65 Local residents have raised concerns with regards to night time loading of limestone, and they have questioned whether this is above acceptable levels. The findings of the subsequent night time noise survey was such that the quarry is operating in compliance with the existing noise limits and it also recommended some practical steps and good house keeping measures to further reduce noise levels from the operations. The quarry company has taken some of these recommendations on board and has been working with the haulage company to implement mitigation measures, and they have also been liaising with key sensitive receptors to try to resolve the issue of disturbance of night time loading. Additional noise mitigation measures employed on the site include loading procedures, reduction in particle size, improvements to existing acoustic barriers, and using trailers that are rubber lined. Since the implementation of noise reduction measures, complaints from loading during the night have reduced considerably with an overall noise reduction of 10.5dB.
- 7.66 The existing night time noise limit is set at 45 dB LAeq (1 hour) (free field) as opposed to the recommended limit within MTAN1 of 42 dB LAeq (1 hour) (free field). The night time noise assessment which accompanied the ES recommended that the current silo side noise barriers and boundary barriers could be upgraded, or enlarged. Should this be implemented the report predicted a 4-5 dB reduction could be gained. However, since the recent night time noise survey demonstrated that the quarry could operate at night within the recommended MTAN1 noise limit of 42 dB LAeq (1 hour) (free field), it would be unreasonable, and unduly onerous to require further noise mitigation to be implemented. A condition would however ensure that noise output is monitored and reviewed annually to ensure that noise mitigation would continue to be effective.

- 7.67 With the exception of night time noise limits which should be reduced to 42 dB LAeq (1 hour) (free field), it is recommended that the existing planning limits should continue to apply, should planning permission be granted. However, soil stripping, mineral extraction and restoration works, within the proposed temporary working zone be limited to up to 8 weeks per year at 67 dB LAeq (1 hour) (free field), in line with national guidance.
- 7.68 Cefn Mawr Quarry produces high purity limestone for use in cement manufacture and as such, is noted as a nationally important strategic resource. MPPW provides that it is essential for the national economy that limestone of the quality and quantity required continues to be produced and safeguarded for future use. MTAN 1 sets out detailed advice on the mechanism for delivering the policy for aggregate extraction which includes recommended noise limits. As detailed above, applicant proposes that existing noise limits are imposed, rather than those recommended in MTAN 1. The proposed limits, with the proposed mitigation measures, temporary and restricted zones are considered to be acceptable when balancing the national strategic need for limestone as detailed in MPPW. The noise assessment predicts only slight exceedances at some noise sensitive properties. However, operations, at identified locations and working heights within the quarry have been predicted not to exceed the temporary working limit as recommended in MTAN1. It is worth noting also that there have been no complaints received with regards noise from the mineral extraction process.

***Air Quality; Dust***

- 7.69 A qualitative dust impact assessment of the effects of activities at Cefn Mawr was undertaken to determine the potential effects of operations on site. This was subsequently undertaken with regards to the potential aggregate production and operations associated with aggregate sales.
- 7.70 The assessment concluded that the existing environmental management practices on site which includes dust mitigation and management from a water bowser to dampen internal haul roads, and the use of filters on the mineral processing plant to collect dust, are considered to be adequate to prevent adverse air quality effects at nearby sensitive properties. The effective mitigating effect of local topography, existing vegetation, and the environmental control measures employed on site have resulted in the conclusion that the impact of dust emissions upon the environment would be low to negligible.
- 7.71 Furthermore, all plant, either fixed or mobile would either carry an individual environmental permit, or would be required to operate in compliance with the conditions of the quarry's permit, which comprise of 41 conditions associated with emissions limits and controls, monitoring, sampling, stockpile management and measurement of

emissions, material handling and operational controls. Should planning permission be granted, a condition would require all dust mitigation measures to be reviewed annually to ensure that measures are still appropriate for current operations.

### ***Impact on Health***

7.72 Health impacts as a consequence of quarrying include the effects of uncontrolled releases of dust and noise. The primary mineral at Cefn Mawr is limestone, composed mostly of calcium carbonate. Mineral related dust produced from limestone tends to be larger in size and tends to settle to the ground due to its weight and density rather than remaining suspended and therefore less susceptible to being transported outside of the quarry boundary. Furthermore, limestone dust is soluble and does not pose the same risk presented by silica rock. With regards to noise, provided that it is kept to limits, as indicated within published guidance, noise is not predicted to be at levels that would be expected to give rise to adverse health effects.

7.73 It is noted that potential impacts on health must be considered in relation to proposals for aggregate extraction, and that health impact assessments should be carried out for new quarries located within one kilometre of an existing community. This application is for the consolidation of existing consents at the quarry and no new development or extraction is proposed. As such, it was considered that a full health impact assessment was not required. However, as stated above, the applicant has considered the impact on dust and noise and concluded that existing dust management and noise mitigation and limits would ensure that the proposals should not cause adverse effects on health.

### ***Hours of Operation***

7.74 Working hours in relation to the quarrying of material for the manufacture of cement are restricted to:

- 0700-2000 hours Monday to Saturday, and no working of Sunday and Public/bank holidays except for 12 occasions per year between the hours of 0800-1800 (the dates of such operations shall be notified to the local planning authority in advance);
- Loading and lorry dispatch, essential maintenance and repair work are unrestricted and may be undertaken on any day, and carried out at any time, provided such work is carried out in a manner as to minimise disturbance to nearby residential properties;
- Soil stripping and overburden removal shall only be carried out for a maximum of 8 weeks in any calendar year between 0800-1800 hours Monday to Friday, and 0800 hours to 1200 hours on Saturdays, provided that no operations are carried out during the hours of darkness. No operation shall be carried out in relation to soil stripping and overburden removal on any Sundays or Public/Bank Holidays.

- 7.75 With regards to the extraction and processing of limestone and loading/lorry dispatch for any other purposes other than cement manufacture, working hours are restricted to:
- 0700-1800 Monday to Friday, and 0700-1200 Saturday, with no working on Sunday and Public/bank holidays except for maintenance or in the event of an emergency, unless prior approval from the Local Planning Authority has been obtained.
- 7.76 The application does not propose to change these existing working hours. The unrestricted times for the transportation of limestone for cement are a reflection of the specific requirements of the cement manufacturing process. This has been deemed acceptable by virtue of previous planning consents on the site.
- 7.77 Hanson Cement have a contract with a designated haulage company which serves the quarry for transportation to Padeswood to the cement kiln. These vehicles are standardised vehicles as they are part of a fleet which serves Cefn Mawr Quarry. These large modern vehicles, which minimise the number of movements to and from the site, and have rubberised floors to reduce the sound of loading of limestone, reversing beepers are silenced during night time hours, and are modified to reduce the impact of night time loading. Any complaints received by the Quarry or the Council with regards to vehicles associated with the Quarry operations are reported to the haulage company and also discussed at the quarry liaison meetings in order to resolve issues that may be experienced in the locality.
- 7.78 Furthermore, the vehicles are fitted with Satellite navigation systems which allow the haulier to monitor the location and speed and vehicles at any time. Additional measures are in place such as cameras fitted inside the cabs to record the journey. Both can be used to verify any complaints received and taken any necessary subsequent action.
- 7.79 Concerns have been raised with regards to the unrestricted lorry loading and dispatch of limestone, and local residents have questioned compliance with the minerals policies within the Flintshire UDP. Policy MIN 3 of the Flintshire Unitary Development Plan states that mineral working will be permitted where the movements of vehicles to and from the site do not cause unacceptable harm to the living conditions of nearby residents. The ES demonstrated that with conditions there should be no harm caused to nearby residents. Unrestricted loading and dispatch is required due to the need to maintain a steady supply to material to the Padeswood cement works. As stated previously, the cement industry is important to both the local economy of Mold and the national economy and supplies at Cefn Mawr are recognised by national policy as strategically important.

**Conclusion for Residential Amenity**

- 7.80 MPPW recognises that it may not be possible for mineral workings to

avoid adverse environmental or amenity impacts, but where it is not possible, working needs to be carefully controlled and monitored so that any adverse effects on local communities are mitigated to acceptable limits.

- 7.81 It is considered, as discussed above, that whilst there are residential properties within the defined mineral buffer zone, all potential affects from noise, dust, blasting and vibration can be controlled and mitigated by the measures outlined above to acceptable limits as set out in guidance. It may be possible for local residents to hear operations, to feel the effects of vibrations from blasting, and to experience dust. However, it is considered that the mitigation methods employed at the site at present, and via the mitigation measures proposed above, that the mineral activity would not cause unacceptable adverse effects. As such, it is considered that the proposal accords with the provisions of Policies GEN1, MIN 3 and MIN10 of the FUDP.

***Traffic and Transportation***

- 7.82 Limestone destined for Padeswood Cement Works is collected in standard 28 tonne articulated vehicles, using a single dedicated haulage fleet. As stated above, lorry loading and dispatch is continuous in order to maintain the supply to the cement works which operates on a 24 hour basis. Based on the maximum capacity at the cement works, the maximum heavy goods vehicle movements would be 10 loads (20 movements) per hour between 0700–1700 hours. The assessments have been based on a worst case scenario. Between 1700–0700 hours there would be a maximum of 5 loads (10 movements) per hour as the quantity of materials exported is restricted to the size of the silos (4 silos storing up to 500 tonnes).
- 7.83 The current site access leads directly from the Cadole Road and is designed such that it provides good visibility in either direction for vehicles to move safely to and from the quarry. The majority of traffic using the site turns right onto Cadole Road to gain access to the A494 and then travels eastwards towards the Padeswood Cement Works.
- 7.84 An assessment has been undertaken on the highway capacity using the above worst case scenario. It concluded that during normal operation, the quarry traffic flows generated on the A494 (T) are not considered to be significant. During the potential peak quarry output flows, the traffic generated on the A494 (T) increases by 5.9% which although considered to be a significant increase, it is still within the capacity of the A494 (T) at this location.
- 7.85 A further assessment was undertaken on the potential vehicle movements associated with limestone sales for non-cement uses. This was based on an assumption of 20 tonne loads during a ten hour day. This would equate to potentially 5 loads per hour (10 movements) in addition to the vehicles transporting limestone to

Padeswood Works. The additional assessment revealed that there would be considerable spare capacity during both peak periods at both the site access junction, and the A494 (T)/ Cadole Road junction to accommodate additional development related traffic.

- 7.86 The assessments have been based on a worse case scenario and it is unlikely that the quarry would operate at those rates. However, the assessments have demonstrated that there is sufficient capacity on the highway.
- 7.87 At present HGVs only enter the concrete yard area to load. HGVs collecting aggregate would need to use the internal haul road to access the quarry void, should the quarry start to sell limestone for aggregate. As discussed above, a water bowser is used on site to dampen internal haul roads, the quarry entrance and access road. To date this has proved effective and would continue to be used. However, there remains the risk that vehicles entering the quarry void may carry mud or other debris from the quarry, into the yard area and thus on to the highway.
- 7.88 At present lorries used to transport armour stone from the site also enter the quarry void in order to be loaded. A road sweeper is used at site to ensure that the access road and the entrance are free from any mud or debris deposits. Should planning permission be granted, this would continue, but it may be appropriate to require other measures, such as a wheel wash to be installed, or re-surfacing of internal roadways, and therefore a condition would be required that no material would be carried on the highway and mitigation methods shall be reviewed annually.
- 7.89 The road between Cadole and Gwernaffield is used by pedestrians and does not have a pavement which gives rise to concern, in relation to pedestrian safety, especially during hours of darkness. However, efforts made by the Quarry Liaison Committee and Ward Member, have facilitated the construction of a segregated pedestrian footpath, which is a permissive footpath on the Quarry land which was funded by the Sustainable Aggregates Levy fund. The quarry provided the materials for the footway which improves pedestrian safety along the Cadole Road.
- 7.90 Concerns have been raised in relation to alleged run-off from Pant y Buarth tip causing traffic hazards in winter months from freezing and causing ice hazards. The company has investigated this issue jointly with FCC highways department. It has been established that the water was coming from a spring on the company's land. To resolve the problem the company agreed with FCC's highways department to dig a trench and install a small soak away along the edge of the road. This was carried out in April 2011 and there has been no evidence of further run-off or traffic hazards since.



7.91 The assessments submitted with the planning application and further assessments undertaken as part of the planning process concluded that there is no evidence to suggest that the quarry traffic is, or would have a detrimental impact on road safety or amenity of the local highway network and that there is adequate capacity on the road network. As such, it is considered that the proposal would accord with the provisions of the FUDP Policies GEN1 and MIN3.

***Public Rights of Way***

7.92 A number of public rights of way run close to the quarry (Public Footpaths, 5, 7, 8, 9, 22, 30D, 41, 41D, 42 and 43), including public footpaths that run through the woodland to the south and north west of the extraction boundary. A number of public footpaths run through Mold Golf Club. As there are no public footpaths within the application site area, it is considered that the proposal would not affect the functionality or integrity of any public rights of way.

7.93 The AONB JAC requested that the company consider public access via permissive paths through the application area once the quarry has been restored. Unfortunately deep limestone quarries are inherently hazardous and dangerous places, especially closed sites. The company considers that future access to the site, once restored should be restricted for health and safety reasons, and that no public access should be provided for. Furthermore, public access may also conflict with the nature conservation objectives of the restoration and aftercare which will be discussed in the following section. There are however many footpaths that surround the quarry site which provide views into the site and access to the nature conservation designations.

***Restoration and aftercare of the Site.***

7.94 Cefn Mawr Quarry has been undergoing successful progressive vertical face restoration which would continue. The restoration to date is to be commended and is an example of good practice in the industry, especially as it allows natural regeneration which is in keeping with the surrounding semi-natural habitats and designations including the AONB.

7.95 The continuation of this method of restoration would ensure that the site would be high in biodiversity. To the south and west of the quarry, the lateral extent of the quarry footprint has been reached and the upper benches have already been restored. The vertical restoration technique employed at the site has been designed to maximise the wildlife potential of the site and it utilises naturally regenerated vegetation. This involves restoration blasting and translocation of naturally regenerated plants on the edge protection bunds and 'nursery stock' that has developed naturally elsewhere on the site. This produces a vertical restoration where the quarry face can quickly become 'greened' with locally sourced plants. To date this restoration technique has proved successful and would be continued to be

employed at the site in the future. The restoration proposals and site management plan would create new habitats and enhance existing habitats within and adjacent to the quarry.

- 7.96 All restored areas of the quarry would be subject to a formal five year aftercare period to ensure that the intended habitats are successfully established.
- 7.97 The application and supporting documents provides details of the restoration concept, Masterplan and methodology and also aftercare details. The quarry would be restored in line with the Restoration Masterplan, but should planning permission be granted, detailed phased restoration plans would be required to be submitted every five years which would sit along side the Section 106 Management Plan. A condition would require five yearly submissions of the details of the restoration and aftercare that would be expected to be carried out within the following five year period. The Section 106 Ecological Management Plan would ensure that the site is managed in a holistic manner to ensure nature conservation enhancements throughout the life of the quarry. This would provide the overarching framework for any future potential after-use of the site.
- 7.98 Both CCW and the AONB JAC have requested that the Council consider ensuring the long term management of the site via a Section 106 or Section 39 agreement of the Wildlife and Countryside Act 1981. However, since the quarry would be operational for another 23 or more years, and would be subject to on-going progressive restoration and by the Section 106 Ecological Management Plan, which would be monitored annually and reviewed every five years, it is considered that the requirement for longer term management would go beyond what is required by planning policy and would be unjustifiable in planning terms to meet the necessary planning tests.
- 7.99 As the quarry is restored progressively, more habitats would be developed and the Section 106 Management Plan would include the developing habitats and would be updated every five years. The plan would include details of management undertaken during the plan period and include proposal for the next five years. Due to the duration of the life of the quarry, this continuous management is considered sufficient to ensure the site is managed in the long term during the life of the quarry. As such, it is considered that the proposal accords with the provisions of MTAN 1 and Policy MIN 4 of the FUDP.

***Hydrogeology, Hydrology and drainage***

- 7.100 The site is located on the Karstic Carboniferous Limestone, designated as a Principal Aquifer, and potentially vulnerable to pollution. Concerns have been raised with regards to controlled waters specifically with reference to risk of contamination to enter the system from fuel and oil storage tanks and surface water run-off. It is considered that it would be necessary for the operator to follow the

Environment Agencies Pollution Prevention Guidance 2 and 5 with regards to fuel and oil storage and road drainage. This would be attached to any decision notice as an informative and controlled by the Environment Agency Wales through the operators Permit.

- 7.101 The Milwr Tunnel is located approximately 200m to the east of the site at 26m AOD and drains the local area of groundwater. The groundwater regime at Cefn Mawr is greatly influenced by the presence of mineral veins, cave systems and faults in the area. It is understood that the area drains into these features which, in turn drain into the Milwr Tunnel. Therefore, no dewatering would be required due to the effect of the Milwr Tunnel has on ground water levels in the area.
- 7.102 The River Alyn flows south east to north west at an elevation of 173m AOD, approximately 500m to the west of the quarry void. There are no abstractions or protected sites at risk from the quarry operations and whilst the quarry floor remains above the level of the River Alyn, it is considered that quarrying would not present a risk to flow in the river. As stated above, should planning permission be granted, no dewatering or excavation below 200m AOD shall be undertaken until a hydrological report has been submitted to and approved by the MPA. Furthermore, the ultimate depth of the quarry would be conditioned to 173m AOD. As such, it is considered that the proposal accords with the provisions of Policy EWP 16 of the FUDP.

### ***Archaeology***

- 7.103 Quarrying operations would involve the deepening of the existing quarry footprint. Therefore there would be no effect on undisturbed ground. Any effects upon archaeology would therefore be limited to any potential for the discovery of old mineral workings. The ES concludes that there would be no significant effects upon the cultural heritage, should mitigation measures be in place.
- 7.104 The archaeological assessment submitted states that 18<sup>th</sup> and 19<sup>th</sup> century mining remains would certainly be encountered, and that there is an unknown potential for workings of much earlier dates. Should planning permission be granted, a condition would require a programme of archaeological work, in accordance with an approved written scheme of investigations be submitted to record any archaeological remains that are discovered during the operations at Cefn Mawr Quarry. The archaeological recording undertaken on site would be carried out by mining archaeological specialists.

### ***Hazardous and Contaminated Waste***

- 7.105 Concerns have been raised by local residents with regards to tipping hazardous waste at adjacent Pant y Buarth. For clarification purposes, this site is a licensed tip that has been used for many years for the disposal of Cement Kiln Dust (CKD) which, when operational was classified as a non-hazardous waste landfill. The tip is now no

longer active; it has been capped and has been restored. The company is working with the Environment Agency Wales and they have formally closed the tip. As such, the tip has now entered a period of long term aftercare and monitoring. The company has no proposals to tip CKD waste at Cefn Mawr Quarry in the future. This application does not include the tip within the consolidation application. Any future plans for tipping CKD waste would require further planning consents.

***Impact on Cadole Conservation Area***

- 7.106 Residents have expressed concerns with regards to the impact the quarry operations have on Cadole Conservation Area. The Conservation Officer has been consulted and has no comments on the proposal. The issues that have been raised including noise, dust and lorry movements are all material planning considerations that have been considered in the assessment of this planning application as detailed above. The operation of the quarry does not affect the setting, or detracts from the visual amenity of the Conservation Area. It would be inappropriate to afford more weight to these issues in this particular conservation area compared to a similar area not covered by that status.

***Supply of Limestone other than for the manufacture of cement***

- 7.107 As two local aggregate quarries will be closing at the end of the year which are operated by Hanson Aggregates, concerns have been raised by local residents that the company may wish to supply the aggregate market with limestone extracted from the Cefn Mawr Quarry, in addition to the supply of limestone for uses in the manufacture of cement. Cefn Mawr Quarry is managed by Hanson Cement which is a separate division to Hanson Aggregate, both of which are part of the Heidelberg Cement Group.
- 7.108 Whilst the quarry does have the flexibility to supply limestone for uses other than for the manufacture of cement, and the applicant wishes to retain the flexibility as part of this proposal, it was considered that the potential operational or development implications relating to the production of limestone for alternative uses had not been considered as part of the ES. As a result, as detailed above, the Council requested additional information under Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for the company to undertake an assessment of any operational or development implications relating to the production of limestone for alternative uses.
- 7.109 Therefore, the Company provided supplementary information to describe the development characteristics that would be associated with the hypothetical situation in which limestone were produced for non-cement uses. It was agreed that the most likely alternative commercial use would be for construction aggregate using the poorer quality of the Cefn Mawr Limestone. The assessment concluded that,

taking into the consideration of the recommended mitigation measures and conditional limitations as discussed above, the proposed operation, in conjunction with the production of limestone for use in cement manufacture would be unlikely to give rise to any significant environmental effects, and any adverse effects would be controlled by condition as detailed above.

- 7.110 Furthermore, it is unlikely that the Company would wish to use strategically important and more valuable pure limestone for low end uses such as construction aggregate production, when there is greater value in supplying limestone for use in cement manufacture; the main focus for the operations at Cefn Mawr Quarry. Whilst two aggregate quarries in the locality will be closing at the end of the year, Hanson Aggregate will be re-commencing operations at St George, near Abergele for their aggregate production.
- 7.111 Should planning permission be granted, existing conditions relating to hours of operations for the production of limestone, for uses other than in cement manufacture would continue, as detailed above and permitted development rights would be removed on account of the proximity to the AONB, wildlife designations and to safeguard residential amenity.

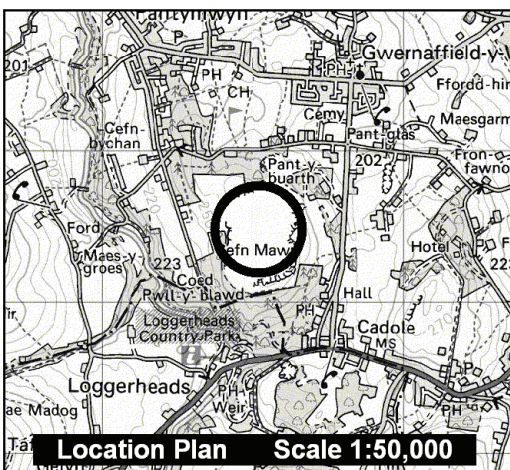
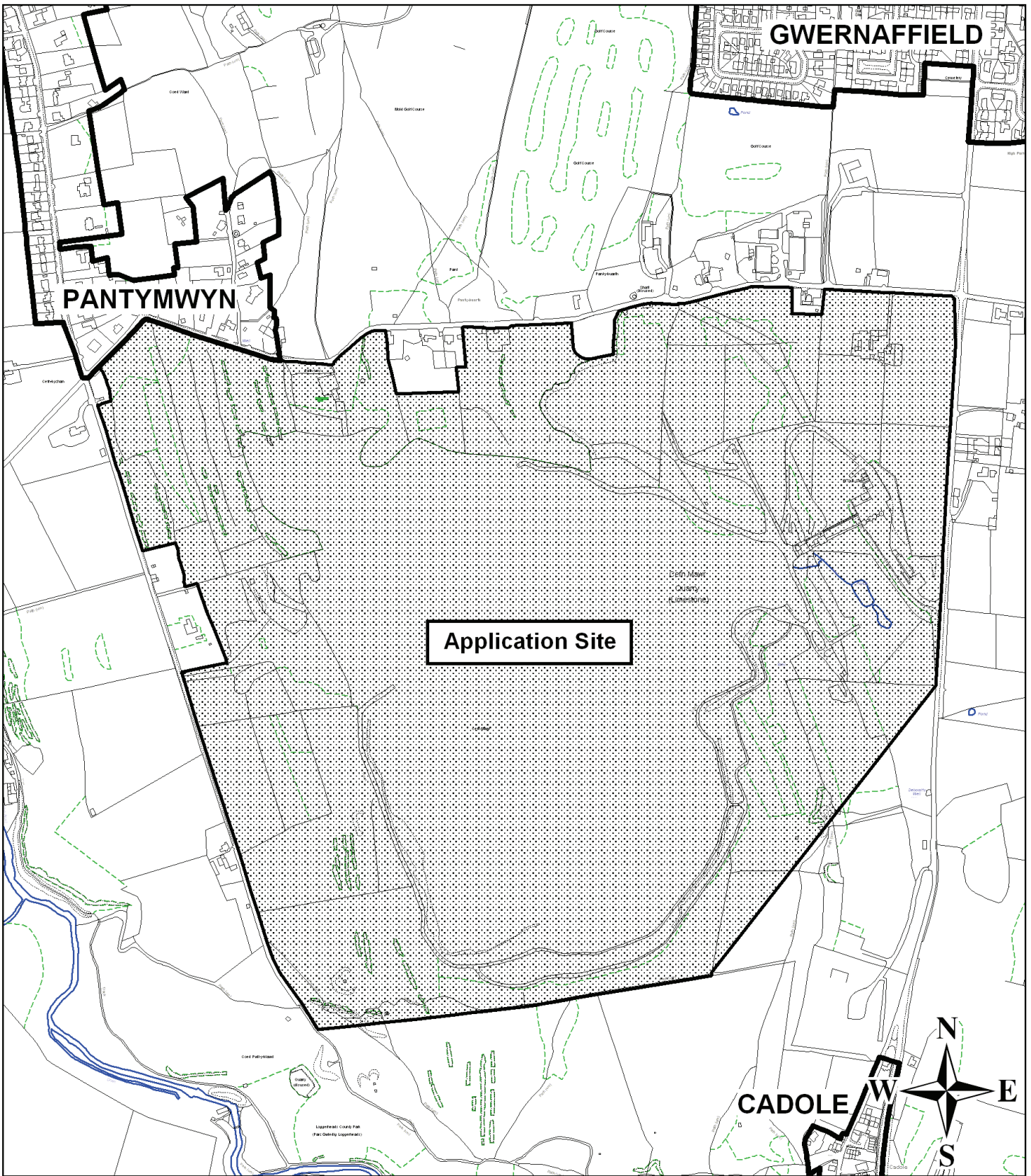
## **8.00 CONCLUSION**

- 8.01 The application seeks to consolidate all of the existing consented operations and ancillary development at the quarry into a single all encompassing planning permission. Consequently, there would be no material change to the consented operations and there are no valid planning reasons why this application should be refused.
- 8.02 Should the application be refused, the operator would submit an application under the provisions of the Environment Act 1995 to review the existing conditions of the original IDO permission and the Section 106 agreement to which the operations are governed by at present. With this consolidation application, the applicant however is offering a reduction in the working area to ensure that nature conservation interests are protected. The applicant is also willing to enter into a Section 106 legal agreement to ensure that the SSSI and the SAC is managed in a co-ordinated way in one single management document. The Section 106 Management Plan would ensure that the high quality environment surrounding the quarry is managed correctly to enhance the SAC and SSSI features, as well as benefiting a number of associated habitats and species which would recolonise the quarry as natural restoration processes
- 8.03 MPPW states that it is essential for the national economy that limestone of the quality and quantity required, continues to be produced and safeguarded for future use. MPPW highlights the

specific importance of Cefn Mawr Quarry for the high purity limestone that is present; to continue to supply the cement works, thus highlighting the national importance of the extraction of limestone at Cefn Mawr specifically for cement manufacture in relation to the economy of Wales and beyond.

- 8.04 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.05 In considering this application the Council has taken into account all the environmental matters that are material to the determination of this application, as set out in the Application, Supporting Statement, Environmental Statement, and the additional information requested by the Council under Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- 8.06 The Council has had regard to the derogation tests applicable to the European designated sites, species and habitats, and is satisfied that there would be no significant adverse impacts, which would be capable of negatively affecting the features of interest, range, population, or favourable conservation status.
- 8.07 In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the applicant entering into a Section 106 legal agreement to effectively cancel the existing Section 106 legal agreement, existing Section 52 agreement, and the securing the aforementioned SSSI/SAC Management Plan and, with the imposition of conditions as listed above, there is no valid planning reason why planning permission should be refused and it is recommended that planning permission should be granted.

**Contact Officer:** Hannah Parish  
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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 47536

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **7<sup>TH</sup> NOVEMBER 2012**

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

**SUBJECT:** **EXTENSION TO EXISTING RETAIL UNIT, CREATION OF CAR PARKING, LANDSCAPING AND ANCILLARY FACILITIES AT CO-OPERATIVE STORE, PRECINCT WAY, BUCKLEY.**

**APPLICATION NUMBER:** **049304**

**APPLICANT:** **THE CO-OPERATIVE GROUP**

**SITE:** **CO-OPERATIVE STORE, PRECINCT WAY, BUCKLEY.**

**APPLICATION VALID DATE:** **28<sup>TH</sup> DECEMBER 2011**

**LOCAL MEMBERS:** **COUNCILLOR R. JONES**  
**COUNCILLOR A. WOOLLEY**

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

**REASON FOR COMMITTEE:** **RECOMMENDATION INVOLVES A SECTION 106 AGREEMENT FOR MONIES WHICH ARE NOT PROVIDED FOR VIA POWES DELEGATED TO THE HEAD OF PLANNING**

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

### **1.00 SUMMARY**

1.01 This full application seeks approval for an extension to the existing shopping store to create additional retail and warehouse floor space, together with the creation of new vehicular parking facilities.

### **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.Ensure the payment of a contribution of £200,000 to the Council for use in facilitating the implementation of public realm enhancements upon Precinct Way. Such sum to be paid to the Council upon commencement of the development.

1. Time limit on commencement.
2. In accord with approved plans.
3. Samples and/or precise details of all external finish and surface materials and colours to be submitted and approved.
4. BREEAM "Interim Certificate" to be submitted before work commences.
5. BREEAM "Final Certificate" to be submitted before houses occupied.
6. Scheme for 10% reduction of carbon outputs.
7. No development to commenced until a scheme for the comprehensive drainage of foul, surface and land waters approved.
8. No site clearance or tree/hedgerow works during bird nesting season or unless agreed with LPA
9. Scheme for hours of deliveries to be agreed.
10. Construction traffic management and routing scheme to be agreed. To include facility for wheel wash and measures to keep road free from mud arising from development site.
11. Full details of all proposed boundary treatments.
12. Submission and agreement of scheme for provision of public art to be submitted and agreed prior to first use of the proposed development. Scheme to include provisions for implementation of scheme.
13. Scheme for dual use of car park to be submitted and agreed prior to first use.
14. Scheme for gated entrance to car park to prevent use during times of store closure.
15. No works commencement until all highway and access works are agreed.
16. Access shall be formed before any other site works and in accordance with agreed scheme.
17. Parking, turning, loading and unloading facilities to be provided as per approved details prior to first use of development.
18. Scheme to prevent surface water run off from site onto highway.
19. Scheme of landscaping to be submitted and agreed.
20. Implementation of landscaping.
21. Closure of temporary store access.

### **3.00 CONSULTATIONS**

#### **3.01 Local Members**

**Councillor R. Jones**

No adverse comments. Welcomes the proposals.

**Councillor A. Woolley**

No objection to a delegated determination. Wishes to ensure that no 'rat-run' between the site and surrounding areas is created. Welcomes proposals for new boundary treatments. Wishes car park use to be managed such that potential for adverse amenity impacts is minimised. Wishes to see delivery hours managed.

**Buckley Town Council**

No objection. Comments upon need for scheme to integrate with Buckley Master Plan.

**Head of Assets and Transportation**

No objection , subject to the imposition of conditions.

**Head of Public Protection**

No adverse comments.

**Environment Agency Wales**

No adverse comments.

**Airbus**

No adverse comments.

**4.00 PUBLICITY**

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

At the time of writing, 3No. third party letters have been received in response to the publicity exercise. These raise the following observations and objections;

1. Boundary treatments need to protect amenity and prevent scope for short cuts across car park.
2. Loss of green space
3. Amenity impacts arising from increased activity.
4. Highlights potential for historic tunnel to cross the area of the car park.

**5.00 SITE HISTORY**

**5.01 4/0/15487**

Erection of a supermarket and car park  
Approved 24.2.1987

**4/0/16652**

Signage

Approved 5.4.1988

**035606**

Trolley bays and fence  
Approved 24.7.2003

**036098**

Illuminated shop sign  
Approved 7.10.2003

**036208**

Replacement of roof top plant.  
Approved 16.4.2003

**036592**

Replacement of roof top plant.  
Approved 5.1.2004

**043510**

Installation of an ATM  
Approved 14.8.2007

**049201**

Installation of an ATM.  
Approved 21.10.2011

**6.00 PLANNING POLICIES**

**6.01 Flintshire Unitary Development Plan**

- Policy STR1 - New Development
- Policy STR5 - Shopping Centres & Commercial Development
- Policy GEN1 - General Requirements for Development
- Policy D1 - Design Quality, Location and Layout
- Policy D2 - Design
- Policy D3 - Landscaping
- Policy AC1 - Facilities for the Disabled
- Policy AC2 - Pedestrian Provision & Public Rights of Way
- Policy AC3 - Cycling Provision
- Policy AC13 - Access and Traffic Impact
- Policy AC18 - Parking Provision & New Development
- Policy S1 - Commercial Allocations
- Policy S3 - Integrating New Commercial Development
- Policy S6 - Large Shopping Developments

The site is undesignated land within the UDP which sits partly within Buckley Town Centre boundary and partly outside of the same. The store and the proposed extension is located within the Town Centre whilst the proposed car park is outside of the boundary.

I consider that the proposals would comply with the above policies.

## **7.00 PLANNING APPRAISAL**

### Site Description

- 7.01 The site comprises a 1.37 hectare area of land within the settlement of Buckley. The site is basically rectangular in shape, save for a projecting nib to the north edge of the site. The site occupies a parcel of land set somewhat lower than land to the north, west and east which is somewhat more elevated. The land to the south is comparable to that of the site. The site is bounded to the east by existing residential areas with this boundary formed by a variety of residential cartilage fences and an informal landscaped strip. The land to the south is presently vacant with further residential dwellings further to the south of that. The western boundary of the site is formed by Precinct Way. The northern edge of the site bounds, variously with Brunswick road, the Fire Station and the listed building, The Tivloi.
- 7.02 The site comprises the exiting foodstore, with its current car park to the frontage area to the west of the store. The land to the east is presently an area of vacant scrub land.
- 7.03 Vehicular access is derived from an existing access to the south of the food store with customer traffic accessing the car park to the front of the store and deliveries via a further access to the south of the site.

### The Proposed Development

- 7.04 The proposal involves the provision of an extension to the store along its western edge, in the area of the current car park. Also involved is some external remodelling of the exterior of the existing food store building to provide access during the course of development works. The proposal seeks permission to provide a new area of car parking to the east of the store, with a new extension to the existing vehicular access off Precinct Way. The proposal amounts to an increase in floor area of 1274 square metres which increases the sales floor area from 924 square metres t 1757 square metres.

### Main Planning Issues

- 7.05 It is considered that the main planning issues can be summarised as;
- a. Principle of development having regard to the planning policies and other material considerations,
  - b. Design.
  - c. Highways and access.
  - d. Amenity impacts
  - e. S.106 requirements.

### Principle of Development

- 7.06 The site is located within the settlement boundary of Buckley and, as

discussed in Section 6 above, is located in a position which straddles the boundary of the Town Centre. The positioning of the existing store and the proposed extension are such that the proposals would comply fully with applicable national and local planning policies. The car park is out with the town centre and therefore, this element, in facilitating the overall development would represent a departure from the applicable retail policies. However, in assessing the proposals, regard must also be had to the provisions of the Buckley Masterplan. It is clear from discussions with both Policy and Economic Regeneration colleagues that the proposed layout and arrangement of the scheme represents the appropriate response to the aim of the Masterplan in this location.

- 7.07 Furthermore, I am satisfied that the provisions made via this application towards the Public Realm Enhancements intended for Precinct Way would, together with amendments secured to the design of the scheme, ensure that potential non-conformity with Policy S3 is adequately mitigated in such a fashion as is acceptable.
- 7.08 Therefore, the proposed development of this site is acceptable in principle.

#### Design

- 7.09 The scheme provides for an additional sales and warehouse area, coupled with a reconfiguration of the existing store. There has been significant negotiation and amendment of the scheme to satisfy the design requirements of the Local Planning Authority. The design amendments have succeeded in securing points of visual interest at the northern and southern extremes of the building through the introduction of some verticality to the scheme. This ensures that the building acts as a gateway marker to the town centre upon both northern and southern approaches.
- 7.10 The original building is a somewhat bland example of functional architecture. The proposed extensions has afforded an opportunity to seek to enhance the composition of this building through the introduction of focal interests, varied roof planes and the breaking up of existing long facades. Furthermore, negotiation has established an opportunity to incorporate some public art into the scheme. Early discussions in this respect have established the potential for a wall mounted piece of art upon one of the elevations to the southern 'tower' feature. I see an opportunity to incorporate some community involvement in this process and therefore seek to address the issue via planning condition requiring the submission and implementation of an appropriate scheme.
- 7.11 The whole approach to the design amendment has been underpinned by a desire to see the proposal accord with the aims of the Buckley Masterplan. To this end, the desire to create a frontage onto Precinct Way has been essential and therefore the need to ensure that the

access to the store relates to this area is crucial. Whilst it is clear that during initial construction the store is to be accessed via a temporary access point to the east of the existing building. However, this access is proposed to cease in use when the extension is brought into use as the extensions provides the new entrance feature at the northwest corner with Precinct Way. I propose to condition the cessation of the use of the temporary access.

#### Highways and Access

- 7.12 The proposals do not propose any alterations to the junction between the access to the site and its junction with Precinct Way. Therefore, the issues for consideration by the Head of Assets and Transportation relate to the levels of car parking provided and the degree to which the proposals are sustainable in transport terms.
- 7.13 The scheme proposes an increase in the levels of parking provided from 90 spaces 210 spaces. This has been examined, and whilst the level of provision would amount to an over provision, this fact must be considered in the context of the vision for the area set out in the Buckley Masterplan. It is clear in this document that redevelopment of existing car parking areas to the west of Precinct Way is envisaged in the longer term. Therefore the proposed levels would serve a dual purpose of not simply providing parking facilities to serve the Co-op, but also to afford a level of dual use parking by shoppers wishing to also access the town centre. In this respect, the car parking provisions address the area of raised in respect of conformity with the requirements of Policy S3. This dual use afforded via the over provision provides the opportunity for linked trips to the town centre which is an intrinsic component of ensuring that the retail proposal is sustainable in the context of viability and vitality of the town centre. Furthermore, it serves to satisfy the need to demonstrate that, whilst formal Retail Impact Assessment is not required, 'retail impact' has been assessed.
- 7.14 This, when considered together with the proposals for the site to integrate closely with the existing public transport facilities at Precinct Way, satisfies the need to ensure that the proposal would be sustainable in transport terms. Not only does the proposal provide opportunity for linked trips to the town centre for private vehicle users but also, with its close physical relationship to existing bus stops, improves access and relationships to the public transport system.
- 7.15 Accordingly, no objection is raised upon highway grounds.

#### Amenity Impacts

- 7.16 Concern has been raised in relation to the impacts upon the amenities of existing nearby residents which may arise from the proposed creation of the car park to the rear of these properties. In addition, concern has been raised that opportunity should be prevented, so far as is practicable, access from the north so as to ensure that the car park

is not seen as a short cut from Brunswick Road to Jubilee Road.

- 7.17 The scheme indicates that the boundaries to the car park areas are proposed are significant and of 1.8 metres in height. To the north, it is proposed that a new 1.8 metre brick wall is proposed. Metal railings are also proposed along the southern edge of the car park. I propose to condition the precise details of all boundaries to be agreed and erected prior to the first use of the extended premises. This will ensure that no natural desire line is easily achievable across this area. In addition, I consider the conditioning of the precise details affords an appropriate opportunity to ensure that the finish relates well to the listed building beyond.
- 7.18 Concerns have also been expressed in respect of the potential for the car park to be used outside of trading hours as a congregation point for vehicle associated antisocial behaviour. It is proposed to address these concerns by requiring the access to the car park to be gated and locked when the store is not trading. This requirement will similarly be addressed by condition. This proposal is easily facilitated without detriment to operational requirements for the store in terms of staff access and deliveries as these service areas are accessed via a separate point of access, with no internal connection to the car park.
- 7.19 I am therefore satisfied that the concerns raised can be satisfactorily addressed through the use of appropriate conditions.

#### Section 106 Negotiations

- 7.20 Supplemental to the aims of the Buckley Masterplan is a scheme for public realm enhancements works at certain key location within the town centre. One of these locations is Precinct Way. The scheme of works proposed for this area seeks to soften the impact of precinct way, calm traffic and improve public transport and pedestrian routes though and across the road. The scheme proposes to achieve these ends via the re-alignment of Precinct Way, introduction of new landscaping and street furniture.
- 7.21 In view of concerns to ensure that the development proposal fully integrates with the Town Centre, negotiations have been held with the applicant with a view to securing a contribution via S.106 towards the delivery of this scheme of improvements. Both parties have come to agreement that this scheme of works forms an intrinsic part of the sustainability credentials of the scheme in terms of links to the town centre and in access to public transport.
- 7.22 Therefore, it is proposed that a contribution of £200,000 towards the delivery of this scheme of public realm improvements will be paid upon commencement of development. Reasonably, the applicant has suggested that a period of time will be specified within the agreement to ensure that, should the monies not be spent, it may be reclaimed by the applicant.

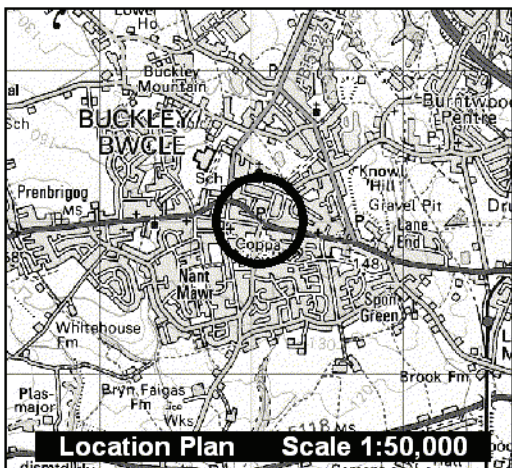
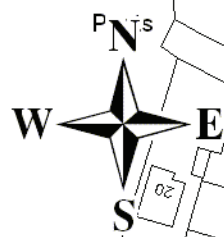
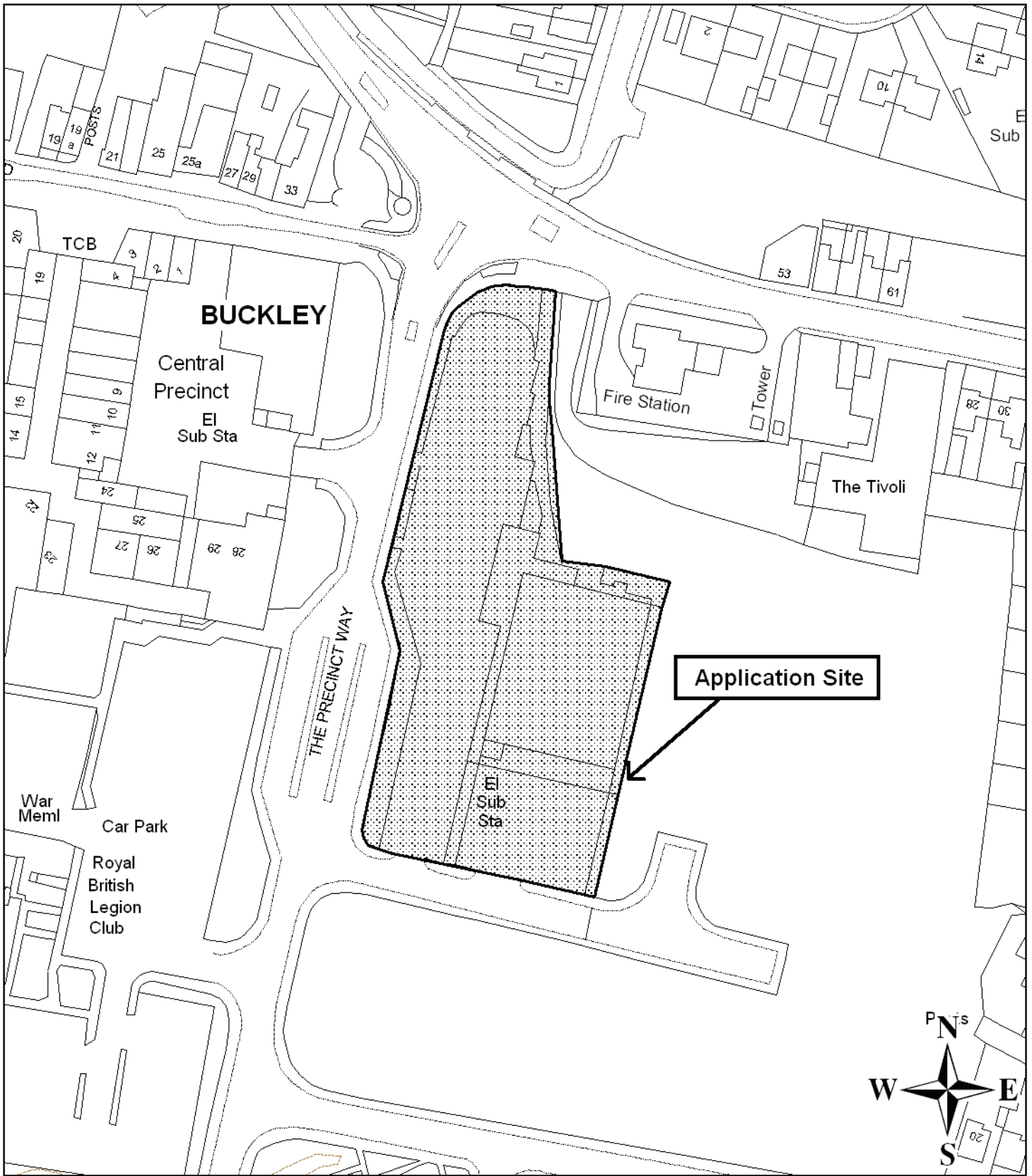


## **8.00 CONCLUSION**

- 8.01 The scheme provides for an extension to the existing retail unit and improvement to its retail offer and associated facilities. I am satisfied that those elements which would strictly amount to a departure are acceptably balanced with other material considerations which provide significant enhancements to the environment of the locality and its relationship with the town centre and therefore is acceptable in planning terms.
- 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:** David Glyn Jones  
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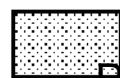


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:1250

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Planning Application 49304

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**DATE:** **7<sup>th</sup> NOVEMBER 2012**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT:** **FULL APPLICATION - RETENTION AND EXPANSION OF FACILITIES AT EXISTING STREETSCENE DEPOT AT LAND AT "ALLTAMI DEPOT", MOLD ROAD, ALLTAMI, FLINTSHIRE**  
**APPLICATION NUMBER:** **049845**  
**APPLICANT:** **FLINTSHIRE COUNTY COUNCIL**  
**SITE:** **"ALLTAMI DEPOT", MOLD ROAD, ALLTAMI, FLINTSHIRE**  
**APPLICATION VALID DATE:** **14.06.2012**  
**LOCAL MEMBERS:** **COUNCILLOR MRS. C. A. ELLIS**  
**TOWN COUNCIL:** **BUCKLEY TOWN COUNCIL**  
**REASON FOR COMMITTEE:** **SITE AREA EXCEEDS THE THRESHOLD FOR A DELEGATED DETERMINATION**  
**SITE VISIT:** **NO**

### **1.00 SUMMARY**

1.01 This full application seeks approval for the continued use of this Council Depot site in connection the range of services encompassed within the Council's Streetscene operations. The proposals include the demolition of an existing office to the southern end of the site and the erection of a 200 sq. m grounds maintenance building and a 150 Sq. m food waste sorting building. The proposal also seeks permission for the creation of additional areas of parking and turning areas for both employee and service vehicles within the site, together with landscaping of the site periphery.

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

## 2.01 **Conditions**

1. Time limit upon commencement.
2. Implementation as per approved plans.
3. Implementation of approved landscaping scheme.
4. No additional external lighting without prior approval of LPA.
5. Submission and agreement of all external finishing materials upon buildings hereby approved.
6. Submission, agreement and implementation of final Travel Plan.
7. Submission and agreement of renewable technologies to provide 10% carbon reduction.
8. Phase 2 land contamination assessment and remediation measures submitted and agreed prior to operational development.
9. Provision of parking and turning facilities as per scheme.

## 3.00 **CONSULTATIONS**

### 3.01 **Local Member**

#### **Councillor Mrs. C. A. Ellis**

Requests Committee determination on the basis of the site being owned by Flintshire County Council.

#### **Buckley Town Council**

No objections.

#### **Head of Assets and Transportation**

No objections. Requests the imposition of conditions.

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

No adverse comments. Requests the imposition of a condition.

#### **Dwr Cymru/Welsh Water**

No objections.

#### **Environment Agency Wales (EAW)**

No adverse comments.

#### **Airbus**

No adverse comments.

#### **Countryside Council for Wales**

No objections. Proposals will not significantly affect nearby SAC or SSSI interests.

#### **The Coal Authority**

No adverse comments. Requests the imposition of a condition.

#### **4.00 PUBLICITY**

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

4.02 At the time of writing, no third party letters have been received in response to the publicity exercise.

#### **5.00 SITE HISTORY**

##### **5.01 038345**

Change of use of stores building to vehicle maintenance workshop.  
Permitted 30.6.2005.

##### **038816**

Installation of a 13.5 m high salt dome.  
Permitted 3.2.2005.

#### **6.00 PLANNING POLICIES**

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

- Policy GEN1 - General requirements for Development
- Policy EM3 - Development Zones & principal Employment Areas
- Policy D3 - Landscaping
- Policy D4 - Outdoor Lighting
- Policy WB2 - Sites of International Importance
- Policy WB3 - Statutory Sites of National Importance
- Policy AC4 - Travel Plans
- Policy AC13 - Access and Traffic Impact
- Policy AC18 - Parking Provision and New Development
- Policy EWP14 - Derelict and Contaminated Land

6.02 The site is located within an area of open countryside between the settlements of Mold, Alltami and Buckley.

6.03 The above cited policies relate, in the main, to the issue of employment development upon sites allocated for such purposes, both within settlements and within areas of open countryside. They are consistent with, and reflective of, the advice offered within paragraph 7.6.1 of Planning Policy Wales which concerns itself with the principle applicable to the issue of industrial and commercial development and their consideration via the Development Management process.

6.04 They address the issue of the detail rather than the principle and, as is demonstrated in the appraisal set out in Section 7 of this report, the proposal satisfies these matters of detail. Accordingly, I consider that the proposal generally complies with the above policies.

## **7.00 PLANNING APPRAISAL**

### Site Description

- 7.01 The site is a 2.54 hectare area of land which is presently in use as a Local Authority Highways, Environmental Services and Grounds Maintenance Depot.
- 7.02 The site is comparatively flat across both axis although a very slight gradient is evident downhill from the north east to the south west and in this regard, is reflective of the surrounding topography. The site is bounded to the west by existing trees and hedgerows along the line of a former railway embankment which runs along this western site boundary. The A494 Trunk Road runs along the southern boundary of the site and is marked by a existing fragmented and low hedgerow, interspersed with trees. The site is bounded to the north by existing areas of commercial activity with a sparse screen of vegetation marking this boundary. There is no formal boundary to the east of the site where it abuts Pinfold Lane.
- 7.03 Vehicular access to the site is derived via the site boundary with Pinfold Lane and exists as 2 points of access/egress. These accesses are utilised independently with the northerly access used for operational vehicles and the southerly used by staff and visitors. Internally, the site operates a one way system for operational vehicles.
- 7.04 The site is made up of predominantly hard standing areas together with buildings and structures associated with the operations outlined above.
- 7.05 The Proposed Development  
The proposals amount to the re-development of the site to include the demolition of some buildings, refurbishments and external alterations to certain existing buildings, erection of a food waste facility building, erection of a grounds maintenance building and amendments to the site drainage and circulation arrangements.
- 7.06 The depot presently provides accommodation and an operational base for the following;
- a) Environmental services office
  - b) Highway vehicle depot
  - c) Grounds maintenance depot
  - d) Highways salt storage barn.
- 7.07 The proposals would introduce the following in addition to the above;
- a) Main highway maintenance offices – transferred from Halkyn Depot
  - b) Fleet maintenance depot – transferred from Halkyn and Queensferry Depots



- c) Environmental waste management fleet depot – transferred from Queensferry Depot
- d) Highways maintenance storage depot – Transferred from Halkyn Depot.

7.08 Whilst food waste collection operations are now proposed to operate from the new facilities to be provided at Alltami, this facility will only provide for the operation of the collection vehicles and the delivery of collected wastes to the skips within the proposed building. These skips will still be transferred to the Councils' Buckley Standard premises for sorting and recycling.

7.09 Main Planning Issues

It is considered that the main planning issues can be summarised as

- a. Principle of development having regard to the planning policies and other material considerations,
- b. Highways and access issues,
- c. Impacts upon the visual amenities of the area,
- d. Drainage and land contamination issues.

7.10 Principle of Development

Whilst the site is located within a wider area of open countryside, the site is actually a designated employment site within the UDP and therefore, by virtue of this allocation for employment and industrial uses, the site is not considered as open countryside in the normal planning policy sense of the word. The principle of pseudo-light industrial activities such those contained within this proposal being located upon such a site is considered acceptable in national planning policy terms, subject to the appropriate safeguarding of amenities. Given the combination of national guidance and the policies within the UDP I do not consider that there is any in principle objection to the proposals on policy grounds.

7.11 Highways and Access

As outlined previously in this report, the site is accessed via a single access point but within the site, segregation of operational and staff or visitor traffic occurs. A one way system for access of operational vehicles via the southerly access of Pinfold Lane and egress via the northerly junction. Staff and visitor traffic enters and vacates the site via the southernmost of the 2 junctions. The proposals do not involve any alteration to this arrangement. No additional points of access or egress are proposed.

7.12 The Head of Assets and Transportation has been consulted upon the proposals and, in conjunction with Welsh Government (Highways) have raised no objection to the proposals. The operation of the depot has identified no requirement for additional 'Green Light Time' for

operational vehicles exiting the site at the traffic lights on the Junction of Pinfold Lane and the A494. The submitted Transport Assessment has established that the proposals will not give rise to any capacity issues with the existing junctions or result in increased trip generation during the peak traffic periods.

7.13 The proposals arise following and as part of, a rationalisation of services at the depot. This process has brought about the need for additional parking facilities. The site currently provides a total of 272 parking spaces for the 352 vehicles associated with the operation of the depot. This recognises that not all vehicles are on the site at any one time. The proposals, following rationalisation of site operations, would result in 317 parking spaces being provided with anticipated vehicle numbers of 276. Whilst this would, on the face of it amount to an over provision, I consider it allows flexibility and provides for a degree of future proofing of capacity at the depot in the event of any further service rationalisation which may occur.

7.14 The proposals are considered acceptable in highway terms and therefore no objection is raised, subject to the imposition of conditions requiring the provision of the parking facilities prior to the additional structures coming into use and the Interim Travel Plan being developed into a final working document for use at the depot. I propose to condition accordingly.

7.15 Drainage & Land Contamination

The proposals involve improvements to the current drainage regime which serves the site. At present, foul waters are drained via a septic tank system. The proposals would involve the construction of an on site sewerage works to be sited beneath the new proposed parking area. Surface water is proposed to be drained to a new attenuation tank, also to be located beneath the car park. Both systems will outfall to the brook which runs to the west, beyond the site boundary.

7.16 These drainage proposals have been the subject of consultation with both Dwr Cymru and EAW, neither of whom has raised any objections to these proposed drainage methods. I propose to condition the implementation of these drainage schemes prior to the first use of the new facilities proposed.

7.17 Given the historically contaminative uses of the site, a Phase 1 land contamination survey accompanies the application. This has been considered by both the Council and the Coal Authority, both of whom concur that its' findings are accurate in identifying the site to be the subject of contamination principally associated with former coal mining activities. The report advises that risk is only likely to arise in those areas where new development is proposed, i.e the formation of the new car park, installation of drainage systems and erection of new buildings.

7.18 It is therefore proposed that the site shall be the subject of an intrusive Phase 2 land contamination investigation prior to the commencement of these built operations. This investigation will inform the remediation strategy necessary to remove the links between the contaminants and future receptors and I propose to condition accordingly.

7.19 Amenity Impacts

The site currently operates as a depot but nevertheless, there is a need to ensure that the introduction of further built form and visually intrusive uses such as areas of car parking is balanced by the improvement of and enhancements to the quality of site landscaping. The proposals are accompanied by a site landscaping plan which seeks to reinforce the existing landscaped frontage of the site through the planting of an extension to the existing indigenous hedgerow towards the western edges of the site, planting of trees and shrubbery and visual enhancement through the removal of unsightly planters in the frontage area.

7.20 In respect of the proposed new buildings, the proposals provide for steel profile clad buildings of a form commensurate with the existing buildings upon the site. Neither of the proposed buildings would be of such a height as would compete with the Salt Dome of the tallest element of the existing office building upon site. It is my intention to condition the agreement of samples of the proposed finish materials in respect of both new buildings and the proposed external refurbishments of existing buildings prior to the use of such materials.

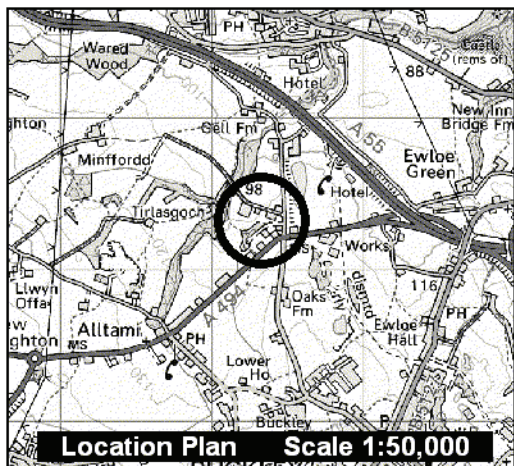
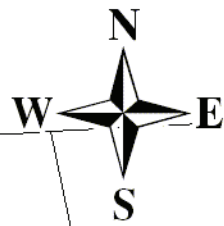
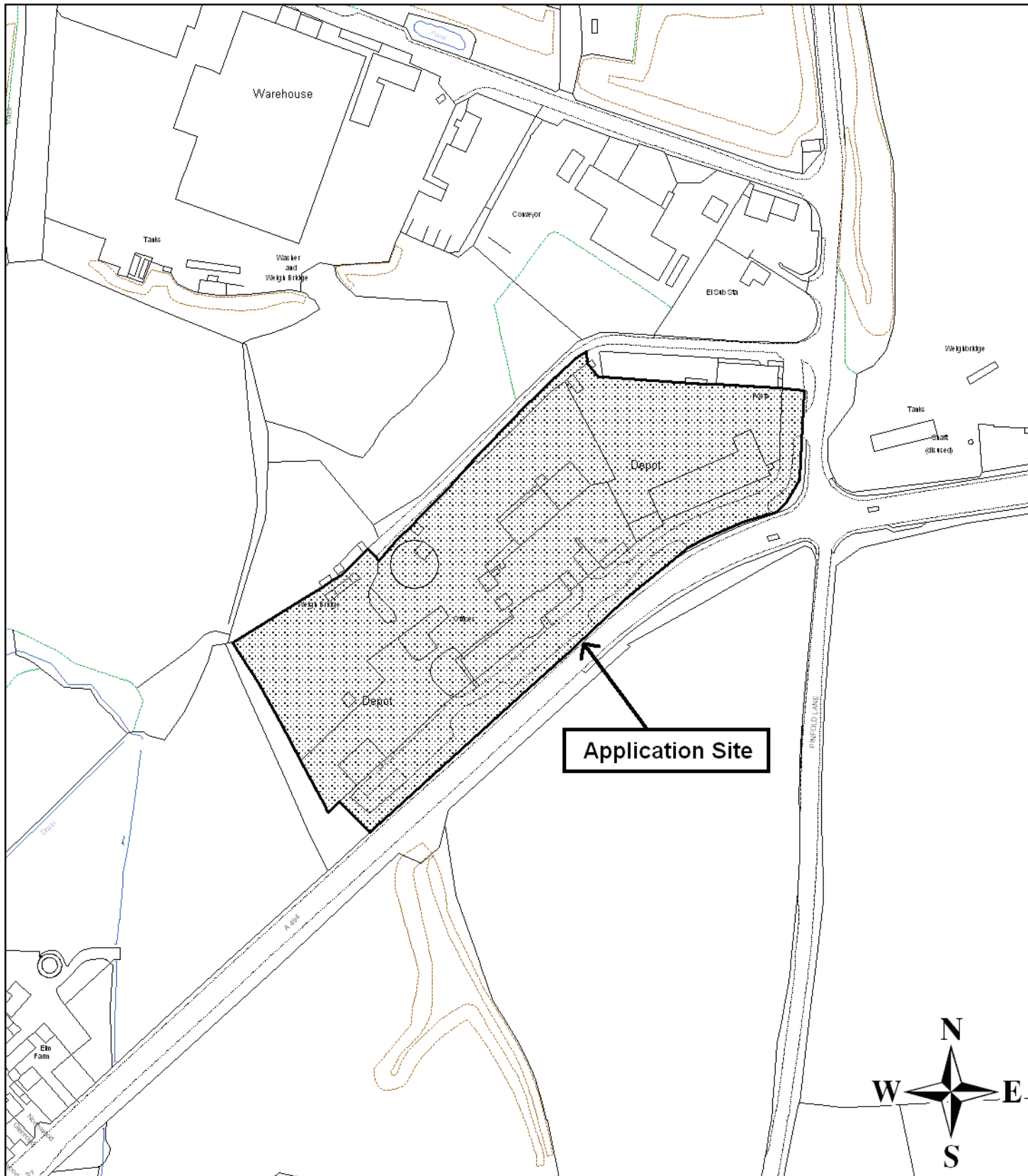
**8.00 CONCLUSION**

8.01 I consider that the proposal is acceptable in principle and the development would be acceptable at this location meeting the Council's requirements.

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:** David Glyn Jones  
**Telephone:** 01352 703281  
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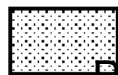


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application **49845**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **7<sup>TH</sup> NOVEMBER 2012**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 1 x 15M SMALL SCALE WIND TURBINE AT SYCHDYN BOARDING KENNELS AND CATTERY, CAE MARCH FARM, NEW BRIGHTON ROAD, SYCHDYN, MOLD**

**APPLICATION NUMBER:** **050175**

**APPLICANT:** **Mr G THOMAS & SON**

**SITE:** **SYCHDYN BOARDING KENNELS AND CATTERY, CAE MARCH FARM, NEW BRIGHTON ROAD, SYCHDYN, MOLD**

**APPLICATION VALID DATE:** **02/10/2012**

**LOCAL MEMBERS:** **COUNCILLOR M BATEMAN**

**TOWN/COMMUNITY COUNCIL:** **NORTHOP COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **THE PROPOSED WIND TURBINE INCLUSIVE OF THE BLADE HEIGHT EXCEEDS 15M AND THEREFORE FALLS OUTSIDE THE DELEGATED POWERS.**

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

### **1.00 SUMMARY**

- 1.01 This full planning application seeks consent for the erection of one wind turbine on land at Sychdyn Boarding Kennels & Cattery Cae March Farm, New Brighton Road, Sychdyn, Mold. The proposed turbine is 15.42 metres to the hub height, with an additional 3.57 metres further projection for the blades. The proposal will be located within the open countryside, with the nearest other residential dwellings (Cae Derwen) located approximately 260 metres to the east and (Trem-y-Fron estate) to the north west being approximately 330 meters away. The primary considerations relevant to the proposal are the principle of development, the visual impact on the landscape and residential

amenity.

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

- 2.01
1. Time limit
  2. In accordance with approved plans
  3. When the turbine is no longer used for generation of electricity it shall be removed from the site and the land restored in accordance with details to be agreed
  4. Maximum noise levels to be no higher than detailed in submitted specifications

**3.00 CONSULTATIONS**

- 3.01 Local Member  
Councillor M Bateman  
No response at time of writing report.

Northop Community Council  
No response at time of writing report.

Head of Public Protection  
No objection.

Environment Agency  
Has assessed the application as having a low environmental risk and advises that a copy of their standard advice to developers is attached to any permission given.

Airbus  
No response at time of writing report.

**4.00 PUBLICITY**

- 4.01 Press Notices displayed  
No response at time of writing report.

**5.00 SITE HISTORY**

- 5.01 384/86 – Change of Use to Kennels – Planning permission granted – 15/08/1986  
1152/89 – Change of Use from livestock building to dog kennels – Planning permission granted - 31/05/1990

**6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy GEN1 - General Requirements for Development  
Policy GEN3 - Development in the Open Countryside



## **7.00 PLANNING APPRAISAL**

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

This full application seeks consent for the erection of one 10kW small scale micro wind turbine on land to the south of Cae March Farm. Full details of the proposed wind turbine, including an Acoustic Noise Assessment, have been submitted with the application.

7.02 The proposed turbine will be located within the open countryside on land to the south of Cae March Farm, which is a working livestock/arable farm and a boarding kennels and cattery. The site is off New Brighton Road and Sychdyn is the nearest residential settlement. The site has no specific designation within the adopted Unitary Development Plan other than being within the open countryside. The surrounding countryside is very open, and is a mix of medium-large sized agricultural fields and lowland heath. Most of the fields are bounded by low hedgerows. The location of the turbine is in the centre of a field. One hedgerow separates the proposed wind turbines cabling from the farm buildings located to the north-east, approx 105m away. New Brighton Road is the nearest main road to the proposed wind turbine site but some considerable distance away.

7.03 The proposed turbine is to contribute to the energy needs of the dwelling, working farm and kennel and cattery business, it will help create a renewable source of electricity to be used for the property and also any additional electricity will be sold to the National Grid therefore helping the Government to meet its targets on the production of renewable energy, it will also enable carbon emissions of the site to be reduced. It is to be mounted on a free standing tapered galvanised steel mast, in pale grey/white, with composite head and blades, again in pale grey/white in colour, with underground cabling from the turbine to the electrical supply.

### **7.04 Principle of Development**

The most relevant policies in the Unitary Development Plan (UDP) are EWP 1 Sustainable Energy Generation; EWP4 Wind Turbine Development and GEN 3 Development in the Open Countryside. The proposed wind turbine would provide a source of renewable energy for dwelling, working farm and kennel and cattery business at Cae March Farm. The relevant Development Plan policies and national planning advice seeks to promote sustainable energy whenever reasonably possible.

Planning Policy Wales states that local planning authorities should facilitate the development of all forms of renewable and low carbon

energy and ensure that development control decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations. This though needs to be balanced against ensuring that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed.

7.05 Policy EWP4 of the Unitary Development Plan refers to the cumulative impact of wind turbines. As far as I am aware there are no other wind turbines (proposed or existing) in the near vicinity of the application site.

7.06 **Visual Impact**

The application site is accessed off a drive/track from New Brighton Road and forms part of the sporadic development within the Sychdyn area, which includes residential development, agricultural buildings, and telegraph poles within a mainly open countryside location.

7.07 The site is set within a rural landscape with hedgerows forming the boundaries to the parcel of land on which the proposed turbine is to be located. To the north west boundary there is an existing hedgerow beyond which is open fields and the estate of Trem-y-Fron. To the north east is the location of a telecommunications tower and associated cabin and ancillary development and farm buildings. To the south west is an existing hedgerow and mature trees and an access track and to the south east open fields and in the distance hedgerows and mature trees.

7.08 The area is rated as 'moderate' in terms of its landscape, visual/sensory and geological importance and 'high' in terms of its visual and sensory, landscape habitats, historic and cultural landscape importance on LANDMAP. It is therefore in a fairly sensitive landscape area.

7.09 However, whilst the site is within such a landscape, the topography of the land and the natural landscaping within creates some screening which would reduce the visual impact of the proposed domestic scale turbine. There are existing linear structures in the landscape such as telegraph poles. In addition the scale of the proposed turbine together with the pale grey/white finish has been chosen in order to lessen the visual impact within the landscape.

7.10 **Shadow Flicker and Noise Generation**

The manufacturer's reference material and acoustic noise assessment submitted with the application has been studied by the Council's Public Protection Section. The information provided indicates that a turbine of this design, size and position will not be audible by any neighbouring property at this location. In addition shadow flicker will not be an issue at this location.

7.11 **Residential Amenity**

As stated above the location of the proposed turbine is some 260 and 330 metres from the nearest properties and will not therefore directly affect any residential property.

7.12 **Ecology**

In regard to the Natural Environment and Rural Communities (NERC) Act 2006, it is not envisaged that there are any issues but the Council's Ecologist comments are awaited at this time and will be reported as late observations.

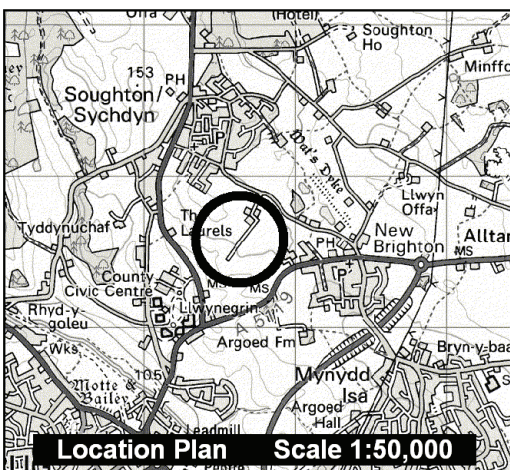
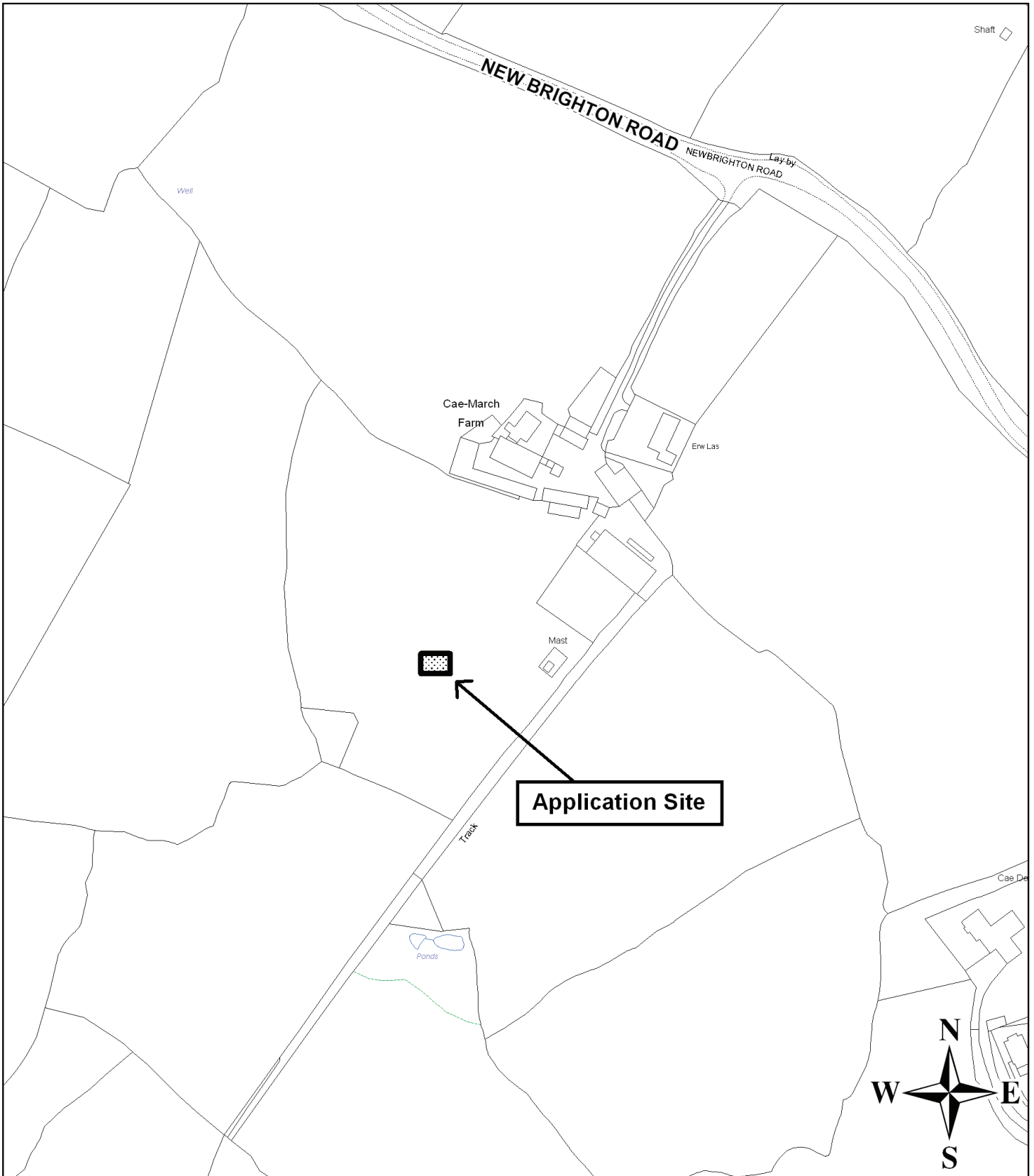
**8.00 CONCLUSION**

8.01 Having considered all matters in regard to this application, the proposed 10kW small scale wind turbine is considered to be acceptable in principle and detail subject to appropriately worded conditions.

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:** Kathryn Taylor  
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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 50175

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **7<sup>TH</sup> NOVEMBER 2012**

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

**SUBJECT:** Retention of the use of land for the reception and processing of construction and demolition waste together with the raising of land levels using fill material arising from the processing operation at former Titanium Works, Weighbridge Road, Connah's Quay.

**APPLICATION NUMBER:** 49908

**APPLICANT:** Alan Skip Hire Ltd

**SITE:** Former Titanium works, Weighbridge Road, Connah's Quay.

**APPLICATION VALID DATE:** 13/07/2012

**LOCAL MEMBERS:** Councillor J.B. Attridge, Councillor A P Shotton

**TOWN/COMMUNITY COUNCIL:** Connah's Quay

**REASON FOR COMMITTEE:** The proposal is 7.67 ha and involves the use of inert waste to raise the land.

**SITE VISIT:**

### **1.00 SUMMARY**

- 1.01 The proposal is for the retention of land for the reception and processing of construction and demolition waste together with the raising of land levels using fill material arising from the processing operation at the former Titanium Works, Weighbridge Road, Connah's Quay. The site falls within the Deeside Development Zone, which is an area of strategic importance within the sub-region and forms the Northern Gateway to the County.
- 1.02 The proposal is partly retrospective as inert recycling is currently taking place on part of the site. The currently receives construction and demolition waste in the south west corner of the site, where it is

processed before transportation off site. It is proposed to continue this operation for the duration of the land raising operation, which are anticipated to take three years. The applicant intends to raise the level of the land by infilling with processed construction and demolition waste, resulting in a landform that can be further developed for industrial use. Any further development of the site for industrial use would be the subject of a subsequent planning application and does therefore not form part of this report.

- 1.03 Access to the site is achieved via an existing access point on Tenth Avenue, shared with the adjoining site, currently occupied by the Great Bear Distribution Company. A 2m high palisade and chainlink fence is used to demarcate the reception/processing area. A shipping container is currently being used as an office, with a portable toilet. Hours of operation are proposed to be 07:00 to 18:00 Monday to Friday and 07:00 to 14:00 Saturday with no working proposed on Sundays and Bank holidays. The waste processing operations will take place in the south west of the site, which is already raised up. The eastern part of the site is where the fill operations will take place.
- 1.04 The site is located within the flood plain, and is identified as within flood zone C1, which is served by flood defences. Land levels are approximately 4.8m Above Ordinance Datum (AOD) in the eastern part of the site, which is well below the point at which the site would flood at if a breach of the defences to the River Dee or Dee Estuary occurred. The raising of the land is intended to address flood risk issues on the site, making it suitable for further development, and bringing site levels in line with levels to the west of the proposed development.
- 1.05 Construction and demolition waste will be taken to the site where it will be processed using plant and equipment. The following plant are to be used on site: A 360° tracked digger, for sorting and loading waste/engineering, an Extex Crusher, for crushing waste, a Powerscreen 1400 to screen crushed material, an Extex Robotrac Screen to screen crushed material, a JCB loading shovel, for general site operations, and a water bowser for dust suppression.
- 1.06 Fuel or chemical storage tanks and containers which may be stored on site will be surrounded by a bund which is capable of containing a minimum of 110% of the volume of liquid stored in the tank, a requirement of the Environmental Permit. Measures to mitigate nuisance issues including dust, odour, litter and vermin/insect/bird control are proposed within the Planning, Design and Access Statement.

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

- 2.01 The proposal is recommended for approval subject to the following



conditions.

#### Conditions

1. Time limit on commencement
2. Duration of planning permission
3. Hours of operation
4. Submission and approval of surface water drainage scheme
5. Submission and approval of landscaping scheme
6. Submission and approval of a construction traffic management plan
7. Compliance with the dust control and monitoring measures proposed
8. Restriction of stock pile height to 10m or less
9. Restriction of area where waste processing and storage can be undertaken.
10. Restriction of the type of waste that can be accepted on site
11. Measures to protect the water main
12. Measures to protect Network Rail land

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

##### Councillor J.B. Attridge

Agrees to the determination of the application under delegated powers

##### Councillor C.M. Jones

Agrees to the determination of the application under delegated powers.

##### Councillor A.P. Shotton

No comment to date

##### Connah's Quay Town Council

No objection.

##### Sealand Community Council

No objection.

##### Head of Assets and Transportation

No objection subject to the inclusion of a number of conditions in the interests of maintaining highway safety.

##### Head of Public Protection

No objection.

##### Welsh Water/Dwr Cymru

Note that the proposed development is crossed by a trunk/distribution watermain, which would need to be diverted under Section 185 of the Water Industry Act 1991.

##### Environment Agency

No objection subject to the inclusion of conditions to address flood risk and surface water drainage.

Airbus

No objection

Welsh Government Transport Division

As the highway authority for the A550 trunk road does not issue a direction in respect of the application.

Fire Authority

No observations

Network Rail

Request that a number of conditions are attached to the planning permission to ensure that Network Rail land is not adversely affected by the proposal.

Emergency Planning Unit

No objection

**4.00 PUBLICITY**

4.01 Press Notice - yes, Site Notice - yes, Neighbour Notification – yes  
Response to publicity:

Object due to:

- The potential to attract vermin (gulls and other scavenging birds) to the area;
- Highway and safety grounds due to a lack of capacity on Tenth Avenue, which is also used by cyclists;
- The proximity to the public and employment uses.

**5.00 SITE HISTORY**

5.01 **P 4/5/24804** Change of use of land and buildings from general industrial use to storage and manufacturing: Granted 9<sup>th</sup> January 1996

There are a number of consents on this site relating to the former Titanium works, however, these are not directly relevant to this application as the above permission has changed the use of the site.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

- GEN 1: General Requirements for Development
- GEN 2: Development inside settlement boundaries
- EMP 3: Deeside Development Zone
- EWP 6: Areas of Search for New Waste Management Facilities
- EWP 7: Managing Waste Sustainably
- EWP 8: Control of Waste Development and Operations

**7.00 PLANNING APPRAISAL**

7.01 The main issues are considered to be:-

1. Principle
2. Visual and Landscape Impact
4. Biodiversity Considerations
5. Highways
6. Drainage and water supply
7. Flood risk
8. Amenity issues

7.02 Principle

There are two elements to this proposal, firstly, the principle of a waste management use and secondly, the principle of flood mitigation measures. The site is located on the Deeside Industrial Estate and falls within the Deeside Development Zone, policy EM3 of the adopted Flintshire Unitary Development Plan, which supports the development of B1, B2 and B8 uses on site. Waste uses are often located on industrial sites, and national guidance recognises that industrial areas may be appropriate for waste facilities. The Welsh Assembly Government Policy Clarification Note Unitary Development Plans – Waste Policies Hazardous Waste Planning Applications, 28<sup>th</sup> May 2004 states that “*Sites on general industrial sites would be suitable for many of the future waste facilities including waste processing and treatment facilities*”. Policy EWP 6 Areas of Search for New Waste Management Facilities seeks to direct new waste facilities to those locations which have the potential to accommodate waste management facilities. The locations are not formal allocations for waste management developments but are intended as preferred areas of search for such facilities. The Deeside Development Zone is identified within policy EWP6. The principle of a waste management use is therefore acceptable on this site. Policy EM7 Bad Neighbour Industry seeks to direct development which is potentially detrimental to amenity to employment sites allocated under policies EM1, EM3, EM4 and EM5 or suitable brownfield sites or derelict, underused or vacant land subject to a number of tests to ensure that the detail of the proposal is acceptable.

7.03 Policy EWP 17: Flood risk supports development which seeks to reduce the impact and frequency of flood risk to areas at risk of flooding subject to a number of tests to ensure the measures do not have a detrimental impact on the surrounding area. The proposal will enable currently underused land to be brought back into beneficial use.

7.04 The proposed waste processing activities and raising of the land are inextricably linked and the waste processing activities will cease when

the raising of the land is completed. Co-locating the waste processing activities and the land raise operations reduces the distance that waste has to travel and ensures that waste is recovered wherever possible. The proposal will reduce the impact and frequency of flooding on the site and enable it to be brought back into beneficial use. The principle of the proposal is therefore considered to be in line with national and local policy, including policies EM3, EM7, EWP 6, and EWP 17 of the adopted Unitary Development Plan.

### Visual and Landscape Impact

- 7.05 The Landscape Officer raised no objection subject to the inclusion of conditions to secure the submission of a landscape scheme. The site is located within an existing industrial estate and is surrounded by industrial units. The site forms part of the former Titanium Works and the south western part of the site has already been raised up, as has the remainder of the former Titanium Works adjacent to the proposal area. It is important to note that the purpose of this proposal is to address flood risk on the site and make it suitable for further development. As such, the intention is to leave a finished landform that can be further developed for industrial use. The supporting statement, submitted as part of the application, states that a programme of planting and aftercare is to be agreed with the local planning authority.
- 7.06 The waste processing operations, including stockpiles of waste material, will have a temporary visual impact on the surrounding area. The industrial buildings adjacent to the proposal site provide a screen to views from the north, while trees help screen views into the site from the south. There will be views into the site from the east along Tenth Avenue, which are interrupted by industrial buildings. The applicant proposes to restrict the height of stock piles to a height between 5 and 10m which will help reduce the visual impact of the proposal from the north as the adjacent buildings are in excess of 10m in height.
- 7.07 GEN 1 of the adopted Unitary Development Plan requires development to harmonise with the site and surroundings in terms of landscaping. Policy D3 Landscaping requires new development to include a hard and soft landscaping scheme, or where the development is of a temporary nature, adequate provision should be made for the full restoration and aftercare of the site on cessation of the use. In Officer's opinion, adequate landscaping on the site can be secured through the use of a suitably worded condition. There will be a short term visual impact from the proposal on the surrounding area, however, given the location of the site, the temporary nature of the proposal and the nature of surrounding users, on balance, it is considered the long term benefits of the proposal outweigh the short term loss of visual amenity.

- 7.08 Biodiversity Considerations  
The site formed part of the former Titanium site and is previously developed land. The locality is known to support the dingy skipper. However, the area of land that is to be infilled is currently used to graze horses and has limited botanical interest. The site is considered unlikely to currently support the dingy skipper. Grassing over of the site once the infilling works are complete would provide potential benefit in terms of biodiversity on the site and can be secured through a suitably worded condition.
- 7.09 There are a number of trees on the periphery of the site which are important in terms of screening the site. The applicant has submitted a tree survey which identifies a small number of trees and vegetation which require removal in order to facilitate the proposed drainage works. Policy TWH1 Development Affecting Trees and Woodlands, seeks to protect trees which are considered to be important in terms of the landscape. The policy requires that where trees are to be removed, suitable replacements that are appropriate to the character of the area are to be established elsewhere within the site. It is considered that additional planting can be secured by a suitably worded condition, and that whilst there will be some loss of vegetation, on balance, the proposal is acceptable and in accordance with policy TWH1 of the adopted Flintshire UDP.
- 7.10 Highways  
The site is accessed via an existing access from Tenth Avenue through a site currently operated by Great Bear Distribution Ltd. Tenth Avenue is an unadopted road which falls under the jurisdiction of the Welsh Government, who have not objected to the proposal. The proposal requires the importation of approximately 39,000 tonnes of material per annum, which equates to 136 tonnes per day based on a five and a half day working week. It is anticipated approximately 14 daily HGV movements will be generated. Policy GEN 1 supports proposals that provide safe and convenient access for vehicles, together with adequate and suitably located parking spaces and servicing/ manoeuvring space. The development should not have an unacceptable effect on the highway network as a result of problems arising from traffic generation. In order to ensure that the proposed development does not have a detrimental impact on the highway network, it is considered that a condition should be included to ensure that a construction management traffic plan is submitted. Subject to inclusion of the afore mentioned condition, the proposal is considered acceptable and in line with policy AC13 Access and Traffic Impact of the adopted Flintshire UDP.
- 7.11 Drainage and water supply  
The landraise operations will necessitate an existing channel to be diverted along the eastern edge of the site. The Environment Agency has not objected to the proposal but has requested that a condition is attached to any planning consent issued to secure a scheme for the

provision of surface water drainage works. Subject to the inclusion of a suitably worded condition to secure the submission of a surface water drainage scheme the proposal is considered acceptable and in line with policy GEN 1 part (i) of the adopted Flintshire UDP.

- 7.12 Welsh Water have identified that the proposed development site is crossed by a trunk/distribution watermain which, Welsh Water advise, should be kept free from all temporary buildings, building material and soil heaps at all times, or the water main should be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged, by Welsh Water, to the developer. It is understood that the developer is aware of the need to divert services beneath the site, including the water main and underground electrical cables and has made allowances for their diversion. In order to ensure the proposal does not have a detrimental impact on the watermain it is considered necessary to include a suitably worded condition.

7.13 Flood Risk

The purpose of the proposed development is to raise up the eastern part of the site, thereby addressing flood risk issues on the site and enabling it to be further developed for employment uses. Members should note that any subsequent development of the land for employment uses does not form part of this application and would require a separate planning permission. The Environment Agency has requested conditions to ensure finished floor levels are set no lower than 6.9m above Ordnance Datum (AOD) as outlined within section 8 of the Flood Consequences Assessment in order to reduce the risk of flooding to the proposed development and future occupants. The area within which processing of waste will take place is already raised up and meets this requirement, however, it is considered necessary to restrict the processing and storage of waste to the area defined on the Phasing Plan, drawing number 2459/426/04 in order to reduce the risk of flooding to the waste processing operations. Subject to a condition restricting the processing and storage of waste to a defined area, the proposed development is considered acceptable and in line with policy EMP 17: Flood Risk of the adopted Flintshire UDP.

7.14 Amenity and issues regarding the neighbouring use of land

The proposed development involves the processing of inert waste, which by its nature may give rise to dust. The site is located well away from residential properties and will be controlled by the Environment Agency through an Environmental Permit, which controls nuisance issues such as noise, dust and odour. The Environmental Health Officer did not object to the proposal and did not request any specific conditions to address nuisance issues due to the potential to overlap with the requirements of the permit. The applicant proposed a number of measures to limit the dust on the site. The inert nature of the material means that odour is considered unlikely to cause a nuisance on the site, however, it is considered necessary to include a condition to restrict the type of material that can be dealt with on site as the

application has been considered on that basis. Should the waste materials that the applicant wishes to manage on site change they would have different associated impacts and any proposal would therefore need to be considered afresh.

- 7.15 The western part of the site is adjacent to the railway line, which is managed by Network Rail. Network Rail did not object in principle to the proposed development but highlighted the importance of preventing any adverse impacts on Network Rail land, either through excavations / earthworks carried out in the vicinity of Network Rail property, drainage schemes or the planting of trees. It is considered unlikely that the landraise works will have a direct impact on Network Rail land as the area to be raised up is located away from the railway line. Limited landscaping is proposed on the site as the purpose of the development is to enable the site to be brought forward for industrial development, which would be the subject of a further planning application. Issues raised by Network Rail with regards to drainage and landscaping can be addressed through suitably worded conditions.

## **8.00 CONCLUSION**

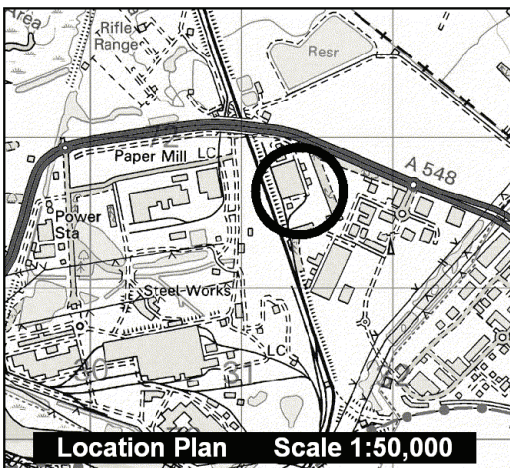
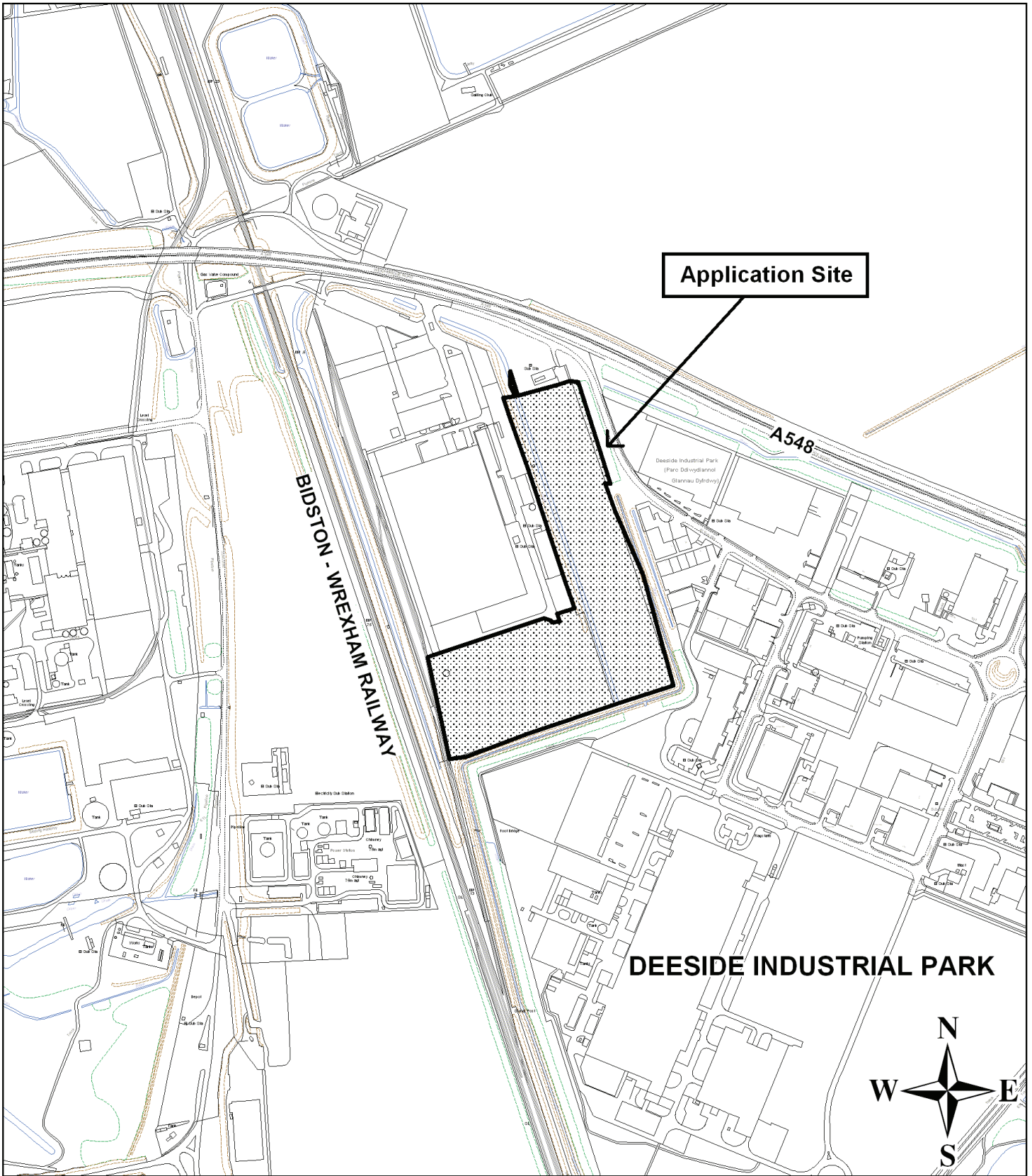
- 8.01 The proposal is for the temporary use of land, for a period of 3 years. There are two key elements to the proposal: Firstly, the processing of construction and demolition waste, which is already being carried out at the site; and secondly the raising of land to address flood risk issues on the site. Much of the Deeside Industrial Estate is located within the flood plain and the principle of introducing measures to mitigate flood risk within the estate is considered acceptable. The proposed waste processing activities are intended to provide the fill material for the proposed infill works, whilst maximising the volume of material that is recovered and put to beneficial use off-site, in line with local and national waste management priorities. On balance it is considered that, subject to the inclusion of conditions to address the matters raised above, the proposed development is acceptable and in accordance with policies GEN 1, GEN 2, TWH1, EMP3, EWP6, EWP7, EWP8, EWP17, and AC13 of the adopted Flintshire UDP.
- 8.02 It should be noted that the activities proposed on site require an Environmental Permit and will therefore be regulated by the Environment Agency.
- 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: Martha Savage**

**Telephone:**  
**Email:**

**01352 703298**  
**Martha\_savage@flintshire.gov.uk**



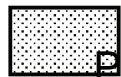


Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary



Application Site Extent

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OS Map ref SJ 3171

Planning Application **49908**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 7 NOVEMBER 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** GENERAL MATTERS - TREE PRESERVATION  
ORDER NO. 304 (2012) LAND AT THE GORSEY, LLYS  
BEN, NORTHOP HALL

### **1.00 APPLICATION NUMBER**

1.01 General Matters - TPO 304 (2012)

### **2.00 APPLICANT**

2.01 Not Applicable

### **3.00 SITE**

3.01 The Gorsey,  
Llys Ben,  
Northop Hall.

### **4.00 APPLICATION VALID DATE**

4.01 Not Applicable

### **5.00 PURPOSE OF REPORT**

5.01 To consider a letter of objection made in response to the service of Tree Preservation Order No. 304 (2012).

### **6.00 REPORT**

6.01 The Council made the Tree Preservation Order (TPO) on 12<sup>th</sup> June 2012 that affects three oaks, one ash and a small area of woodland on land known locally as 'The Gorsey' to the north of Gardd Eithin and the east of the community centre. The Gorsey is an ungrazed field dissected by paths that contains a mixture of vegetation including mature trees and woodland. The TPO was made in response to 17 letters and other representations from residents concerned that the

trees might be felled and the area developed for housing, even though the site is outside the settlement boundary for Northop Hall.

- 6.02 A TPO made in 1992 (Reference FD114) already affects the land however taking into account public concerns regarding development and the fact that TPO FD114 does not accurately reflect the most significant amenity trees on the land it was considered expedient to make a new TPO.
- 6.03 If the new TPO is confirmed (i.e., made permanent) it is proposed to revoke the 1992 (Reference FD114) TPO because it will no longer be necessary. In the event that the new TPO is not confirmed it will lapse on 12<sup>th</sup> December 2012 and the 1992 will be relied upon to provide protection, even though it less accurate.
- 6.04 The land on which the trees are situated is registered to Allen Homes (North Wales) Ltd which is a company owned by Morris Homes Ltd. The letter of objection has been submitted by TPM Landscape who act on behalf of Morris Homes Ltd. The objection relates to an oak (T2) and whether, due to its condition, merits inclusion within the TPO. A tree survey carried out in April 2010, which accompanies the letter, states that the oak has a large 'ripped wound and decaying cavity in stem and into the crown'.
- 6.05 The letter of objection states that the tree is in poor condition and because of decay has a limited safe life expectancy. It is also stated the tree has the potential to fail and as it is so close to a public right of way it should be excluded from the TPO.
- 6.06 In response to the objection, the tree survey was carried out in April 2010 and since that date none of the main branches in the crown have failed even though no remedial work has been undertaken (e.g. reducing the length of long branches to lessen weight and leverage in strong winds).
- 6.07 Whilst it is evident that the stem and main branches have decay it is considered that this has been present for many years and the tree is an attractive feature with character that merits protection. In addition due to the tree's location within an area of open ground, away from buildings, roads and other frequently used areas, the risk the tree poses is low. This assessment also takes into account the proximity of the footpath, which passes near to but not underneath the canopy and its frequency of use.
- 6.08 In the event that the landowner proposes to reduce the risk further it is considered that pruning to reduce longer branches (for the reasons stated above in 6.06) would be sufficient remedial action. This type of proposal is likely to require the LPA's consent and would safeguard the tree as a feature in the locality.

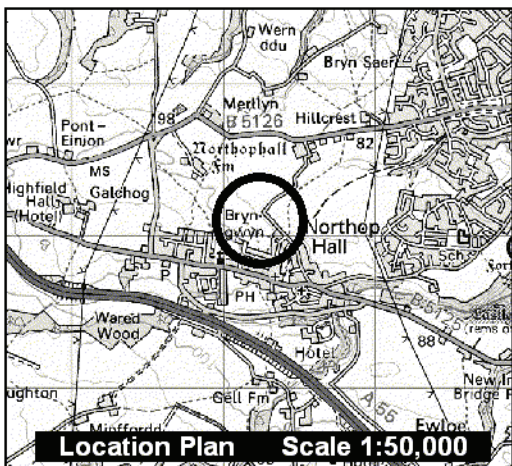
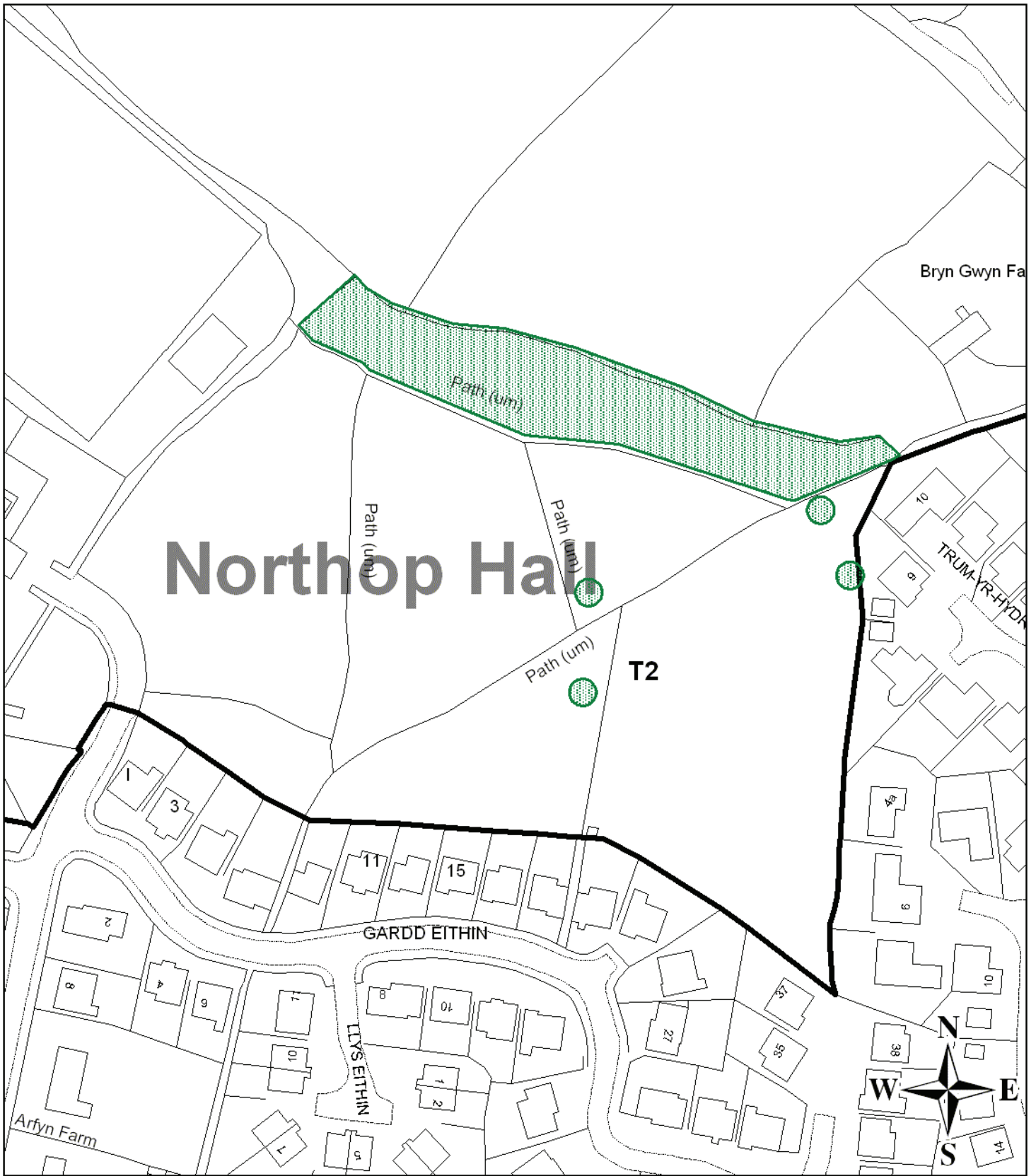
6.09 The predicted slow progression of the decay in the oak means that it has the potential to live for many years with a lifespan estimated to be at least several decades compared to a few years. For this reason the tree meets the longevity criteria for protection by a TPO

**7.00 RECOMMENDATIONS**

7.01 Taking into account the reasons for the objection and the Council's consideration of them it is recommended that Tree Preservation Order No. 304(2012) Land at The Gorsey, LLys Ben, Northop Hall is confirmed without modification.

**Contact Officer:** Stuart Body  
**Telephone:** (01352) 703264  
**Email:** [stuart.body@flintshire.gov.uk](mailto:stuart.body@flintshire.gov.uk)

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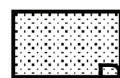


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application TPO304

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**DATE:** **7<sup>TH</sup> NOVEMBER 2012**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT:** **Erection of a Conservatory at Rear at 19 Hawker Close, Broughton.**  
**APPLICATION NUMBER:** **050133**  
**APPLICANT:** **Councillor Derek Butler**  
**SITE:** **19 Hawker Close, Broughton, Chester**  
**APPLICATION VALID DATE:** **08/10/2012**  
**LOCAL MEMBERS:** **Councillor D Butler and Councillor M Lowe**  
**TOWN/COMMUNITY COUNCIL:** **Broughton and Bretton Community Council**  
**REASON FOR COMMITTEE:** **Applicant is Councillor**  
**SITE VISIT:** **No**

### **1.00 SUMMARY**

1.01 The proposal is a full application which seeks permission for a single storey extension to provide extra living accommodation at the rear of the dwelling

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

2.01 Approval subject to the following conditions

1. Time Limitation
2. As per the approved plans

### **3.00 CONSULTATIONS**

3.01 Local Member- Cllr. M. Lowe  
No response at time of writing.

Broughton and Bretton Community Council  
No response at time of writing.

Head of Public Protection  
No Objection.

### **4.00 PUBLICITY**

4.01 Neighbour notifications  
No Objections received at time of writing.

### **5.00 SITE HISTORY**

5.01 Erection of a two story side extension to provide a garage and utility with a bedroom above. 4/1/7824.

### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan – Edited Written Statement  
GEN1 General Requirements for development  
HSG12 House extensions and alterations  
D2 Design

### **7.00 PLANNING APPRAISAL**

7.01 The site comprises of a semi-detached 2 storey dwelling of brick construction which is part clad to the front elevation under a tiled roof. There is currently parking for two vehicles off road with access to a garden to the rear of the property. There is a close boarded fence on the south west boundary of approx 1.8m in height and hedging of approx 2.5m on the north boundaries.

7.02 The proposal consists of a conservatory which projects from the dwelling by 3.7 meters with a width of 3.2 and a height of 2.4. The conservatory will consist of upvc windows with a dwarf wall to the NW elevation, full upvc doors to the NE elevation and a 1.7 metre high wall with high level windows to the SW elevation matching a similar conservatory at the adjoining property

7.02 The main issues are considered to be the impact of the development on visual amenity and on the residential amenity of the adjoining occupiers. The extension is subsidiary in scale and form to the existing dwelling and does not represent an overdevelopment of the site. The design is in keeping with the existing dwelling with the proposed use of bricks being of a similar colour. The existing close

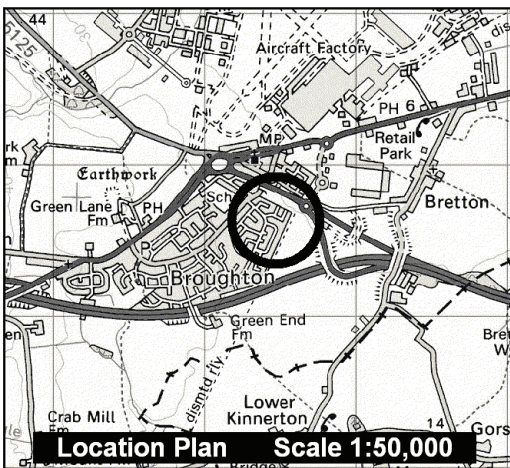
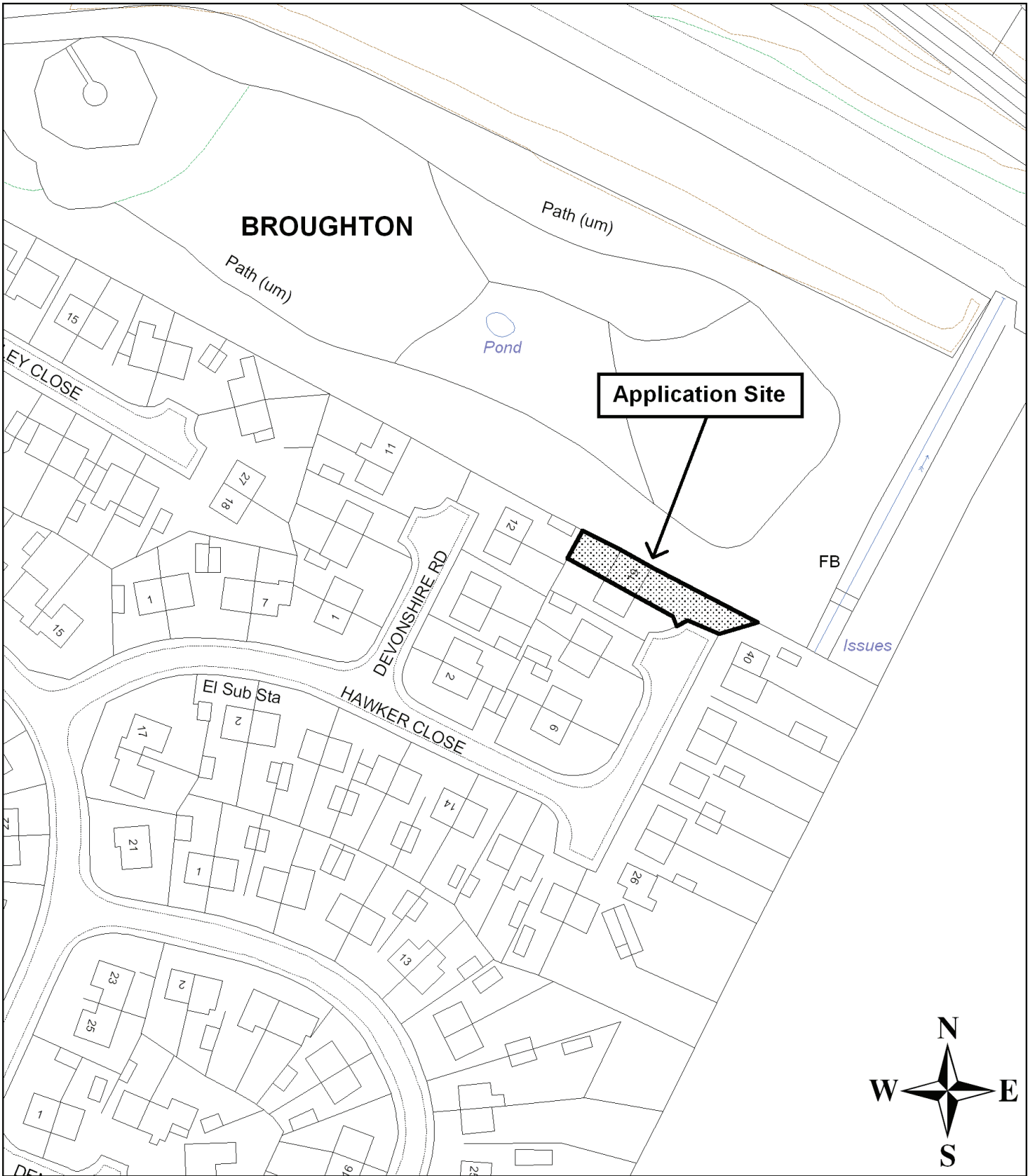
boarded fence and hedging will screen the majority of the extension. There are no additional windows to be inserted that could cause detriment. The Council's Ecologist has no objection, confirming that there are no protected species in the pond on the park to the north.

**8.00 CONCLUSION**

8.01 Considering the scale and design of the conservatory I am satisfied that it meets the relevant policy criteria and the application is recommended for approval.

**Contact Officer: Dan McVey**  
**Telephone: 01352 703266**  
**Email: Daniel.McVey@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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OS Map ref SJ 3463

Planning Application 50133

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 7 NOVEMBER 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** 045726 - GENERAL MATTERS - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF APARTMENT BLOCK COMPRISING 9 NO. APARTMENTS (3 NO. ONE BEDROOM AND 6 NO. TWO BEDROOM) ON UPPER FLOORS WITH LOWER/BASEMENT LEVEL CAR PARKING AND SURFACE LEVEL PARKING TO THE REAR OF THE DAIRY, 2 MOLD ROAD, CONNAH'S QUAY.

**1.00 APPLICATION NUMBER**

1.01 045726

**2.00 APPLICANT**

2.01 Mrs D. Gough

**3.00 SITE**

3.01 The Dairy, 2 Mold Road, Connah's Quay

**4.00 APPLICATION VALID DATE**

4.01 17/11/2008

**5.00 PURPOSE OF REPORT**

5.01 The purpose of this report is to obtain a resolution from Members as to the decision to be made on this application which currently remains undetermined.

**6.00 REPORT**

6.01 Members may recall that the application to which this report relates was considered by the members of the Planning & Development Control Committee at the meeting held on the 29<sup>th</sup> April 2009. It was resolved by Members at that time that conditional planning permission be granted subject to the applicant entering into a Section 106 Agreement or offering a unilateral undertaking or making advance

payment in respect of the following issues:

1. In lieu of on site play provision, payment of £733 per dwelling towards the upgrading of existing play facilities within the locality.
- 6.02 A copy of the report to the Planning & Development Control Committee held on the 8<sup>th</sup> December 2010 is attached as Appendix A.
- 6.03 Despite protracted correspondence between the Head of Legal & Democratic Services and the applicant since 2009, no progress has been made by the applicant to resolve the outstanding issue relating to the payment of the commuted sum.
- 6.04 In these circumstances, it is considered that the proposal is therefore contrary to Policies IMP1 and SR5 of the Flintshire Unitary Development Plan.
- 6.05 The report therefore seeks a resolution from Members as to the decision to be made on this application as it is my recommendation that, in view of the lack of progress being made in respect of the securing of the commuted sum payment, planning permission be refused.

## **7.00 RECOMMENDATIONS**

- 7.01 That planning permission be refused for the following reason:-

The proposed development does not make provision for the completion of a Section 106 agreement or securing of such other means of agreement for the payment of commuted sums in lieu of on site play provision. The proposal is therefore contrary to the provisions of Policies IMP1 and SR5 of the Flintshire Unitary Development Plan.

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



**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.6**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **29 APRIL 2009**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF AN APARTMENT BLOCK COMPRISING 9 NO. APARTMENTS (3 NO. ONE BEDROOM AND 6 NO. TWO BEDROOM) ON UPPER FLOORS WITH LOWER/BASEMENT LEVEL CAR PARKING AND SURFACE LEVEL PARKING TO REAR AT 2 MOLD ROAD, CONNAH'S QUAY**

This application was deferred from the 1st. April Planning Committee to allow a Committee Site Inspection by Members

**APPLICATION NO:** **045726**  
**APPLICANT:** **MRS D GOUGH**  
**SITE:** **THE DAIRY,  
2 MOLD ROAD,  
CONNAH'S QUAY**  
**APPLICATION VALID DATE:** **17/11/2008**  
**LOCAL MEMBERS:**  
**TOWN/COMMUNITY COUNCIL:**  
**REASON FOR COMMITTEE:**  
**SITE VISIT:**

**1.00 APPLICATION NUMBER**

1.01 045726

**2.00 APPLICANT**

2.01 Mrs D Gough

**3.00 SITE**

3.01 The Dairy,  
2 Mold Road,  
Connah's Quay

**4.00 APPLICATION VALID DATE**

4.01 17/11/2008

**5.00 INTRODUCTION**

5.01 This is full application which was originally submitted for 12 apartments, however, negotiations with officers has resulted the scheme being amended to 9 apartments. The proposal also includes off road parking for 15 cars located primarily in a basement car park, with a further 5 spaces on a surface car park to the rear. A landscaped area is proposed to the rear of the site.

**6.00 CONSULTATIONS**

6.01 Local Member

Councillor AP Shotton

Request referral to Planning Committee as he has concerns over vehicle access and parking provision.

Councillor JB Attridge

Requests referral to Planning Committee as he has concerns over access and the access to " Windermere Avenue.

Connah's Quay Town Council

Object to the proposal for the following reasons,

height of building in comparison to the surrounding dwellings and therefore neighbours could be overlooked

road safety, access onto Mold Road as there would be an increase in traffic flows in the vicinity of the proposed building where there have been accidents previously

over saturation of the site and considers a site meeting should be carried out by Members

Head of Highways and Transportation

No objections subject to conditions on visibility, access and footway widths and positive run off for surface water.

Head of Public Protection

No objection subject to a land contamination investigation condition.

SP Energy Networks

Notes to applicant on potential plant/apparatus in area

Wales & West Utilities

No objections. Applicant's attention to be drawn to apparatus in the area

Clwyd Powys Archaeological Trust

Requires a condition for a photographic survey of the building

Welsh Water

Object as the site is crossed by a water main

Environment Agency

No comment

**7.00 PUBLICITY**

7.01 Press Notice, Site Notice, Neighbour Notification

The application was advertised via site notice and neighbour notification. Two letters received from adjacent occupiers who raise issues relating to retention of pedestrian access to the site and impact on the privacy of the adjacent doctor's surgery.

**8.00 SITE HISTORY**

8.01 **05/39141**

Permission granted in June 2005 for the change of use from commercial to residential (3 bed detached house/garage) at 2 Mold Road.

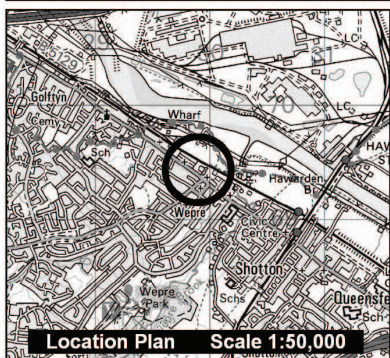
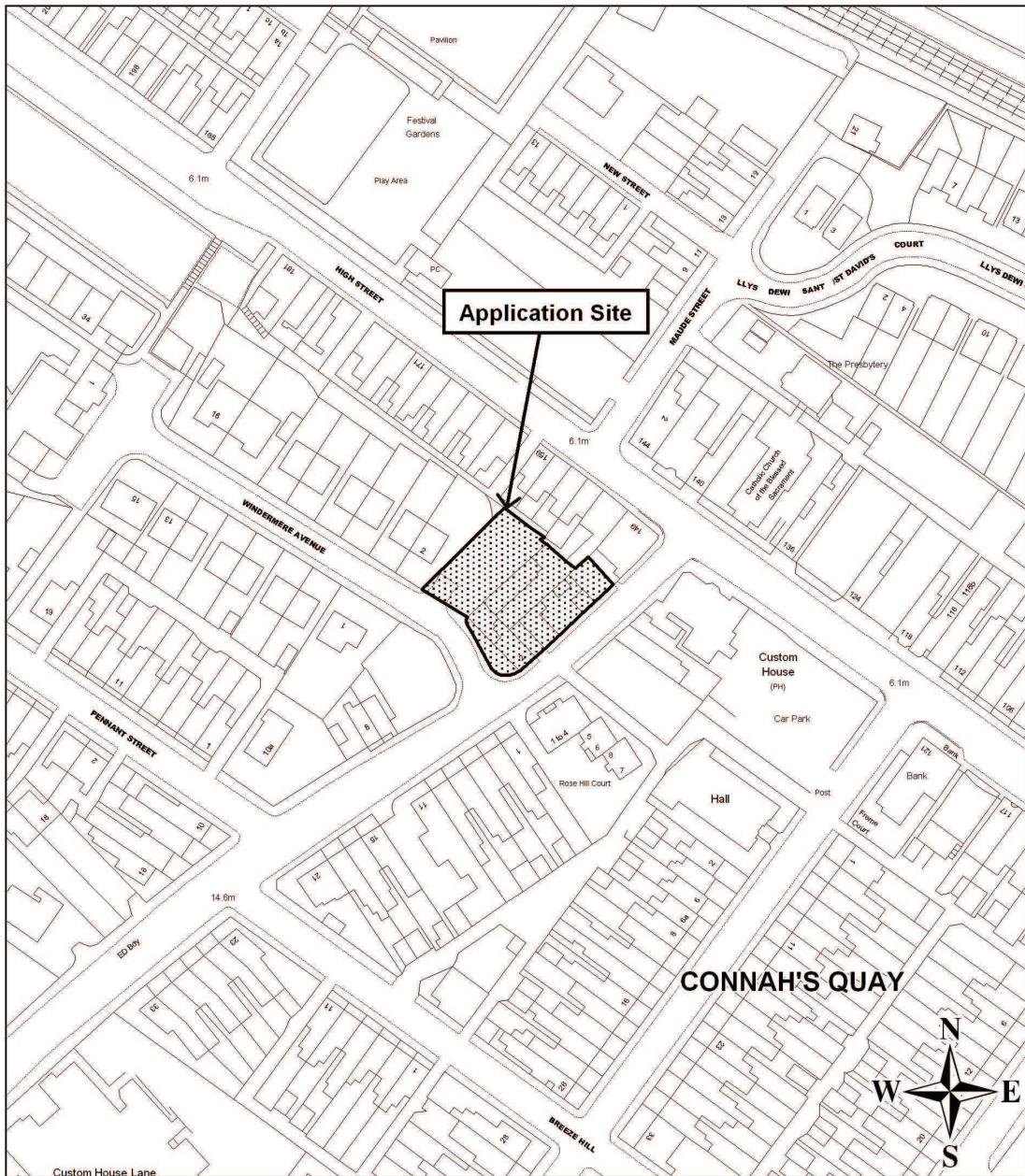
**06/41355**

Demolition of existing building and erection of 9 apartments at 2 Mold Road - withdrawn June 2006.

**08/44733**




Demolition of existing buildings and replacement with a 4 storey brick apartment block comprising 18 No. apartments at 2 Mold Road. - withdrawn June 2008.

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**

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

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Map Scale	1:1250
Ordnance Survey Sheet	2969
Planning Application	45726

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**DATE:** **7<sup>th</sup> NOVEMBER 2012**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT:** **RETROSPECTIVE CHANGE OF USE OF LAND TO EXTEND GARDEN AT 32 HIGH STREET, SALTNEY.**  
**APPLICATION NUMBER:** **049989**  
**APPLICANT:** **MRS A M HUTCHINSON**  
**SITE:** **32 HIGH STREET SALTNEY**  
**APPLICATION VALID DATE:** **8<sup>TH</sup> AUGUST 2012**  
**LOCAL MEMBERS:** **CLLR R LLOYD**  
**TOWN/COMMUNITY COUNCIL:** **SALTNEY TOWN COUNCIL**  
**REASON FOR COMMITTEE:** **APPLICATION REFERRED FROM DELEGATED MEETING HELD ON THE 26<sup>th</sup> SEPTEMBER 2012 COMMITTEE DETERMINATION REQUIRED TO LOOK AT THE IMPACT ON AMENITIES OF ADJOINING RESIDENTS.**  
**SITE VISIT:** **YES (AT THE REQUEST OF THE VICE CHAIRMAN)**

### **1.00 SUMMARY**

1.01 This forms a retrospective planning application for the retention of an area of land as additional garden area at 32 High Street, Saltney.

### **2.00 RECOMMENDATION: TO ALLOW THE RETENTION OF THE USE SUBJECT TO THE FOLLOWING:-**

2.01 1. In accordance with the approved plans.  
2. Remove permitted development rights in respect of additional land

### **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor R Lloyd  
Agrees to determination under delegated powers.

Saltney Town Council  
No response at time of writing

Head of Assets and Transportation  
No response at time of writing.

Head of Public Protection  
Confirms that has no adverse comments to make regarding this proposal.

Environment Agency  
Have assessed the application as having a low environmental risk however standard advice is relevant.

#### **4.00 PUBLICITY**

4.01 Site, Notice, Neighbour Notification  
The proposed development has been advertised by way of a site notice and neighbour letters.

One letter of objection has been received objecting on the following grounds,

- Concrete wall creates a massive access problem.
- Applicant has moved boundary across footpath by two metres.
- Blocking route for pedestrians, emergency vehicles and deliveries.

#### **5.00 SITE HISTORY**

5.01 NONE RELEVANT

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
Policy GEN1 – General Requirements for Development.  
Policy GEN2-Development Inside Settlement Boundaries.  
Policy HSG12- House Extensions and Alterations.

#### **7.00 PLANNING APPRAISAL**

7.01 Introduction

This planning application is a retrospective submission seeking planning permission for the retention of a change of use of land to provide additional garden at 32 High Street, Saltney.

7.02 Site Description

The land is located to the rear of number 32 High Street, Saltney, one of a line of properties and buildings facing onto the main road with a track/ area of land which runs along the rear of the properties. The land in question extends out by three metres and separates the properties that face onto the High Street from a commercial area to the rear by a chain link fence. The property in question has been extended out to the rear into what was the track/land by the erection of a concrete post and panel fence. The means of enclosure erected extends out by approximately two metres leaving an area from the rear of the new fence to the chain link fence of approximately one metre.

7.03

Issues

The main issues to be considered in the determination of the application for the retention of the change of use already undertaken is the appropriateness of the proposal and the impact on the amenity of adjacent occupiers.

7.04

Development

As noted the application in question is retrospective in nature given the works have already been undertaken by the applicant. In terms of impact the fence backs onto a commercial area and in visual terms is not considered out of keeping with this location where there are a variety of different materials and means of enclosure

The objections to the development relate to the impact of the development on the use of the private track which runs the length of the rear boundaries to these properties. The applicant has indicated that the appropriate notice has been served in respect of the ownership of the land and whereas there may be a right by another party to gain access over it this is essentially a civil matter. If this amounted to an impact on the amenities of adjoining properties this could be considered to be a planning matter but it is my recommendation that this is not the case, bearing in mind the circumstances and context of the development. Similarly, if the development was considered to set a precedent which would have a detrimental impact on highway safety this could form a reason for refusal. Neither of the properties to the east of the development have a vehicular access to the rear of their properties, so again this does not apply.

8.00 CONCLUSION

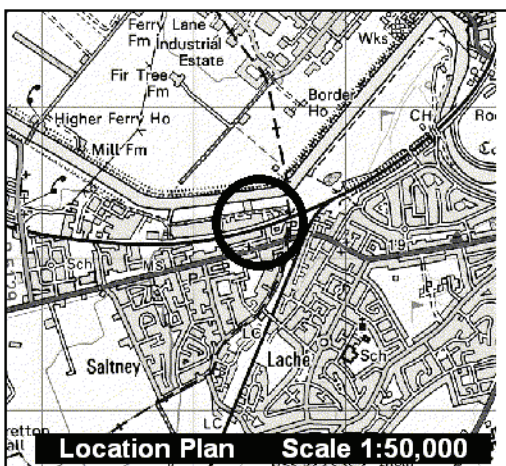
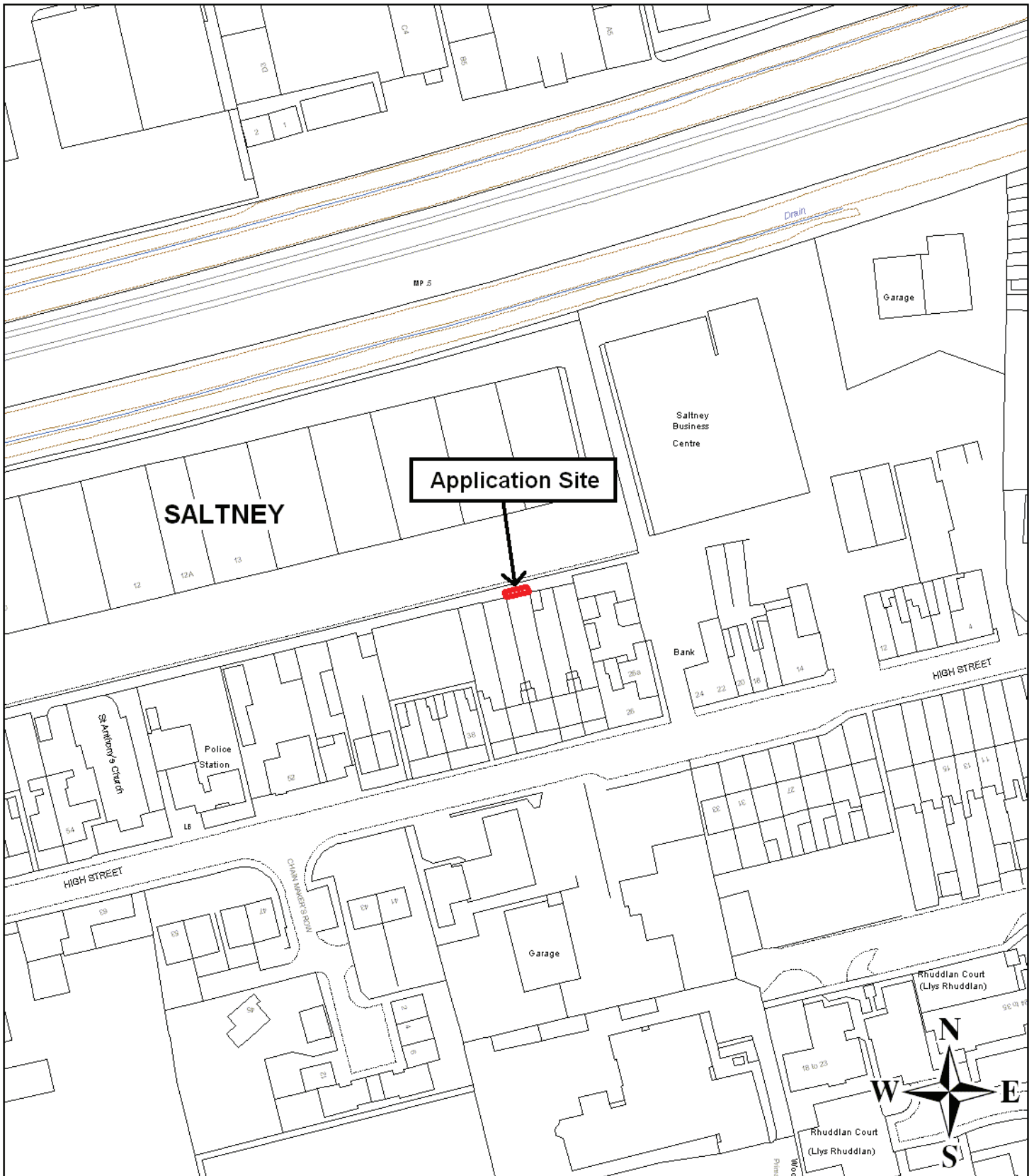
8.01 In conclusion and having regard to the above, it is considered that the proposal generally complies with the planning policies stated in the

report and the retrospective proposal for retention of a fence and an area of land for use as an extension to the existing residential garden to the property is considered acceptable.

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:** Karl Slater  
**Telephone:** 01352 703259  
**Email:** karl.slater@flintshire.co.uk



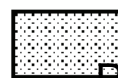


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:1250

OS Map ref SJ 3865

Planning Application 49989

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **7<sup>TH</sup> NOVEMBER 2012**

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

**SUBJECT:** **APPEAL BY DEVELOPMENT SECURITIES PLC AGAINST THE NON DETERMINATION OF OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT AND FORMATION OF NEW ACCESS AT LAND AT BROUGHTON PARK, BROUGHTON – ALLOWED.**

**1.00 APPLICATION NUMBER**

1.01 38189

**2.00 APPLICANT**

2.01 Development Securities Ltd

**3.00 SITE**

3.01 Broughton Park,  
Broughton.

**4.00 APPLICATION VALID DATE**

4.01 30th July 2004

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the decision in regards to an appeal against the non determination of outline planning permission for residential development together with the formation of a new access at land at Broughton Park, Broughton. Following a public inquiry, the appeal was determined by the Welsh Minister for Environment & Sustainable Development rather than by the Planning Inspector due to it involving residential development of more than 150 houses and on a site of more than 6 hectares. The Minister agreed with the Inspector's recommendation to grant planning permission subject to conditions.

## **6.00 REPORT**

### **6.01 Issues**

The Inspector considered the main issues were as follows:-

- i. Principle of residential development on an allocated site.
- ii. Highways.
- iii. Provision of affordable housing.
- iv. Provision of a health centre on site.
- v. Flooding.
- vi. Ecology.

### **6.02 In Regards to the Principle of Residential Development on an Allocated Site**

The Minister agreed with the Inspector that the development is acceptable and accords with UDP Policy HSG1 (25) in so far as this relates to the residential allocation. It was considered the restriction on the density referred to in the policy has not been justified in terms of evidence on highway safety and that the shortfall in housing clearly outweighed this component. It was considered the density cap should be regarded as a guide rather than as a ceiling, as set out in UDP Policy HSG8.

### **6.03 In Regards to Highways**

The Minister agreed with the Inspector that the proposal was acceptable in terms of highway considerations. The Inspector noted the evidence and analysis showed that the traffic generated by the appeal site would have no material effect on the capacity of the local network. Whilst the Inspector noted the residents concerns about traffic congestion, be recognised these factors had been accounted for in the analysis. The Inspector was of the view that the provision of a pedestrian/cycle link between the appeal site and Broughton Hall Road offered the potential of an improvement in the situation as more people opt for alternative modes of transport.

### **6.04 In Regards to Provision of Affordable Housing**

The Minister imposed a planning condition requiring 30% of housing be affordable in accordance with the definition of affordable housing in Annex B of TAN2: Planning and Affordable Housing and which shall also be subject to the requirements of the Section 106 undertaking which the appellant has entered into.

### **6.05 In Regards to Provision of a Health Centre on Site**

The Inspector was of the view that there was no clear and transparent evidential basis to conclude that the provision of a health centre site was needed to enable the development to go ahead, or if the development went ahead without the provision, then that would result in harm by the inability to be seen by a doctor in the local health practice. The Inspector saw no compelling evidence to indicate that the provision of the site fairly and reasonably related in scale and kind

to the development and he placed limited weight on the fact that the appellant considered it appropriate to negotiate and agree to the provision of a health centre site during the course of the planning application. The Inspector was of the view that as the health board would want to review all potential site options and it was no means clear that it preferred the particular site at appeal or others in the developer's ownership. The Inspector noted that critically, the health board may not gain the funding from the Welsh Government if it fails to show that the most appropriate site from all other options sites had been selected and the health board had not indicated the appeal site is needed now or within the next 5 years, the prospect of its developing part of the appeal site had not been shown and that this was borne out in its strategy up until 2015 by identifying the scheme in Broughton as a Phase 2 project. The Minister agreed with the Inspector's view that the provision for a health centre on the site was neither necessary or reasonable.

6.06 In Regards to the Flooding Issue

The Minister accepted the Inspector's view that problems concerning drainage related to the maintenance of the drainage system and there was no compelling evidence that the proposed development would make the existing situation worse and that the proposal was acceptable in terms of flooding and drainage.

6.07 In Regards to Ecology

The Minister saw no reason to disagree with the Inspector in regards to his view that the proposed development would not impact adversely on any European Protected Species bearing in mind the mitigation measures consisting of a newt reserve and wildlife corridors.

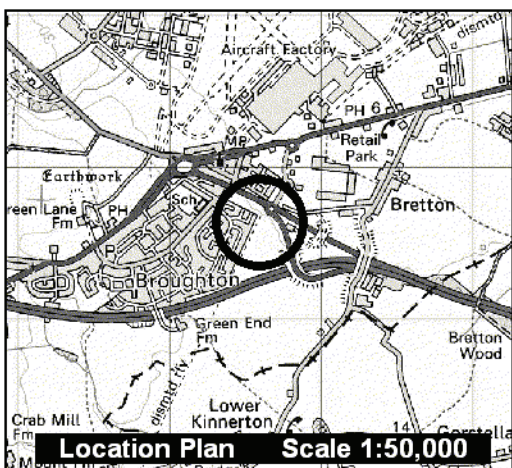
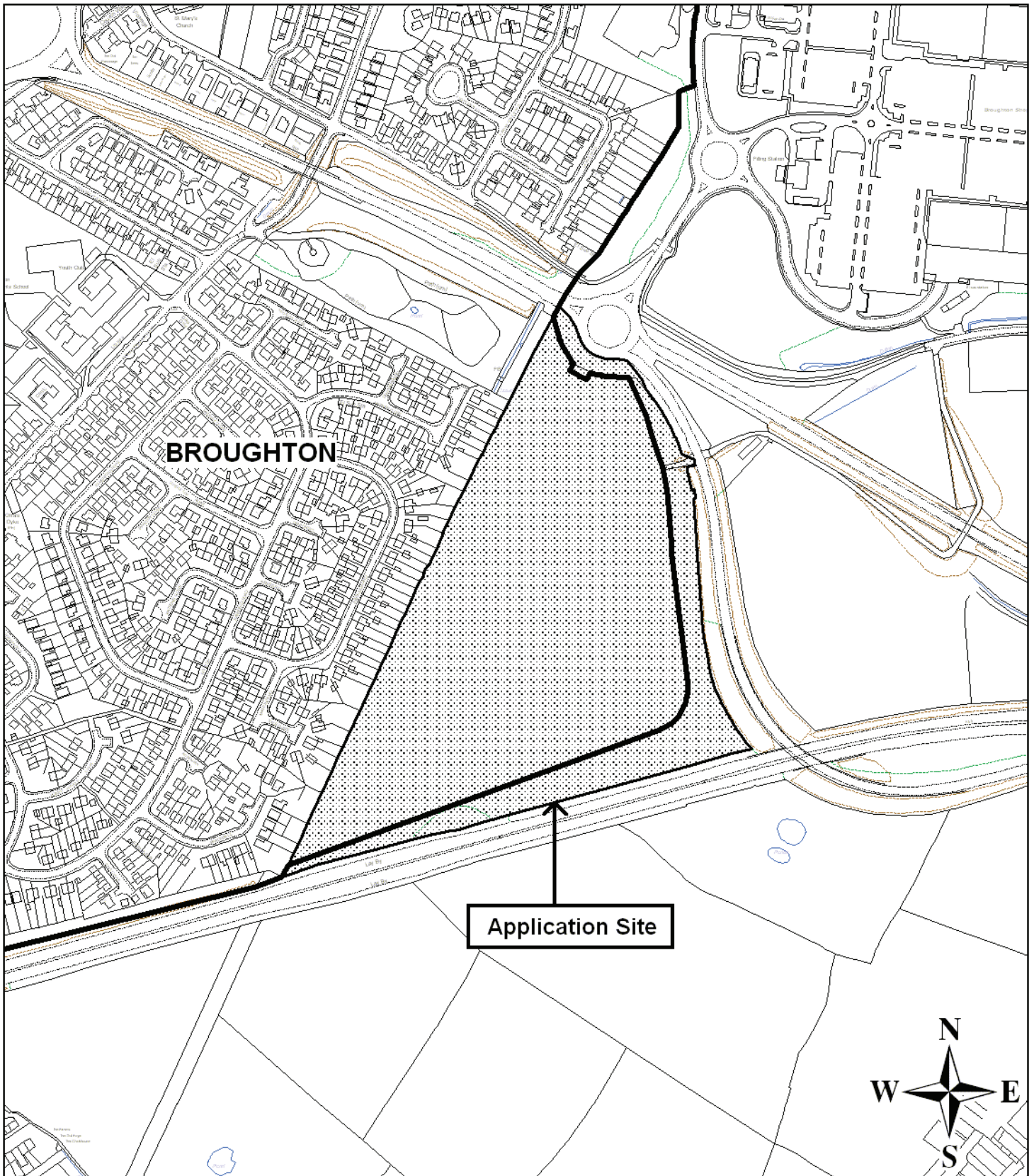
7.00 CONCLUSION

7.01 The Minister concluded that the proposed development should be allowed and granted outline planning permission subject to conditions and to terms of a revised Section 106 Unilateral Undertaking agreed by the appellant which provided for the following:-

- i. Public open space, multi-use games area and the provision of a buffer strip along the western boundary of the site.
- ii. An educational contribution of £500,000 for the use of classroom accommodation in the primary and secondary schools that would potentially cater for the occupants of the development and for that payment to be required prior to the occupation of the first dwelling.

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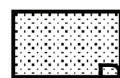


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 3463

Planning Application 38189

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **7<sup>TH</sup> NOVEMBER 2012**

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

**SUBJECT:** **APPEAL BY MR & MRS D & M WARING AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 4 DETACHED DWELLINGS, INCLUDING NEW ACCESS TO BRYN EITHIN AND AMENDED BOUNDARIES TO 19 BRYN EITHIN ON LAND TO THE REAR OF HALKYN HALL, BRYN EITHIN, PENTRE HALKYN, HOLYWELL, FLINTSHIRE.**

### **1.00 APPLICATION NUMBER**

1.01 049056

### **2.00 APPLICANT**

2.01 Mr & Mrs D & M Waring

### **3.00 SITE**

3.01 Land to the rear of Halkyn Hall, Bryn Eithin, Pentre Halkyn, Holywell, Flintshire

### **4.00 APPLICATION VALID DATE**

4.01 15.9.2011

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision, following the refusal of outline planning permission under delegated powers on 27<sup>th</sup> January 2012 for erection of 4 detached dwellings, including new access to Bryn Eithin and amended boundaries for 19 Bryn Eithin on land to the rear of Halkyn Hall, Bryn Eithin, Pentre Halkyn, Holywell, Flintshire. The appeal was considered by way of an exchange of written representations and was DISMISSED.

### **6.00 REPORT**

- 6.01 The Inspector considered there to be 2 main issues for his consideration. These were;
1. the extent to which the proposed remediation works would adequately address the levels of ground contamination at the site, and
  2. the effects of the proposals upon the amenity of the occupiers of neighbouring properties.
- 6.02 The Inspector noted the location of the site within the defined settlement boundary of Pentre Halkyn and noted that the broad thrust of planning policy sought to direct development towards such locations. However, he noted that this broad support was tempered by the need to satisfy other site specific considerations. In this case he noted the historic lead mining activities both at the site and within the wider area and the accepted position between both parties that the site was contaminated by extremely elevated levels of lead.
- 6.03 He noted the aim of the planning system to lessen the risks attributable to contamination through development via the implementation of appropriate remedial measures and reiterated that the onus lay with the developer or applicant to demonstrate that the land is suitable, or can be rendered suitable, for the development proposed.
- 6.04 He noted the remedial measures proposed by the appellant but voiced concerns in relation to both the accuracy of the information provided, extent of investigation and proposed methods of remediation in themselves.
- 6.05 He dismissed the suggestion by the appellant that robust planning conditions could be applied which would control the future maintenance of the remedial barriers between the contamination and potential receptors, stating it would place an unacceptable burden upon the Local planning Authority in respect of monitoring and enforcing such a condition. He concluded that for this reason, such a condition would not comply with the requirements of Circular 35/95 which governs the use of planning conditions.
- 6.06 In arriving at his conclusion upon this matter, he considered that insufficient information had been provided by the appellants to adequately demonstrate that the proposed remediation would address the contamination issues at the site and therefore agreed with the Council that the measures were not sufficient to demonstrate that the risks attributable to land contamination would be reduced to an acceptable level.
- 6.07 In examining the assertion by the appellant that the surroundings must be the subject of similar levels of contamination but had nonetheless

been the subject of residential development, the Inspector noted he had no evidence to consider in that regard and furthermore, his determination was undertaken upon the basis of the policies currently in place and rejected the argument of a precedent having been established.

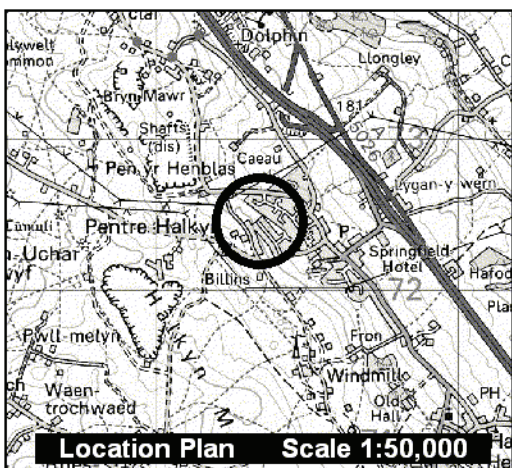
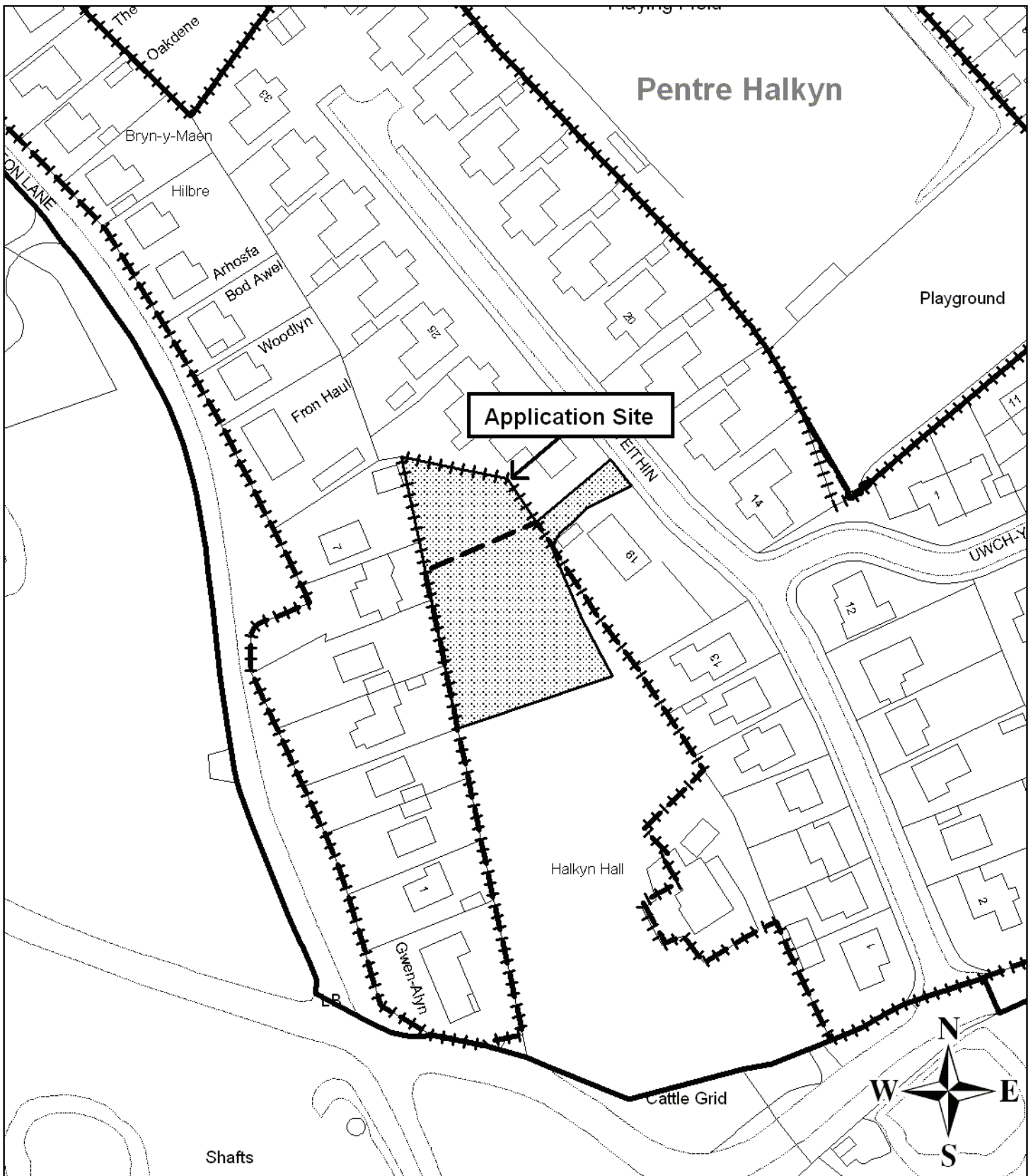
6.08 In considering the issue of impacts upon current amenity, the Inspector noted the elevated position of the site relative to the adjacent properties on Bryn Eithin. He noted that in the absence of definitive acceptable proposals in respect of remediation, it was not appropriate to leave the consideration of this issue to be satisfied either via condition or through the submission of Reserved Matters. He concluded that the matter could only be adequately addressed on the basis of the information to hand at therefore concluded there would be a likely adverse impact upon amenity arising from the proposals.

## **7.00 CONCLUSION**

7.01 The Inspector concluded that, having regard to the applicable policies and all other material considerations, the proposal was unacceptable in the terms presented and therefore the appeal was DISMISSED.

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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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Planning Application	49056

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **7<sup>TH</sup> NOVEMBER 2012**

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

**SUBJECT:** **APPEAL BY ANWYL HOMES LTD AGAINST THE NON DETERMINATION OF PLANNING APPLICATION REF: 049154 TO ALLOW CONDITION 3 (I) OF THE OUTLINE PLANNING PERMISSION TO BE EXTENDED IN TIME AT CROES ATTI, CHESTER ROAD, OAKENHOLT - ALLOWED**

**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 OCTOBER 2011

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision in regards to an appeal against the non determination of planning Ref. 049154 which sought to vary condition 3 (i) of the original outline planning permission to allow for the extension in time for the submission of those reserved matters from 5 years to 7 years. The Inspector allowed the appeal, which was considered by way of public Inquiry, and granted planning permission to vary condition 3 (i).

**6.00 REPORT**

- 6.01 The Inspector considered the main issue to be whether it would be reasonable to vary condition 3(i) having regard to whether or not there has been a material change in planning circumstances since the original outline planning permission which would instead merit a refusal of permission.
- 6.02 The Inspector concluded there had not been any material changes in planning circumstances since the original outline planning permission was granted which would merit a refusal to vary condition 3(i) as proposed. The variation of the condition was deemed reasonable and compliant with Planning Policy Wales and relevant UDP policies.
- 6.03 As regards other matters, the Inspector considered the objections raised in relation to traffic congestion/highway/pedestrian safety and referred to the appellant's updated traffic assessment which had been independently reviewed on behalf of the Council and was found to be unacceptable. The Inspector stated there were no technical highway objections to the proposal.
- 6.04 Costs Claim  
In deciding to award costs in favour of the Appellant, the Inspector considered that the Local Planning Authority had acted unreasonably in failing to determine an application within the statutory period. She referred to the lack of a proper explanation as to why the application would not be determined or why the Head of Education and Resource could not respond within the statutory time limit. As Members are aware, the site is the largest single allocation in the UDP and the planning application provided the Council with the opportunity to reappraise its stance in certain areas. This process of reappraisal dealt with complicated issues, which took longer than the 8 week determination period would allow, so therefore, it is disappointing that the Inspector concluded that the Local Planning Authority had not shown specific and adequate reasons for not reaching a decision within the time limit.
- 6.05 The Inspector referred to the duplicate application for the same development and its relevance to the appeal insofar as the application was submitted to the Council which the applicant stated, if approved, would obviate the need for the appeal.
- 6.06 The Inspector also concluded that a condition imposed by the Planning Committee which related to the play area be to an adoptable standard and be offered to Flintshire County Council for adoption with a 10 year maintenance sum was unreasonable and resulted in the applicant incurring unnecessary expense later. The Inspector also concluded that an additional education contribution which was later reconsidered and found not to be justified was unreasonable.

**7.00 CONCLUSION**



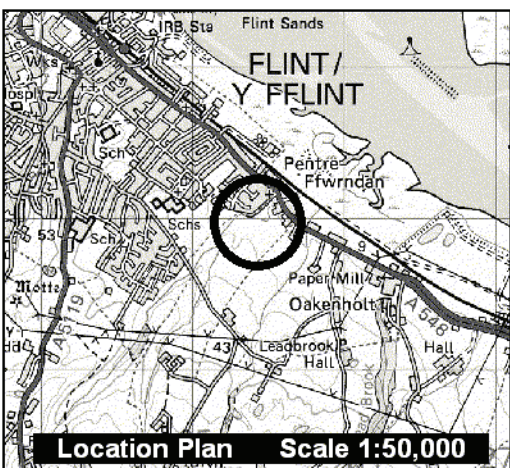
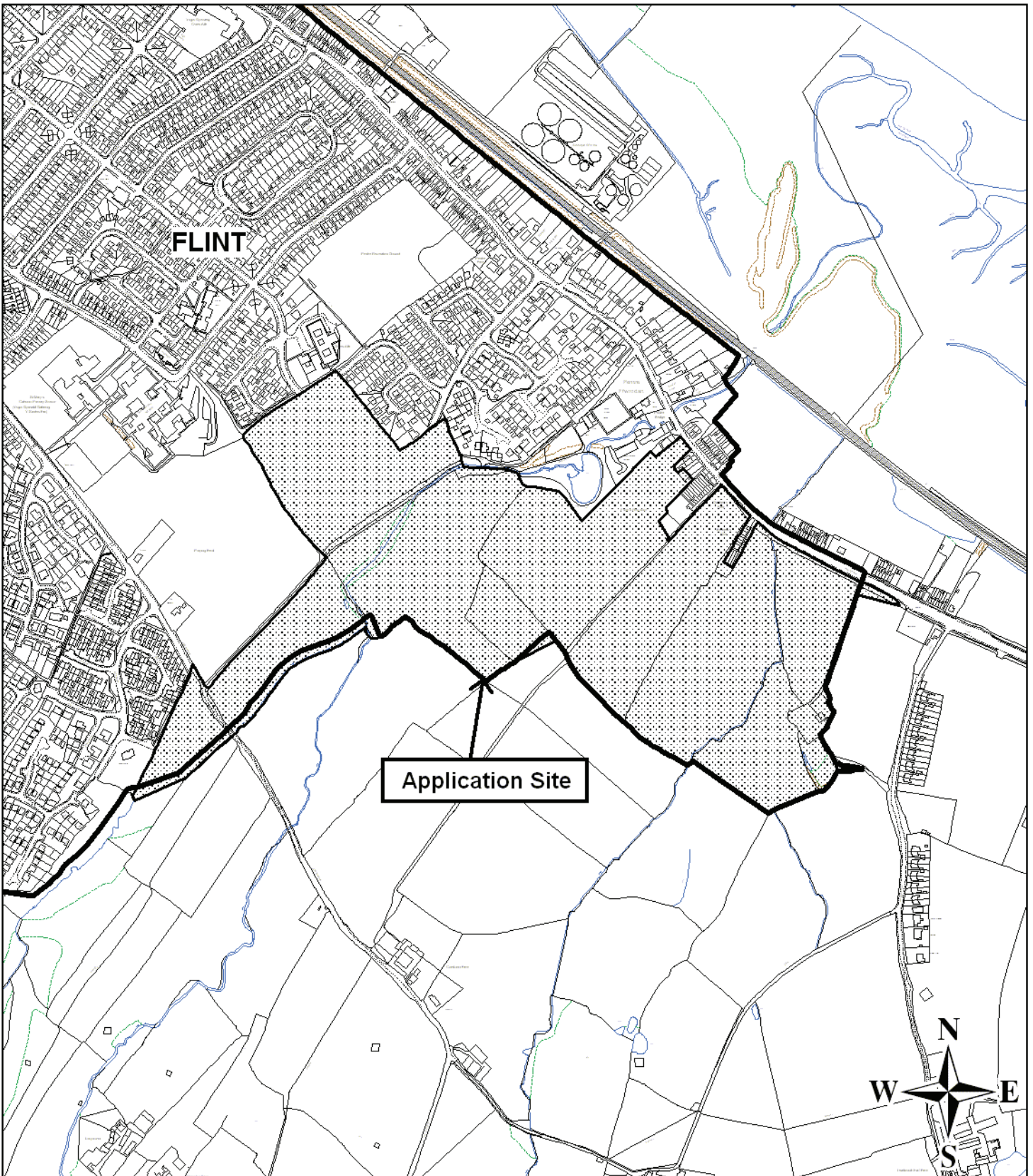
7.01 The Inspector concluded that there had been no material changes in planning circumstances since the original outline planning permission was granted which would merit a refusal. The appeal was allowed to extend the time for the submission of the reserved matters sought subject to conditions and a unilateral undertaking submitted by the appellant which made provision for the following:-

- Affordable housing up to a maximum of 10% of the number of dwellings proposed where the need has been demonstrated.
- Open space provision within the site and an equipped children's play area.
- Setting aside of land for a primary school, health centre, community centre, and retail.

The legal agreement reflected the Section 106 Agreement between the parties when planning permission was granted.

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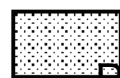


Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary



Application Site Extent

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Planning Application 49154

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **7<sup>TH</sup> NOVEMBER 2012**

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

**SUBJECT:** **APPEAL BY ROADAWAY LIMITED AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE FROM STORAGE TO STORAGE AND DISTRIBUTION OF CARAVANS AND CARS INCLUDING TEMPORARY SITING OF A CARAVAN FOR THE USE AS AN OFFICE AT FORMER COAL YARD, "MIN Y DON", MOSTYN ROAD, LLANERCH-Y-MOR, HOLYWELL, FLINTSHIRE**

### **1.00 APPLICATION NUMBER**

1.01 049337

### **2.00 APPLICANT**

2.01 Roadaway Limited

### **3.00 SITE**

3.01 Former Coal Yard, 'Min y Don', Mostyn Road, Llanerch – y- Mor, Holywell, Flintshire

### **4.00 APPLICATION VALID DATE**

4.01 09.01.2012

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision, following the refusal of planning permission under delegated powers on 28<sup>th</sup> March 2012 for the change of use from storage to storage and distribution of caravans and cars, including the temporary siting of a caravan for use as an office the at Former Coal Yard, 'Min y Don', Mostyn Road, Llanerch – y- Mor, Holywell. The appeal was considered by way of an informal hearing held on the 17<sup>th</sup> July 2012 and was ALLOWED.

During the course of the hearing, the appellant submitted an

application for costs, which the Inspector REFUSED.

## **6.00 REPORT**

- 6.01 The Inspector considered the main issue to be the effect of the proposals on the open countryside and in particular, upon the visual appearance of the undeveloped coastline.
- 6.02 The Inspector noted the assertion of the appellant that the extent of the storage operation would be limited to no more than a dozen or so larger vehicles such as touring caravans. She noted that cars would be stored separately to these larger vehicles and concluded the site would have the appearance of a car park or vehicle sales place. She considered that such an arrangement would not be unsightly, especially when compared to the dilapidated and run down appearance of the site at present. She also concluded it would not be uncharacteristic of the area, having regard to other uses in the vicinity.
- 6.03 The Inspector considered the representation made by the Local Planning Authority that the site would be unacceptably visible from a variety of points within the locality and would, due to the deciduous nature of existing screen vegetation, be particularly visible during minter months. She concluded however that views were only significant from an easterly direction and considered that existing vegetation, together with a proposed hedgerow to be planted along the eastern boundary of the site, would be sufficient to ensure that the site did not stand out obtrusively in the area.
- 6.04 Having come to the view that there was not adverse visual impact upon the area, the Inspector then identified that the criteria concerning the appropriateness of the proposals in such a location fell to be considered. She concluded that the use was acceptable in policy terms, represented the best use of a brownfield site, was sustainably located in terms of its relationship to settlements and therefore was consistent with local and national policy in respect of development within open countryside locations.
- 6.05 The Inspector turned then to the issue of 'the undeveloped coast' as defined within Policy L6 of the UDP. She concluded that as the site was brownfield, notwithstanding that the external areas of the site were not in use for the purposes of storage and that such a use had latterly (through conditions upon planning permissions) been expressly prohibited, it did not form part of the undeveloped coast. She considered that as the parking of vehicles was an intermittent occurrence and did not result in built development, the open character of the areas of adjacent open coastline would not be detrimentally affected.
- 6.06 Having taken these issues into account, and having had regard to all

other material considerations, the Inspector concluded that the use, subject to conditions, was acceptable and therefore ALLOWED the appeal.

6.07 **Costs**

The appellant made an application for costs on the basis that the Local Planning Authority had acted unreasonably in not granting planning permission and had failed to provide evidence adequate to support its decision.

6.08 The Inspector noted the Rebuttal of the costs application and concurred with the substance of the rebuttal. She noted that Circular 23/93 advised that costs were only to be applied where the actions of one party had caused the other to incur unnecessary or wasted expense in the appeal process. She considered that the stance adopted by the Council in relation to the application, whilst not ultimately agreeing with it in her determination, represented a detailed and thorough evaluation of the site, proposals and its perceived impact upon the area. She concluded that this amounted to substantial evidence to support the stance adopted.

6.09 The Inspector also noted that the decision represented the exercise of professional judgement and on the basis of this judgement, the view was entitled to be drawn that the proposal was unacceptable. She concluded that the differences between the parties related to a differing interpretation of policy rather than any lack of attention on the part of the Local Planning Authority.

6.10 The Inspector therefore concluded that unreasonable behaviour, as defined within the circular, could not be demonstrated and REFUSED the application for costs.

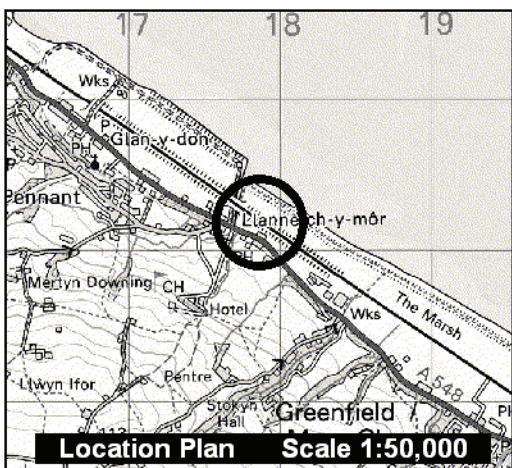
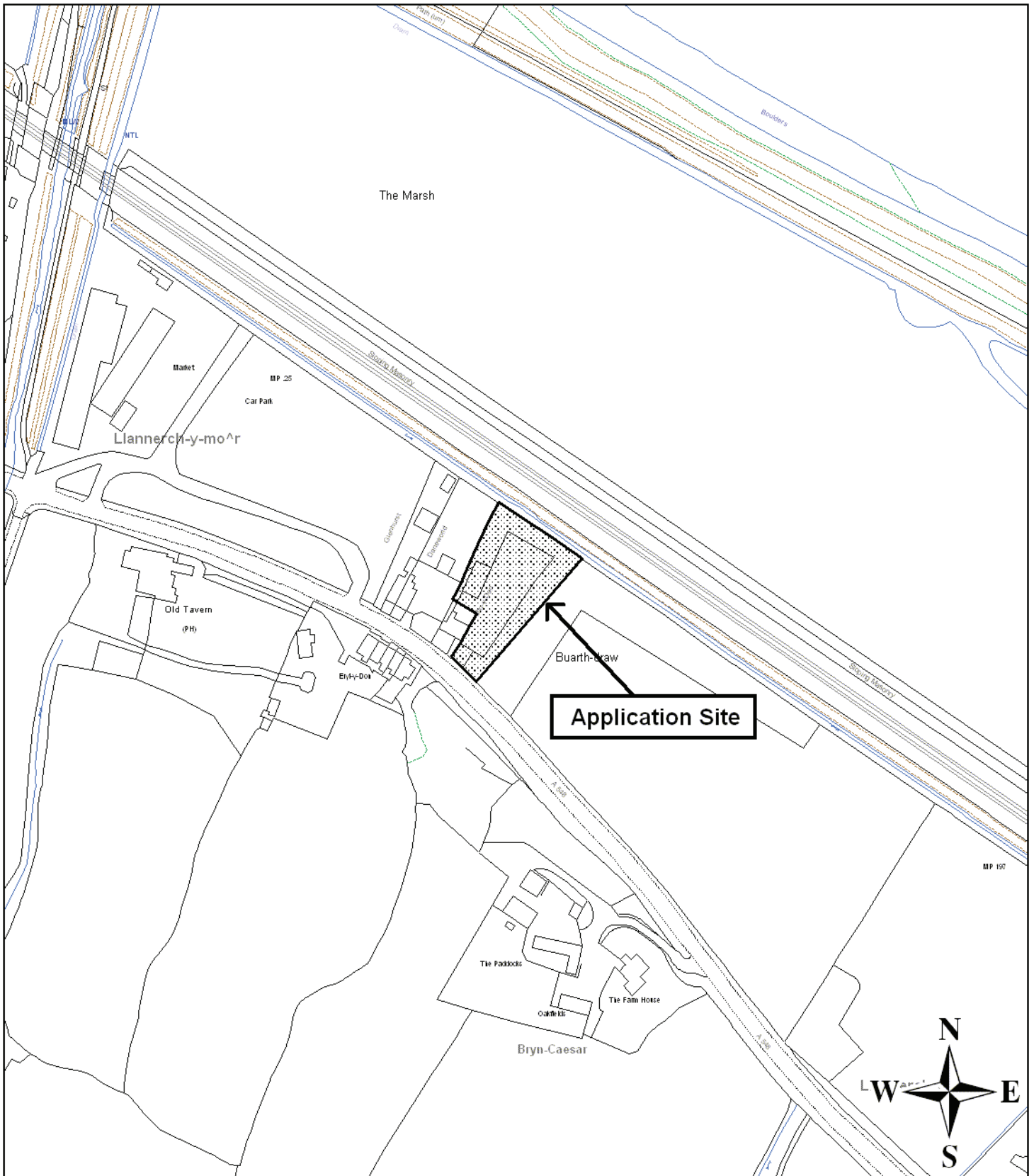
7.00 **CONCLUSION**

7.01 The Inspector concluded that the proposal was not unacceptable in the terms presented and would not give rise to unacceptable impacts upon landscape and was not therefore contrary to the applicable policies and therefore the appeal was ALLOWED.

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

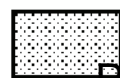


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application 49337

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