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Pennaeth Gwasanaethau Cyfreithiol a Democraidaidd



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

13 February 2013

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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, 20TH FEBRUARY, 2013** 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 16th January 2013.

- 5 **ITEMS TO BE DEFERRED**

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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
20th FEBRUARY 2013

Item No	File Reference	DESCRIPTION
Applications reported for determination (A=reported for approval, R=reported for refusal)		
6.1	048610 - R	Full Application - Erection of 20 No. semi-detached dwellings, part reconfiguration of existing (unadopted) road and extending to form new road layout at land off Fair Oaks Drive, Connah's Quay (Pages 17 - 36)
6.2	050300	Application for Approval of Reserved Matters for the Erection of 312 Residential Dwellings and Associated Works at Land at (Whole Site) Croes Atti, Chester Road, Oakenholt, Flint, Flintshire. (Pages 37 - 54)
6.3	050284 - A	Reserved Matters Application - Erection of a health care facility at former Ysgol Belmont Special School, Mill Lane, Buckley (Pages 55 - 72)
6.4	050313 - A	Variation of condition 3 of planning permission 3/240/94 to permit asphalt production from 0400 hours and the supply of asphalt outside current permitted hours on up to 45 occasions a year at Tarmac Central Limited, Pant Quarry, Halkyn, Holywell (Pages 73 - 86)
6.5	050252	Full application for the erection of single storey convenience store and associated car parking following the demolition of existing storage building at "Morris Garage", Wrexham Road, Mold. (Pages 87 - 98)
6.6	050161 - A	Full application - Provision of overspill car parking at Church of Jesus Christ Latter Day Saints, St. David's Park, Ewloe (Pages 99 - 104)
6.7	047951 - A	Outline Application - Erection of 73 No. Houses including Details of Access, Appearance, Layout and Scale (Landscaping Reserved for Future Approval) at Bychton Hall Farm, Maes Pennant Road, Mostyn. (Pages 105 - 120)
6.8	050213 - A	Application for approval of reserved matters following outline approval for 58 No. dwellings on land side of Glan y Don, Holywell (Pages 121 - 134)
6.9	048850	Full application for the erection of 18no. dwellings with associated roads, sewers and open spaces at Siglen Uchaf, Ruthin Road, Gwernymynydd (Pages 135 - 148)
6.10	049966 - R	Outline Application - Erection of a Dwelling on Land Adjacent to Fern Bank, The Old Warren, Broughton (Pages 149 - 158)
6.11	049839	Outline application - Erection of a Local Needs Dwelling at Wern Road, Rhosesmor, Mold. (Pages 159 - 166)
6.12	050340 - A	Full Application - Construction of the Southern Converter Station comprising valve halls, a control building and a spares building together with outdoor electrical equipment and associated access improvements, infrastructure, earthworks, security fencing, landscaped areas and habitat creation at Converter Station, land south of Weighbridge Road, Deeside Industrial Park, Deeside (Pages 167 - 180)
6.13	049993 - A	Full Application - Alterations to the fascia/facade at former Town Hall, High Street, Holywell (Pages 181 - 188)
6.14	050166 - A	Renewal of Planning Permission Ref: 046257 to allow the erection of a bungalow at land to the rear of 8 Mancot Lane, Mancot, Deeside (Pages 189 - 196)
6.15	043097	General matters - Demolition of existing three storey office building and erection of a 4-storey apartment block comprising of 34 no. 2-bedroom units and dedicated on-site parking at Flint House, Chapel Street, Flint (Pages 197 - 210)

6.16	050249	Full Application - Construction of an anaerobic digestion plant for the purposes of waste treatment and generation of 500kW renewable energy consisting of a reception building, 2 digestion tanks, a digestate product storage tank, 3 delivery storage tanks, 2 pasteurisers, CHP generation equipment including a exhaust stack, electrical grid connection infrastructure, and auxiliary sheilded flare, odour management equipment and concrete bunded walls at former "Grasser Works", Factory Road, Sandycroft, Flintshire (Pages 211 - 230)
6.17	050339 - A	Full Application - Erection of a 3 car garage with store room above and conversion of existing garage into games room at "White House", Sealand Road, Sealand, Flintshire (Pages 231 - 238)

Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.18	048799	Appeal by Mr Stephen Bailey against the decision of Flintshire County Council to refuse an application for a Lawful Development Certificate for a proposed use or development - Siting of a mobile log cabin on the Land for use as ancillary residential accommodation "Pentre Bach Farm", Ffordd Pentre Bach, Nercwys, Mold. (Pages 239 - 244)
6.19	048922	Appeal by Mr. & Mrs. S.A. Wright against the decision of Flintshire County Council to refuse planning permission for the change of use land for the siting of two static caravans on land adj. Wood View, Llyn Helyg, Lloc (Pages 245 - 250)
6.20	049451	Appeal by Mr. Gary Ames against the dedison of Flintshire County Council to refuse planning permission for the erection of 10no.two bedroom apartments at "Risboro", Nant Mawr Road, Buckley. (Pages 251 - 256)
6.21	049623	Appeal by Miss. Liz McFarlane against the decision of Flintshire County Council to refuse planning permission for the demolition of existing single storey rear extension and construction of new single storey extension to provide bedroom, bathroom and living space for wheelchair access at 15 Hawarden Drive, Buckley (Pages 257 - 262)

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
16 JANUARY 2013

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 16 January 2013

PRESENT: Councillor D.E. Wisinger (Chairman)

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

SUBSTITUTIONS:

Councillor: D.I. Mackie for R. Hughes and D. Hutchinson for R. Lloyd

ALSO PRESENT:

The following Councillors attended as local Members:-
Councillor R.P. Macfarlane - agenda item 6.1

IN ATTENDANCE:

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Senior Planner, Senior Minerals and Waste Officer, Capital Projects & Planning Manager (Education), Planning Support Officers, Democracy & Governance Manager and Committee Officer

129. DECLARATIONS OF INTEREST

Councillor A.I. Dunbar declared a personal and prejudicial interest in the following application:-

Agenda item 6.1 – Full application – Erection of 20 No. semi-detached dwellings, part reconfiguration of existing (unadopted) road and extending to form new road layout on land off Fair Oaks Drive, Connah’s Quay (048610)

Councillor C.A. Ellis declared a personal interest in the following application:-

Agenda item 6.5 – Renewal of Outline Planning Permission Ref. 041006 for proposed residential development at Holmleigh, Cheshire Lane, Buckley (049289)

In line with the Planning Code of Practice:-

Councillors R.G. Hampson, R.B. Jones and M.J. Peers declared that they had been contacted on more than three occasions on the following application:-

**Agenda item 6.6 – General Matters – Outline application for
Erection of 12 dwellings at Bank Farm, Lower Mountain Road,
Penyffordd (050003)**

130. LATE OBSERVATIONS

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

131. MINUTES

The draft minutes of the meeting of the Committee held on 12 December, 2012 had been circulated to Members with the agenda.

Councillor P.G. Heesom referred to page 3 and asked that the penultimate paragraph under minute number 111 items to be deferred (agenda item 7) be amended. Following a request from the Democracy & Governance Manager for Councillor Heesom to provide a form of words for his amendment, Councillor A.M. Halford proposed that discussion on the minutes be considered at the end of the meeting to allow Councillor Heesom to prepare a form of words.

RESOLVED:

That consideration of the minutes be deferred to the end of the meeting.

132. ITEMS TO BE DEFERRED

The Development Manager advised that deferment of the following application was recommended:

Agenda item 6.1 – Full application – Erection of 20 No. semi-detached dwellings, part reconfiguration of existing (unadopted) road and extending to form new road layout on land off Fair Oaks Drive, Connah's Quay (048610) – to await a response from the District Valuer following receipt of further representations.

On being put to the vote, the proposal to defer to application was CARRIED. Councillor D. Hutchinson expressed his disappointment at the application being deferred to a second time given the fact that members of the public were present for the application. The Democracy & Governance Manager indicated that it was unfortunate that the application had been deferred twice but that it arose from an issue recently raised by the public.

133. VARIATION IN ORDER OF BUSINESS

The Chairman indicated that there would be a change in the order of business to bring forward agenda item 6.6 – General Matters – Outline application for erection of 12 dwellings at Bank Farm, Lower Mountain Road,

Penyffordd (050003). The remainder of the items would then be considered in the order of the agenda.

134. GENERAL MATTERS – OUTLINE APPLICATION FOR ERECTION OF 12 DWELLINGS AT BANK FARM, LOWER MOUNTAIN ROAD, PENYFFORDD (050003)

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 Head of Planning detailed the background to the report explaining that this report was an update following determination of the application at the December 2012 meeting of the Planning and Development Control Committee. A resolution was sought for a Section 106 Obligation to cover the commuted sum payments in respect of educational and leisure provision and the carrying out of off site highway works. He highlighted paragraph 6.03 where it was reported that there was no longer a need to refer an application to Welsh Government for residential development which constituted a departure from policy if it was for less than 150 dwellings. However he referred Members to the late observations sheet where a letter from Welsh Government was attached directing the Council not to grant planning permission without the prior authorisation of the Welsh Minister.

The Development Manager confirmed that an element of affordable housing was not required as the development fell below the threshold. He added that the material issues were the educational contribution, play provision and a footpath to Penyffordd. The late observations sheet included a comment from the applicant's agent challenging the requirement for the construction of the cycleway pointing out that what was proposed as part of the application was a footpath link to Penyffordd. Further advice had been taken from the Highways officer and the recommendation was now to change the requirement for the cycleway to that of a footpath to Penyffordd. This would require a section 106 agreement to provide for the linking of what was proposed to the existing footpath infrastructure in Penyffordd in accordance with what was specified in the planning application. Condition 14 in the report needed to be amended to reflect the requirement for the 1.8 m footpath link from the site to Penyffordd and removing the reference to the cycleway. The issue of play provision was a standard requirement of £1,100 per dwelling in lieu of on site provision which would total £13,200. Supplementary Planning Guidance note 23 on Developer Contributions to Education had been used to calculate the funding for educational contributions and these totalled £73,729 for the relevant primary and secondary schools.

The Democracy & Governance Manager explained to Members that under normal circumstances, the applicant or his agent would not be permitted to address the Committee once they had already done so, but due to the exceptional circumstances because the section 106 obligation had not

been the subject of the original report, the Chairman had exercised his discretion to allow the applicant's agent to address the Committee.

Mr. S. Goodwin spoke in support of the application and said that the applicant had no objections to the suggested conditions except for the reference to the cycleway in conditions 14 and 15. He said that it was unnecessary to request his client to provide a footpath/cycleway to link to Penyfforddd as this formed part of the Warren Hall application and this request would result in duplication. Mr. Goodwin said that the applicant had no objection to the payment in lieu of on site play provision but said that he had not been provided with details of capacity in the schools in the area. He spoke of the Kinnerton primary school and Elfed high school which he felt could meet the requirements of children from the development. He said that under the Community Infrastructure Levy, contributions could only be requested where there was a need and he did not feel that the need had been demonstrated. He said that on the issue of land cost, if the £73,729 was not paid the site would break even but if the educational contribution was required the site would not be viable. He asked the Committee to allow delegated authority to the Head of Planning to negotiate a figure with the applicant for the section 106 obligation.

Councillor P.G. Heesom proposed that the Head of Planning be given delegated authority as suggested by Mr. Goodwin to discuss the terms of the section 106 in conjunction with the local Member for Kinnerton and this was duly seconded.

Councillor D. Butler queried whether other local Members should also be involved in the negotiations as the schools in their area could also be affected. Councillor R.C. Bithell said that the policy referred to the nearest school which he said could be Pentrobin, Penyffordd or Hawarden, all of which were near or over capacity.

The Capital Projects and Planning Manager (Education) provided details of the schools in the area which included St. John the Baptist, Kinnerton, Penyffordd and Castell Alun as reported in paragraph 6.05. She reiterated that the policy related to the nearest school to the development.

Councillor M.J. Peers referred to the footpath which had not formed part of the original application stating that any issues should have been known at the time of the previous report. On the issue of the educational contributions he said that the Local Planning Guidance (LPG) note 23 did not identify whether it was adopted or not and did not show when it was included on the website, both of which he felt were material considerations. He said that funding for the nearest schools had already been provided as part of the Wood Lane Farm and White Lion applications and he therefore felt that they had already been catered for and should not be requested as part of this application.

In response, the Head of Planning said that the LPG note 23 was adopted and had been consulted on and approved by County Council so was

relevant to this application. He added that the document would be amended to reflect when it had been adopted.

The Development Manager said that the formula in the LPG note 23 had been used and the request for educational contributions was a blanket requirement for any development where need had been established. He added that it would be wrong to require a contribution from one developer and not from another. Referring to the footpath, he advised that at the stage of the original application, the footpath was not a highway requirement but it had been offered by the applicant and there was therefore a need for it to serve a purpose by linking to the existing footpath infrastructure in Penyffordd, hence the need for the Section 106 Obligation.

Councillor R.B. Jones spoke of educational contributions and the LPG note 23 and said that it was important that consultation with the local Members for all of the schools affected by the development take place. Councillor R.C. Bithell referred to the comments of Councillor Peers and said that until the development was in place the monies for the education contributions would not be forthcoming and therefore to say that the schools had already been catered for was incorrect. Councillor R.G. Hampson said that he felt that to ask for the educational contributions was heavy handed and that the issue of viability of the site should also be considered. Councillor W. Mullin said that the Council's policies were clear and should be adhered to.

In response to a further comment from Councillor Peers about educational contributions, the Development Manager said that the LPG note 23 said that contributions would be requested for the nearest/suitable primary or secondary school. Details were provided for Members of the size of the sites at Wood Lane Farm and White Lion and the calculations used to identify the amount of funding requested.

Councillor Heesom reiterated his point that the Head of Planning should discuss the issues of the section 106 obligation with the local Member for Kinnerton. He added that the footpath/cycleway proposed formed part of another application so it was not necessary to duplicate the request. He also said that Penyffordd schools had already benefited from educational contributions from previous applications and he felt that this was also duplication. Councillor Heesom added that policies were in place for guidance.

The Head of Planning reminded Members of the three aspects to the section 106 agreement which were educational contributions, play provision and the footpath to Penyffordd.

Councillor Heesom said that he was satisfied that the educational contributions could be resolved by the Head of Planning and the local Member for Kinnerton. The Development Manager asked whether it was being suggested that the requirement for the footpath was not needed as it was to be provided for by the Warren Hall application. He pointed out that condition 15 of this recommendation indicated that the footpath link had to be provided

prior to the occupation of any dwellings, so this site could not be occupied until the footpath link was completed. The Head of Planning reminded Members that the footpath had been offered by the applicant and the section 106 obligation would secure the provision of the footpath.

On being put to the vote, Councillor Heesom's proposal was CARRIED.

RESOLVED:

That (subject to the current stop direction by Welsh Government being withdrawn) delegated powers be given to the Head of Planning to negotiate the detail of the Section 106 Obligation in conjunction with the local Member.

135. APPLICATION FOR OUTLINE PLANNING PERMISSION – DEMOLITION OF 2 NO. EXISTING BUNGALOWS AND ERECTION OF 5 NO. DWELLINGS ON LAND AT 85-87 WEPRE LANE, CONNAH'S QUAY (048261)

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 14 January 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report explaining that when the application was initially submitted, it was for 8 dwellings but this had now been reduced to 5 dwellings. Two indicative layouts had been provided. The main issues were whether the site was overdeveloped and whether there were highway safety concerns. The Head of Assets and Transportation had responded to the consultation that the 5 no. dwellings could be adequately served from a shared private driveway accessed from Wepre Lane. The officer indicated that there was also a view that the existing frontage would be maintained and that 5 no. dwellings was not an overdevelopment of the site. The site was in close proximity to the Special Area of Conservation and the Site of Special Scientific Interest but reasonable avoidance measures would be put in place along with conditions and a section 106 agreement for mitigation measures. He added that a bat survey had also been undertaken.

Councillor D. Hutchinson proposed the recommendation for approval which was duly seconded.

The local Member, Councillor A.I. Dunbar, spoke against the application and reiterated the concerns raised by the 6 letters of objection and Connah's Quay Town Council. He felt that it would generate additional traffic flows and he raised concern about traffic safety for access and egress to the site. He added that the application was an overdevelopment of the site and would impact on Wepre Park and he also referred to the bus stop within 30 metres of the site which he felt would be a safety hazard for vehicles leaving the site due to limited visibility.

Councillor R.B. Jones queried whether an educational contribution should have been sought and he asked for assurance that the section 106 agreement would be signed before the existing bungalows were demolished.

Councillor P.G. Heesom spoke of infill and said that the application was over-intensification of the site. He said that the road was densely used and was extremely dangerous; he felt that the policy should be reconsidered. Councillor H.G. Roberts said that the application complied with policy and said that the position of the site opposite a junction was ideal. Councillor D. Butler said that if it was not for the demolition the site was backland development and that it set a precedent for the future and he suggested that the issue be looked at by Planning Strategy Group. Councillor R.C. Bithell concurred that the application complied with policy and would not worsen or improve the site. Councillor M.J. Peers felt that this was a 1930's style ribbon development and that a courtyard development would be inappropriate.

The Planning Strategy Manager reminded Members that there was nothing in the Unitary Development Plan that would allow them to refuse the application in principle as it was within the settlement boundary and met all of the standards set by the Council. The officer explained that this was an application for outline planning permission so that no development management issues could be considered at a later stage. In response to the comment from Councillor Jones, he said that an educational contribution had not been sought as the site was for a net of 3 no. dwellings as 2 no. dwellings were to be demolished. He confirmed that the existing bungalows would not be demolished before the section 106 agreement had been signed. The Senior Engineer - Highways Development Control confirmed that Highways had no objection to the application subject to the conditions included. She added that the visibility splays met the full standards and Wepre Lane was more than capable of accepting the additional traffic.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of:-

- a) £1,100 per dwelling in lieu of on site play provision; and
- b) £2,500 per dwelling towards the management of the Deeside and Buckley Newts Special Area of Conservations (SAC).

136. **RESERVED MATTERS – DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE AND ACCESS THERETO, SUBMITTED IN ACCORDANCE WITH CONDITION NO. 1 OF OUTLINE PLANNING PERMISSION REF: 047769 TO ALLOW RESIDENTIAL DEVELOPMENT OF 19 NO. DWELLINGS AT THE FORMER WILCOX COACH WORKS, AFONWEN (048465)**

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 14 January 2013. 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 principle had been established when outline planning permission was granted. The proposed development was for 19 dwellings which would achieve Level 3 of the code for Sustainable Homes. A number of issues had been considered in the report including the impact upon the Area of Outstanding Natural Beauty (AONB). The issues of flood risk, drainage and land contamination had all been dealt with at the outline application stage so there was no need to replicate the issues in this application. A landscape buffer and area for children's play space formed part of the application with the play area being accessed by a footbridge.

Councillor W.O. Thomas proposed the recommendation for approval which was duly seconded. He felt that the site was an eyesore but he raised concern about a commuted sum being offered in lieu of affordable housing and the lack of a request for an educational contribution. Councillor Thomas hoped that the play area would meet the standards set by the authority and he raised concern on highway grounds due to the increased traffic which would be generated onto the A541 as a result of the application.

The local Member, Councillor J. Falshaw, referred to the play area and asked if it would be transferred to the Council with the developer providing a sum for the maintenance of the play space. He also said that the entry to the play area was on a privately owned road and requested that a sign be erected about no parking in the road. He also asked for anti-glare lighting as the site was close to the AONB. He queried whether the courtyard areas were large enough to accommodate the number of cars which would be created by the development. Councillor Falshaw also sought an update on the drainage problems in the area, particularly in Caerwys.

In response to Councillor Thomas's query about educational contributions, Councillor R.C. Bithell referred to the comment from the Director of Lifelong Learning on page 56 that the local schools had in excess of 30% surplus capacity and therefore no contribution had been sought in respect of educational needs. He raised concern about the possible flood risk in the area and the comments of the Environment Agency on flood alleviation. He asked if a Grampian style condition was required until the works by Welsh Water had been completed.

Councillor M.J. Peers asked for further detail on the affordable housing element of the application and said that 30% of 19 dwellings was 5.7 and therefore the sum requested towards affordable homes provision in the community should be £195,000; he proposed this as an amendment to the recommendation which was duly seconded. He also asked if the local Member had been involved in discussions about affordable housing.

The officer drew Members attention to condition 12 about the maintenance and management of the play area and said that the Council could not compel anyone to give the Authority the land for adoption but should they choose to do so, then appropriate maintenance funding would be considered. In response to a query from Councillor Falshaw, the officer said that the level of parking was considered to be acceptable. He explained that the flood alleviation works were complete and the signage requested by Councillor Falshaw could not be erected by the Council without consent as it was on private land.

On the issue of educational contributions, Councillor R.B. Jones said that there was a need to look at the capacity of the nearest primary/secondary schools that would be affected by the development when determining whether contributions were required. Councillor D. Hutchinson raised concern that the footbridge to the proposed play area was over a fast flowing river and he felt that the crossing should be more substantial than a flat causeway.

In response to the queries raised, the officer said that he had spoken to the local Member about the affordable housing element of the application and how the monies would be used in the locality. He advised Councillor Jones that the response from the Director of Lifelong Learning on educational contributions was reported on page 56. The details of the bridge to the play area would form part of the scheme to be submitted to include the layout and landscape of the area.

On being put to the vote, the amendment to ask for a contribution of £195,000 towards affordable homes provision was CARRIED.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following:-

- The payment of a contribution of £195,000 towards affordable homes provision in the community. Such sum to be paid upon completion or occupation of the 9th dwelling hereby approved.

137. METAL RECYCLING PLANT FOR END OF LIFE VEHICLES, FERROUS AND NON FERROUS METALS, REDUNDANT AND SCRAP CARAVANS AND ROOF WALL PANELS AT POINT OF AYR, FFYNNONGROYW (045069)

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 planning permission was granted in 2009 but that the applicant

had failed to enter into legal requirements and obligations, which were a pre-requisite of granting planning permission, despite ongoing discussions. In February 2011 contact was made by a new planning agent but progress had still not been made on the signing of the legal agreements but in August 2012 an alternative access was proposed. Consultations were undertaken but the relevant certificates were not submitted. The late observations detailing a recent alternative access to the site from Station Road was submitted by the applicant and correct certificates of ownership were submitted. It was also reported that the applicant was seeking deferment of the application to allow for consultation on this proposed alternative access into the site from Station Road. The officer explained that if the application was deferred, mitigation measures would still be required on land within BHP Billiton Petroleum Limited's control and as reported in paragraph 7.07 of the report, BHP were not willing to enter into any legal agreements with the applicant. She urged Members not to defer the application and to deal with the report before them as the applicant had already had more than sufficient time following the 2009 decision.

Mr. P. Lloyd, the agent for the applicant, spoke in support of the application. He said that Delyn Metals Limited had agreed to various details which included signing a Section 39 agreement but said that to date they had not received a draft of the agreement so could not be asked to agree to something they had not seen. He confirmed that Delyn Metals would comply with the conditions requested and said that they had also confirmed that they had a right of way over colliery land and that this had only been finally confirmed on 18 December 2012. He requested that Members confirm the use and put on a new time limit for the use on the site.

Councillor R.C. Bithell proposed the recommendation for refusal which was duly seconded. Councillor A.M. Halford agreed with the officer recommendation and she queried a comment in paragraph 8.03 about the very low bridge and the bridge strike which had occurred with the use of large vehicles and asked whether the cost of repair would be the responsibility of the local authority if the bridge was damaged. The Democracy & Governance Manager said that this was not a material planning consideration and should not be taken into account.

Councillor P.G. Heesom suggested that agreement of the application could be considered based on BHP reaching the end of the tenure of the site.

In response to a query from Councillor M.J. Peers on whether enforcement action would be taken if the application was refused, the officer responded that a refusal notice would be issued and the applicant would be written to querying their intentions. If they appealed against the decision to refuse, then enforcement action would be taken.

RESOLVED:

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

138. RENEWAL OF OUTLINE PLANNING PERMISSION REF. 041006 FOR PROPOSED RESIDENTIAL DEVELOPMENT ON LAND TO THE REAR OF HOLMLEIGH, CHESHIRE LANE, BUCKLEY (049289)

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. Councillor C.A. Ellis, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report explaining that there had been several material changes to the applicable policy context at both national and local levels and therefore whilst the application was a renewal, examination of issues arising from the new context had been reported in section 7 with the changes detailed in paragraph 7.09 of the report. He provided details of the section 106 obligations for ecological mitigation and on site play and recreation provisions. On the issue of drainage, he said that Welsh Water had indicated that the development would overload the system and had requested that a Grampian style condition be imposed prohibiting the occupation of any dwellings until either the improvement works were completed or the 1st April 2015, whichever was the sooner. The officer drew Members attention to proposed condition 8 and explained that the visibility splays should be 2.4m x 43 and not 45 as reported.

Mr. C. Jones spoke against the application and said that the design and access statement was misleading about the character of the area and the types of dwelling in the vicinity. His concerns included overshadowing, loss of privacy and highway safety due to the generation of additional traffic on Alltami Road from the development and the proposed new medical centre.

Councillor A.M. Halford proposed refusal of the application against officer recommendation which was duly seconded. She referred to the Grampian style condition suggested by Welsh Water and said that she felt that the application was premature and could be deferred until the works had been completed by Welsh Water.

Councillor P.G. Heesom commented on the amount of development in the area and said that the application should be refused. Councillors H.G. Roberts and R.C. Bithell said that the Grampian style condition had been applied to other applications and that there were no grounds to refuse the application.

In response to the comments made, the officer said that the principle of development was established as the previous application had not expired but the time limit for submitting a reserved matters application had run out. This was an application to renew the outline planning permission and a reserved matters application would look at issues such as educational contribution. On condition 13, he clarified that the occupation of any dwellings would be prohibited until either the improvement works on the sewerage system were complete or 1st April 2015 whichever was the sooner. The ecological

mitigation payment was required as the site lay in close proximity to the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and Deeside and Buckley New Sites Special Area of Conservation (SAC).

In summing up, Councillor Halford asked what would happen if Welsh Water could not fulfil their commitment to upgrade the sewerage system by 2015. In response, the Planning Strategy Manager said that a view would have to be taken by the Council at that time but that the upgrade works were part of Welsh Water's capital programme.

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

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, with condition 8 being amended to read 'visibility splays of 2.4m x 43m' and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide for the following:-

a) ensure the payment of a contribution of £1750 per dwelling to the Council for ecological mitigation. Such sum to be paid to the Council prior to the occupation of any dwelling subsequently approved under Reserved Matters.

b) ensure the payment of a contribution of £1100 per dwelling in lieu of on site play and recreation provisions. Such sum to be paid to the Council prior to the occupation of 50% of dwellings. Such sum to be used in the improvement of existing recreation and play facilities in the community.

139. GENERAL MATTERS – DEMOLITION OF EXISTING HOTEL BUILDINGS AND THE ERECTION OF 21 NO. APARTMENTS AT BRYN AWEL HOTEL, DENBIGH ROAD, MOLD (045180)

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 purpose and background to the report, explaining that planning permission had been granted in November 2008 but due to financial difficulties, the original applicant had not been able to conclude the Section 106 Agreement. The site had now changed ownership and the new owners wished to sign the Section 106 Agreement to allow the planning permission to be issued. Since the Planning Committee decision in November 2008, the Council had adopted a new supplementary planning guidance (SPG Note 23) which related to developer contributions to education. Based upon an assessment by the Head of Education & Resources, a resolution was now sought from Members to allow for the amendment of the previous Committee's resolution to grant planning

permission subject to conditions but with the legal agreement amended to reflect the financial contribution now required for education purposes.

Councillor P.G. Heesom proposed the recommendation to amend the legal agreement as detailed which was duly seconded.

Councillor R.C. Bithell asked whether the new local Member had been consulted and Councillor W.O. Thomas raised concern that there were no details of design in the report as this had been a problem at the time of the original application in 2008. Councillor R.B. Jones requested details of the nearest primary and secondary schools to the site and also details of capacity at each of the schools. Councillor C.A. Ellis asked for consistency and clear guidance on how the figure for educational contributions had been reached.

The Development Manager responded that the formula had been applied based on Supplementary Planning Guidance note 23. On the issue of design, he said that the officer recommendation on the previous application was one of refusal and that the application had not been put out to consultation again as the principle of the development had been established by the previous resolution. The Democracy & Governance Manager said that if Members wanted to revisit the merits of the application, he suggested that a further report be submitted to a future meeting once re-consultation had been undertaken.

Councillor Bithell referred to the recommendation from the previous application which was reported on page 134 which said that the detail and design of the building had to be to the satisfaction of the Authority. He asked whether any further details of design had been supplied by the new owners of the site. Councillor M.J. Peers asked that the matter of educational contributions would need to be submitted to Planning Strategy Group as in the past Members had been advised that the name of the school had to be included but this did not appear to be the case in all reports to this meeting. Councillor R.B. Jones proposed an amendment that details of educational contributions based on LPG 23 be provided and this was duly seconded. Following a comment by Councillor P.G. Heesom, the Development Manager said that officers were happy to revisit the design proposals.

RESOLVED:

- (a) That planning permission be granted subject to the new owner entering into a Section 106 Agreement or offering a unilateral undertaking in respect of the following issues:-
- In lieu of on site open space provision, payment of £733 per dwelling towards the upgrading of existing open space provision within the locality
 - An educational contribution of £49,028 to cater for the impact on primary education resources in Mold

- (b) That a letter be sent to Members of the Committee detailing the calculation for the educational contribution and the schools which would benefit.

140. VARIATION OF SECTION 106 AGREEMENT TO ENABLE 'RENT TO BUY' SCHEME ON LAND AT MANSFIELD, LIXWM (050246)

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 the explained that this application was to make the three remaining units upon site available for occupation by qualifying persons via a 'rent to buy' scheme. The major obstacle was that those who satisfied the criteria for the current shared ownership scheme had difficulty in obtaining mortgages and therefore the amendment to the section 106 agreement to the 'rent to buy' scheme was proposed, which he provided details of. He also added that the amendment to the section 106 agreement did not preclude someone undertaking the original 106 agreement.

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

Councillor W.O. Thomas referred to the two applications listed under the site history and said that a lot more activity had taken place on the site and he queried why the application was before the Committee at this time. He referred to another application on the agenda which reported that there were 31 applicants on the social housing register indicating Lixwm as their preferred location so he felt that there were people who wanted to live in Lixwm. The officer reiterated his comments that people did want to live in the area but were unable to access mortgages. Councillor R.C. Bithell referred to paragraph 8.01 and the main principle of Policy HSG11 that "houses will remain affordable in perpetuity for those in need.....". Councillor C.A. Ellis queried why the applicant could not drop the price of the three remaining units. Councillor M.J. Peers concurred and said that there was no mention in the report of what alternative methods had been explored for the remaining units. He felt that if the shared ownership scheme was in place at 70/30 then occupiers would be paying off a mortgage from the start of the scheme rather than putting a portion of the rental payment towards a deposit. He asked whether there were better options.

Councillor A.M. Halford said that things had moved on dramatically since the decision was taken for the shared ownership scheme in 2009 and she felt that the officer recommendation was sensible. Councillor P.G. Heesom felt that the developer should go with market forces and reduce the price of the properties rather than requesting an amendment to the section 106 agreement. Councillor D. Butler was concerned that if the decision could not be site specific then it could set a precedent for other developers to request amendments to section 106 agreements.

The Head of Planning said that permission had been granted for 25 properties and that 22 of the dwellings had been occupied. The market had been exhausted on the basis of the tenure offered and he added that the 31 people on the social housing register for Lixwm were for a different tenure which was to rent a property as they could not afford or did not qualify for a mortgage. The rent to buy scheme allowed people to move up the ladder by saving a deposit pot and did not mean that the properties would cease to be affordable.

On the issue of lowering the price, the officer said that the properties were already offered at 70% of the market value. The modification to the agreement would enable people to put forward a deposit to assist them to become owner occupiers.

RESOLVED:

That the terms and relevant clauses of the Section 106 agreement entered into in connection with planning permission ref. 041741 dated 17th December 2007, be amended to allow for the occupation of the 3 no. dwellings via a Rent to Buy scheme.

141. MINUTES

Following on from the earlier discussion on the minutes, Councillor P.G. Heesom proposed that the penultimate paragraph under minute number 111 (Items to be deferred (agenda item 7)) be amended to reflect his concern that Counsel's opinion had not been provided for Members and the failure of the Head of Planning to provide details of the traffic flow impact on amenity. The proposal was duly seconded by Councillor A.M. Halford. On being put to the vote there was an equality of voting and the Chairman used his casting vote to vote against the inclusion of the amendment proposed by Councillor Heesom.

Councillor R.C. Bithell proposed that the following words be included prior to the final sentence in the third paragraph on page 21 of the minutes (minute number 126):-

'Councillor Bithell also referred to the adverse impact which would result on the residents of Coed Onn Road and Chester Road if the barrier was put across the access and egress from Prince of Wales Avenue'.

On being put to the vote, the proposal by Councillor Bithell to amend the minutes was CARRIED.

RESOLVED:

That subject to the amendment proposed by Councillor R.C. Bithell, the minutes be approved as a correct record and signed by the Chairman.

142. APPEAL BY MR. & MRS. P. & C.E. HEWITT AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION OF A LOFT EXTENSION BY RAISING PART OF THE EXISTING EXTERNAL WALLS AND ROOF TO ACCOMMODATE A BEDROOM, DRESSING ROOM AND EN-SUITE BATHROOM AND WITH NEW ROOF WINDOWS IN THE EXISTING RETAINED PART OF THE ROOF AT STONELEIGH, BAGILLT ROAD, HOLYWELL (049514)

RESOLVED:

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

143. APPEAL BY MR. & MRS WILSON AGAINST THE IMPOSITION OF CONDITION NO. 3 (REQUIRING THE OMISSION OF ROOF LIGHTS) ON PLANNING PERMISSION 049662 AT HILLCREST, CAERWYS HILL, CAERWYS (049662)

RESOLVED:

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

144. APPEAL BY LYONS DEN LTD AGAINST THE REFUSAL OF CONSENT FOR THE DISPLAY OF ADVERTISEMENTS AT LYONS DENS FITNESS, BOOT END, BAGILLT (049874)

RESOLVED:

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

145. DURATION OF MEETING

The meeting commenced at 1.00 p.m. and ended at 4.29 p.m.

146. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 17 members of the public and 2 members of the press in attendance.

.....
Chairman

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 20TH FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **048610 - FULL APPLICATION – ERECTION OF 20 NO. SEMI-DETACHED DWELLINGS, PART RECONFIGURATION OF EXISTING (UNADOPTED) ROAD AND EXTENDING TO FORM NEW ROAD LAYOUT AT LAND OFF FAIR OAKS DRIVE, CONNAH'S QUAY**

APPLICATION NUMBER: **048610**

APPLICANT: **M.J. DAVIES LIMITED**

SITE: **LAND OFF FAIR OAKS DRIVE, CONNAH'S QUAY, FLINTSHIRE. CH5 4RR**

APPLICATION VALID DATE: **12TH MAY 2011**

LOCAL MEMBERS: **COUNCILLOR P. MACFARLANE**
COUNCILLOR P. SHOTTON

TOWN/COMMUNITY COUNCIL: **CONNAHS' QUAY TOWN COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST, SIZE AND SCALE OF DEVELOPMENT AND REQUIREMENT FOR SECTION 106 AGREEMENT**

SITE VISIT: **ALREADY UNDERTAKEN ON 10TH DECEMBER 2012**

Members will recall that this application was deferred from the meeting on 16th January 2013 as officers were seeking further clarification and comments from the Valuation Office Agency in terms of the viability assessment. These comments have now been received. On the basis of this additional clarification and comments together with evidence and discussions with the applicant that it is the intention to develop the land to the north of the site as well, the recommendation has now been changed from approval to refusal. The reasons why are explained within this report.

1.00 SUMMARY

- 1.01 This is a full application for the erection of 20 no. semi-detached dwellings, part reconfiguration of existing (unadopted) road and

extending to form new road layout at land off Fair Oaks Drive, Connah's Quay. The site forms part of a much larger area of land allocated for residential development in the Flintshire Unitary Development Plan. During consideration of the application, issues in respect of design, layout, access, residential amenity and ecology have been negotiated and resolved.

- 1.02 However, in principle, in planning policy terms, as the applicant does have an interest and intends to develop the land to the north as well, both sites have to be considered as a whole. Therefore, these proposals are considered as piecemeal development and not providing the required community facilities in terms of public open space, affordable housing and educational contributions.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION, FOR THE FOLLOWING REASONS:-

- 2.01 1. As the proposals only form part of the northern section of the housing allocation of HSG1(7) – Land adjacent to Fair Oaks Drive, Mold Road, Connah's Quay within the Flintshire Unitary Development Plan, the Local Planning Authority consider the development as being piecemeal, not providing the requisite community benefits in terms of public open space, affordable housing and educational contributions, thereby restricting the community's accessibility to these facilities, thereby contrary to Policies HSG1, STR1, SR5, HSG10 and IMP1 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 13 'Open Space Requirements' and Local Planning Guidance Note 9 'Affordable Housing'.

3.00 CONSULTATIONS

- 3.01 Local Members:

Councillor P. MacFarlane

Requests application be referred to Planning Committee as it is a significant development which will impact on the character of the existing houses. Requests site visit to see how proposals would alter and impact on the existing nature of the properties and likes to make the following observations:

- Since completion of the last phase, the road has yet to be adopted owing to the failure of the developer to complete the necessary work
- No further permissions should be considered on this site until the road is brought upto an adoptable standard.

Councillor P. Shotton

Requests that the application be referred to Planning Committee due to strong residents concerns.

Connah's Quay Town Council

Requests any further development should be in character and reflect the nature and types of existing development in the area. Therefore, request a site visit with local Members invited.

Head of Assets and Transportation

Recommends that any permission shall include suggested conditions.

Head of Public Protection

No adverse comments to make regarding the proposals.

Director of Lifelong Learning

Impact of pupil numbers that proposed development will have, indicates that Wepre CP and Connah's Quay High Schools will have the greatest need for additional capacity. Therefore the financial contributions requested are £17,500 for Wepre CP and £10,500 for Connah's Quay High School.

Public Open Spaces Manager

Initial comments were that based on 20 units, an area of land measuring approximately 1,120 sq m was requested. Also requested that the open space would need to be enclosed, or equipped with childrens play equipment and landscaped to the satisfaction of the authority. Following comments from Council's Ecologist advises that unless a 4 m access way can be provided to create pedestrian and maintenance access way through the hedge to link this open space with the proposed open space from adjacent development it is considered that it would be difficult to create a quality play space. Unless an area of open space could be identified adjacent to the 3rd phase, authority may wish to consider seeking an off site capital payment in lieu of on site provision.

Housing Strategy Manager

Based on 20 units, 30% provision on site would be 6 units. Preferred options of delivery would be 6 units while mix would be 4 x 2 bed and 2 x 3 bed for affordable rental or 3 units to be sold at 50% market value or 4 commuted sum for £250,000.

Environment Agency Wales

Standard advice applies.

Welsh Water/Dwr Cymru

Requests that if minded to grant planning consent for the above development that suggested conditions and advisory notes are included within the consent. Proposed development would overload the existing waste water treatment works. Improvements are planned for completion by 31st March 2013. Suggests imposition of Grampian condition.

Countryside Council for Wales

No objection to the suggested proposals.

Clwyd Badger Group

Setts located in proximity to the site. Badgers not being able to extend their territory. Development site is a foraging area, without it, badgers will not be able to get their food.

SP Energy Networks

Have plant and apparatus within area. Developer be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to the electrical apparatus.

National Grid

No response received to date.

Wales & West Utilities

The developer is to note the presence of intermediate/high pressure gas main(s) in proximity to the site. No excavations are to take place above or within 10m of the confirmed position of these mains without prior consultation.

Airbus

Do not have any comment on this development as it is below the height required for CAA consultation purposes.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

A petition with 130 signatures and 158 letters of objection received on original consultation. 117 letters of objection received upon the reconsultation of the amended plans. The grounds of objection are summarised below:-

- Existing road remains unadopted with no street lighting or pavements upon first phase
- Not in keeping with or considerate of existing homes
- Increase in anti social behaviour arising from proposed development
- Proposed parking likely to cause a problem as no area for visitors, which will lead to overspill causing a hazard to children, cyclists and other motorists
- Proposed development will be to the detriment to all families lives
- Loss of light and privacy upon adjoining occupiers
- Nuisance in terms of dust, noise and pollution whilst homes under construction
- Additional traffic and roadside parking will cause further traffic congestion, create a bottleneck of traffic and lead to safety hazards for pedestrians and motorists

- No play provision or affordable housing shown on the plans
- Exacerbate existing drainage problems
- Shouldn't be any homes built under power lines
- Local schools and other services are already full to capacity
- Detrimental impact on local wildlife
- Is there a need for this number of houses, given vast 650 houses on former RAF Sealand base.
- Already low voltage problems
- Don't want another Badgers Walk estate
- Standard of properties will not be maintained
- Already an abundance of cost effective housing
- Will lead to dogs being allowed to roam freely and leave excrement in area
- Applicant on forms says he has informed people on application but hasn't.
- Discrepancies on plans
- Increased risk of flooding.
- Numerous unoccupied properties in Deeside that would be occupied.
- Hedges are protected by law.

5.00 SITE HISTORY

5.01 None relevant

5.02 Adjoining Site
34942

Erection of 8 No. detached dwellings and estate road – granted 12th February 2003

01/5/391

Outline erection of 7 No. dwellings – granted 29th November 2001

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR4 – Housing

Policy STR7 - Natural Environment

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy D3 – Landscaping

Policy TWH1 – Development Affecting Trees and Woodlands

Policy TWH2 – Protection of Hedgerows

Policy L1 – Landscape Character

Policy WB1 – Species Protection

Policy WB2 – Sites of International Importance

Policy AC13 – Access and Traffic Impact
Policy AC18 – Parking Provision and New Development
Policy HSG1(7) – New Housing Proposals – Adj Fairoaks Drive, Mold Road, Connah’s Quay.
Policy EWP12 – Pollution
Policy EWP13 – Nuisance
Policy HSG8 – Density of Development
Policy HSG9 – Housing Mix and Type
Policy HSG10 – Affordable Housing within Settlement Boundaries
Policy SR5 – Outdoor Playing Space and New Residential Development.
Policy IMP1 – Planning Conditions and Planning Obligations.

Local Planning Guidance Note2 – Space Around Dwellings
Local Planning Guidance Note 13 – Open Space Requirements

6.02 National

Planning Policy Wales 2011

TAN2 – 2006 – Planning and Affordable Housing

TAN5 – 2009 – Nature Conservation and Planning

TAN11 – 1997 - Noise

TAN12 - 2009 – Design

TAN16 – 2009 – Sport, Recreation and Open space

TAN22 – 2010 – Sustainable Buildings

6.03

The site forms part of a larger area of land allocated for housing in the Flintshire Unitary Development Plan. It is also located within the settlement boundary for Connah’s Quay in the Flintshire Unitary Development Plan which is a Category ‘A’ settlement. In this context there is a clear policy framework supporting the principle of residential development on the site, subject to open space, affordable housing and educational contributions being provided. However, as the application only covers the southern piece of land of the northern section and not the whole of this part of the allocation, the proposals are considered as piecemeal development, not providing the necessary community facilities and therefore considered contrary to policies HSG1, STR1, STR4, SR5, HSG10 and IMP1 of the Flintshire Unitary Development Plan and Local Planning Guidance Notes 9 and 13.

7.00 **PLANNING APPRAISAL**

7.01 The site comprises 0.55ha of land forming part of a larger agricultural field. It is of an irregular shape, with its eastern boundary bordering onto an access road and rear gardens to residential dwellings, its northern, southern and western boundaries lie adjacent to fields and agricultural land bordered by fencing and hedgerows. There are no trees present within or on the boundary of the site. Electricity power lines are above the site to the east which run across in a north-south direction. The site is located in a predominantly rural area. To the

east, the site is located adjacent to a late 20th century housing estate and a small private residential development.

- 7.02 It is located upon the western limits of the built up area of Connah's Quay, off an unadopted estate road servicing a small residential development of Fair Oaks Drive. This in turn is served off Mold Road.
- 7.03 The development is for the erection of 20 No. semi-detached dwellings, of which 10 units will be 3 bedroomed with the other 10 units being 4 bedroomed. At present, there is no vehicular access onto the site. To the eastern boundary, an adopted highway, Fair Oaks Drive terminates at the boundary and an existing unadopted road continues from this point northwards to serve the 8 No. existing dwellings. It is proposed to reconfigure the section of the unadopted road that links Fair Oaks Drive to the proposed access road within the site and thus upgrading it to adoptable standards.
- 7.04 Issues
The main issues to consider within the determination of this application are the principle of the development in planning policy terms, the provision of open space and affordable housing together with educational contributions, whether the site is viable, the highway implications and the effects of the development upon the character and appearance of the area, the amenities of adjoining residents, wildlife and drainage of the area
- 7.05 Background
This site is part of a wider housing allocation – HSG1(7) land adjacent Fair Oaks Drive, Mold Road, Connah's Quay within the Flintshire Unitary Development Plan, nominally providing for 87 units at a ratio of 30 units per hectare.
- 7.06 Detailed pre-application discussions have taken place with the applicants that also included the application site and land to the north within the allocation for 44 units in total. The remaining part of the allocation lies to the south of the site and is for 43 units but is in another separate ownership. The requirements in terms of both on site public open space and affordable housing provision together with educational contributions were provided to the applicants. Despite these negotiations, no application was submitted for the larger site.
- 7.07 The current application was validated on 12th May 2011 for 20 units and does not include the northern part of the site. It is now evident that the applicant company does have an interest in this northern part of the site and do intend to develop this at a later stage.
- 7.08 Principle of Development
The whole site forms part of a larger area of land allocated for housing in the Flintshire Unitary Development Plan (HSG1(7) – adj. Fair Oaks Drive, Mold Road, Connah's Quay.

- 7.09 It is also located within the settlement boundary for Connah's Quay in the Flintshire Unitary Development Plan which is a Category 'A' settlement with an array of facilities and services as the site's allocation for residential development reflects both the strategy of the Flintshire Unitary Development Plan and the principles embodied in Planning Policy Wales. In this context therefore, there would normally be a clear policy framework supporting the principle of residential development on the site, subject to the requisite open space, affordable housing and educational contributions as detailed below being provided.
- 7.10 However, this is based on the whole allocation being developed on a comprehensive basis. It is acknowledged, that part of the allocation to the south of the site is not within the control of the applicant company but it has now been established that it does have an interest and intends to develop the land to the north. Therefore, the whole of this northern allocation needs to be planned on a comprehensive basis and not in a piecemeal way without the provision of the requisite community facilities.
- 7.11 Recreation and Public Open Space Provision
Initial consultation with the Head of Play Unit indicated, that based on 20 units, an area of land measuring approximately 1,120sqm was requested be provided on site which has to be located to the south of the site adjacent to the proposed open space, being provided by the developers of the southern section of the allocation. The open space would need to be enclosed, equipped with children's play equipment and landscaped to the satisfaction of the authority.
- 7.12 These requirements are based upon the guidance within the Local Planning Guidance Note 13 Open Space Requirements and Policy SR5 which is calculated upon 56.65 sq m per dwelling given that the open space is required to be provided on site given the lack of open space nearby.
- 7.13 However, 4m of the southern boundary hedgerow has to be removed for pedestrian and maintenance linkage with the proposed southern part of the allocation. This is deemed unacceptable by the Council's Ecologist upon the loss of part of a wildlife habitat for birds and bats.
- 7.14 The Head of Play Unit subsequently indicates that if this pedestrian and maintenance access way cannot be provided then it would be difficult to create a quality play space for this development at this location. It is also indicated that unless an area of open space could be identified adjacent to the 3rd phase of the development site, the Authority may wish to request seeking an off site capital payment in lieu of on site provision for this application.
- 7.15 Affordable Housing

Based on 20 units and 30% provision on site the Housing Strategy Manager requests 6 units. The preferred options of delivery being 6 units, where the mix would be 4 x 2 bed and 2 x 3 bed for affordable rental or 3 units to be sold at 50% market value or a commuted sum for £250,000.

- 7.16 Where there is a local need for affordable housing, Policy HSG10 requires the provision of affordable housing as part of land allocated for residential developments within settlements, namely those for 25 or more units or occupying one hectare or more. Where this need exists, the Council will negotiate with developers to provide 30% affordable housing in suitable appropriate schemes within defined settlement boundaries. Strictly, if the land subject of this application were considered to be a site in its own right, these provisions do not apply for this planning application as those thresholds stated within Policy HSG10 are not exceeded.
- 7.17 Educational Contributions
Consultation with the Director of Lifelong Learning indicates that based on a scheme of 20 units, the impact on pupil numbers that this development will have, indicates that Wepre CP and Connah's Quay High Schools will have the greatest need for additional capacity. Therefore the financial contributions requested are £17,500 for Wepre CP and £10,500 for Connah's Quay High Schools. These requirements reflect the approach within Policy IMP1 of the adopted Flintshire Unitary Development Plan and Local Planning Guidance Note 23.
- 7.18 Viability
The application has been the subject of lengthy and detailed negotiations in relation to the viability of the site in terms of its ability to yield the level of planning obligations identified above in accordance with the provisions of the Flintshire Unitary Development Plan. For clarity these relate to public open space, affordable housing and education provision.
- 7.19 Studies undertaken by the developer have been the subject of independent assessment by the Valuation Office Agency (VOA). This assessment originally confirmed that the viability assessment was accurate and did indicate that, as a combination of the small size of the site, the current economic situation and the abnormal cost associated with the development of the site (diversion of the high pressure gas main), the profits arising from this scheme would not reasonably allow for the provision of the planning obligations identified in paragraph 7.18 and therefore in strict accordance with the requirements of the Flintshire Unitary Development Plan policies.
- 7.20 Consultation with Wales and West Utilities indicates that an intermediate/high pressure gas main runs across the site in an east-west direction to the south of the site. To accommodate the southern

part of the development this is having to be diverted, so that it is now located approximately 5 m away from the proposed dwellings to the south of the site. Consultation with Wales and West Utilities indicates that this is now acceptable. The applicants in their viability appraisal estimate the cost of this diversion is £237,500. The VOA has concluded that “this figure is supported by documentation and that this is a significant sum for such a small development and directly impacts on the overall viability”.

- 7.21 Further discussions with the VOA however indicate that if the gas diversion costs were spread over a larger scheme (and no other abnormal costs were to be incurred) then the scheme would be improved and would expect that planning contributions (at a level to be determined) could be made without making such a scheme now viable.
- 7.22 The applicant has declined to withdraw this application and submit an application which includes the northern part, along with an amended viability assessment. However the comments from the VOA referred to in the paragraph above have to be considered in that the larger scheme is viable and that the requisite planning obligations would have to be provided, based on a rigorous appraisal of the revised viability assessment to inform the exact type, level and detail of obligations
- 7.23 Highways
The main access to the site is proposed off the unadopted road serving the existing development of 8 houses off Fair Oaks Drive to the south east of the site. The existing road will be reconfigured to allow access to both the proposed development and the existing residential properties. This will, in part leave a piece of land in front of No. 26 Fair Oaks Drive ‘vacant’ and still in the ownership of the applicant who has indicated that this will be landscaped as part of the development. Internal roads are also proposed within the site serving the proposed houses, with two proposed car parking spaces per unit coming off them.
- 7.24 The Head of Assets & Transportation considers these arrangements to be acceptable subject to appropriately worded conditions. The existing road and footways serving the existing small development is still unadopted. Condition No. 8 attached to planning application 34942 required these roads and footways be brought up to an adoptable standard upon occupation of the final dwelling on the development. This has been clearly breached and as a result, action has been taken by the enforcement section. The developer had completed these works and an inspection had taken place on 15th January 2013. However the footway has not been completed to an acceptable standard. The developer has been advised of the works necessary to bring the footway up to adoptable standard by our Highways Department which will be done as soon as possible.

- 7.25 Character and Appearance of Area
The site and the areas to the west, north and south are predominately rural in character. However, to the east lies residential development whereby the prevailing house types are detached and of two storey.
- 7.26 The development will be a mix of 2-3 storey semi-detached dwellings with pitched roofs and dormers. The external materials of which will be of concrete tiled roofs with facing brick walls and soldier course detailing to window and door openings. This combination of varying 2-3 storey ridge heights, dormer roof details, brick opening details and porch features adds variation and interest to the development.
- 7.27 The site layout is conventional in style and it is considered reflects the general layout of surrounding roads and properties where the properties directly front onto the main access road.
- 7.28 The density of development equates to approximately 36 dwellings per hectare. HSG8 of the Flintshire Unitary Development Plan advises that on allocated sites in Category A settlements the general minimum net housing density should aim to achieve 30 dwellings per hectare. This is a minimum figure, with the density of development upon this site being actually lower compared to other developments in the vicinity e.g., Machynlleth Way and Coniston Close where the density is approximately 47 dwellings per hectare.
- 7.29 A landscaping scheme is proposed which will comprise of grass and shrubbery strips to the sides of the driveways to provide visual interest as well as demarcate the boundaries between public and private spaces and between units. The existing hedgerows located on both the western and southern boundaries will be retained and additional shrubbery and a mixture of trees to front gardens will add to the rural feel of the development.
- 7.30 Impact Upon Adjoining Residents
Those existing properties most affected by the proposals are Nos 26 & 28 Fair Oaks Drive and Nos 2 & 4 The Highcroft which lie immediately adjacent to the site, to the north-east and east of the development respectively. The site is also at a higher level than those on Fair Oaks Drive. It is approximately 2 m higher from No. 26 Fair Oaks Drive to Plots 1 & 2.
- 7.31 Due to concerns from residents in terms of the loss of their potential amenities (overlooking, loss of light, obtrusiveness etc), the applicants have revised the layout of the proposed development which now shows that the proposed dwellings of plots 1 – 4 which face No. 26 Fair Oaks Drive and side onto No. 2 The Highcroft are now 2 storey instead of 3 storey, with those 3 storey dwellings being moved further away from the existing properties within the scheme.
- 7.32 The separation distance between the front first floor windows 1 & 2

the proposed plots and the front windows of No. 26 Fair Oaks Drive is approximately 25 m with the distance between the side of proposed plot 1 and No. 2 The Highcroft being approximately 14 m away. The rear of both plots 17 & 18 will be approximately 38 m away from the front of No. 26 with the rear of both plots 19 & 20 being located approximately 32 m away from the side of No. 26.

- 7.33 The above distances meet the minimum distance separation guidelines outlined in Local Planning Guidance Note 2 'Space Around Dwellings' and also take into account the difference in levels as detailed in paragraph 7.30 above.
- 7.34 Given the above, it is considered that there will not be a significant detrimental impact upon either the amenities of the existing and proposed occupiers in terms of loss of light, privacy and obtrusiveness etc. In terms of the size of the private amenity spaces of the proposed dwellings these also meet the guidelines as stated within the guidance note.
- 7.35 Ecology
The Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) designated for great crested newts (GCN) and known breeding sites occur within 500m to the south of the site.
- 7.36 European Protected Species (EPS) and their breeding sites and resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (as amended) and under Article 12 of the EC Directive 92/43/EEC in the United Kingdom. Plans or projects that could affect EPS must satisfy the appropriate Article 16 derogation and two mandatory tests. Disturbance to an EPS whilst occupying a place of shelter and/or obstruction of access to a place of shelter are also prohibited under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).
- 7.37 Regulation 9 (1) and 9 (5) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to ensure compliance with and to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC). Consequently the Local Planning Authority decision making must be undertaken in accordance with the compliance of the Habitats Directive.
- 7.38 The Local Planning Authority must be satisfied that a proposal satisfies the appropriate Article 16 derogation and two mandatory tests as part of the planning decision process. The need is to consider this derogation is specifically identified in TAN5 and Regulation 53 of the Conservation and Habitats and Species Regulations 2010. In consideration of these requirements is it

considered that the proposals seek to establish the principle of the use of the site for the purposes of residential development. The site lies within the identified settlement boundary of Connah's Quay and is identified as part of a site specifically allocated for residential development. National Planning Policies seek to direct the majority of new development of this form to existing urban centres upon sites which, by virtue of their location in close proximity to existing infrastructure and services, would also satisfy the sustainability aims of national policy.

- 7.39 The application site comprises an area of land which is part of an allocation in the Flintshire Unitary Development Plan. First allocated in 2003 in the deposit plan, the site has been through the full scrutiny process associated with the plan including public consultation and public inquiry. The site and its circumstances have been judged against a number of sustainability criteria via the strategic environmental assessment carried out on sites in the plan. This noted the potential for EPS, in this case GCN and recognised the need to carry out appropriate surveys prior to development. Having assessed the site in this way, both the development plan process and public inquiry has allowed for alternative local sites to be both considered and evaluated with none having been found to be more suitable than the application site. The site was therefore retained within the plan as an allocated site, identified to meet both local and County wide housing needs.
- 7.40 Due to the proximity of the planned development to both the SAC and SSSI, and records of great crested newts within the site boundary in 2003, both the direct and indirect effects on great crested newts need to be considered. An extended Phase 1 Habitat Survey has been submitted with the application and has identified that no aquatic features will be directly affected by the development and there are no permanent ponds within 250m of the site. The presence of Mold Road to the south of the site represents a significant barrier to movement of amphibian species. Due to the above, it is considered that there will be no adverse direct impact of the development upon these two designated sites.
- 7.41 The indirect effects on the great crested newt population in relation to the designated sites and its value as terrestrial habitat, as a link to the wider countryside and the increased recreational pressures especially when considered in conjunction with other developments in the Deeside and Buckley area ("in combination effects") have also been assessed.
- 7.42 The applicant intends to implement an amphibian exclusion fence around the boundary of the development, to be kept in place, monitored and maintained throughout the duration of works on site. However, it is anticipated that amphibian trapping will not be necessary as the development site and adjoining land is currently

maintained as short grassland, with the grass being cut to a length less than 10cm. The developer also proposes to make a payment of £25,000 to the Council to cover the improvement and maintenance of the existing wildlife area to the north east of the site for 5 years. Improvement works include the opening up of unmaintained ditches, pond clearance, tree work and repair of fencing etc. Maintenance works will include path and vegetation control, litter clearance, repair and tree works. The developer is willing to pay this sum as it has been already negotiated with and agreed with the developer and the Council's Estates Section and is a contribution towards mitigating the development's impact. Therefore any displacement caused by the development is locally offset by the improvement of this adjacent green space land. In addition, a pedestrian access will be provided into this piece of land along the northern boundary of the adjacent piece of land to the north east. The precise location of which is to be further submitted and agreed.

- 7.43 Immediately adjacent to the northern boundary of the field – some 80m from the site, is wetland managed by Flintshire County Council as a 'natural greenspace'. This habitat offers potential terrestrial habitat for newts and other amphibians as well as informal recreation. The development will result in the change of an area of improved agricultural grassland to residential housing and gardens. There will be no negative effect on the hedgerows surrounding the development and no mature trees will be adversely affected as these features are beyond the development site boundary/outside the site.
- 7.44 Given the above, it is considered that the development will have no significant adverse impact upon the ecological value of the SAC or SSSI directly and that any indirect adverse effects can be adequately mitigated against.
- 7.45 The above proposals will avoid any significant adverse effects on the features and integrity of the Deeside & Buckley Newt SAC and SSSI.
- 7.46 In relation to badgers there are no known setts on the development site itself and the development will not result in a significant loss of foraging habitat.
- 7.47 The hedgerows upon the boundaries of the site will be retained and therefore there will be no detrimental impact upon this habitat for bats or breeding birds.
- 7.48 Adequacy of Foul/Surface Drainage and Flood Risk
Representations have been made to the effect that the existing drainage infrastructure in the locality is inadequate to serve the proposed scale of the development. The proposals have been the subject of consultation with Dwr Cymru Welsh Water who advise that in relation to foul drainage that a programme of system improvements are planned and are expected to be completed by April 2013.

Accordingly, they request that a Grampian Style condition restricting the occupation of the proposed dwellings to a point not earlier than the 1st April 2013. Subject to the imposition of other conditions in respect of the submission, agreement and implementation of detailed drainage schemes, there is no objection to the proposal on drainage grounds.

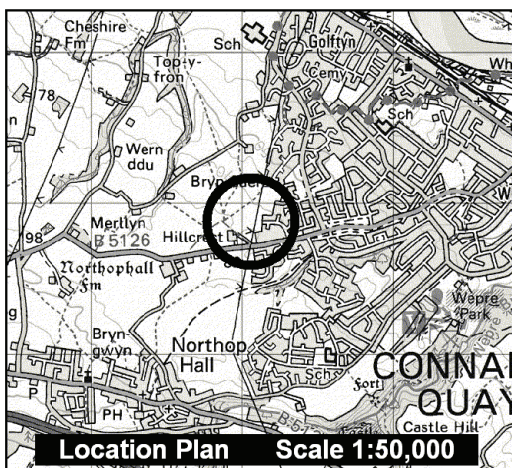
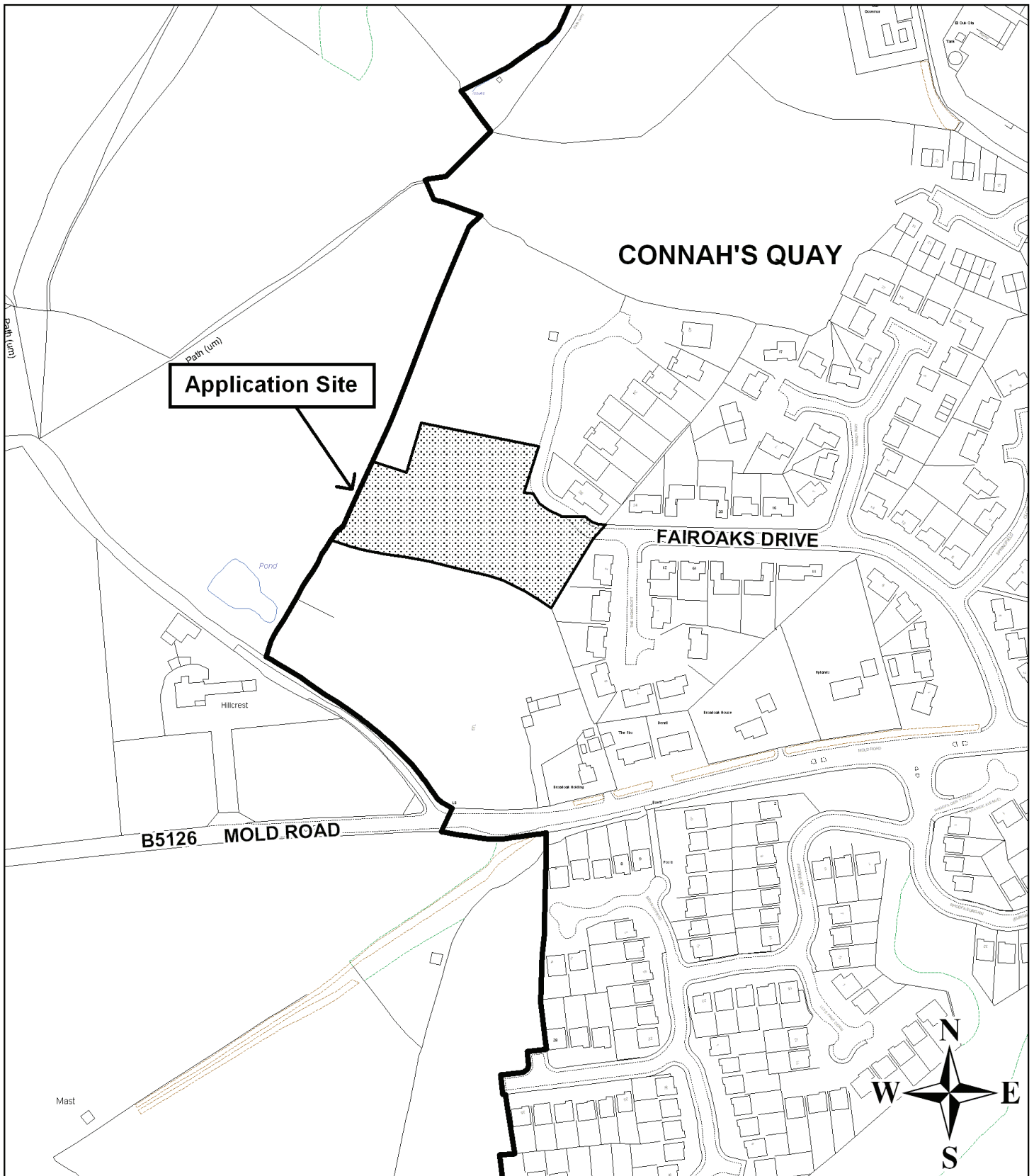
- 7.49 The site lies outside of any flood zone but consultation has been undertaken with Environment Agency Wales, who accordingly advise that they raise no objection to the development on these grounds.
- 7.50 With regard to the points raised by the residents (within paragraph 4.01) in terms of the applicant stating at question 8 – Neighbour and Community Consultation on the planning application forms that neighbours and the community have been consulted on the application, this has been checked and the applicant had not in fact consulted the community on the application. The application forms have been subsequently amended.
- 7.51 In addition, the Design and Access Statement has been amended to rectify the discrepancy upon the number of bedrooms stated in the DAS and upon the layout plans for the Type C dwellings. This matter was also raised as a discrepancy by objectors at paragraph 4.01.

8.00 CONCLUSION

- 8.01 As the site forms part of a housing allocation within the Flintshire Unitary Development Plan, the principle of residential is acceptable. However, this should not be in a piecemeal manner and without the requisite community facilities.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

Contact Officer: Alan Wells
Telephone: 01352 703255
Email: alan.wells@flintshire.gov.uk

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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

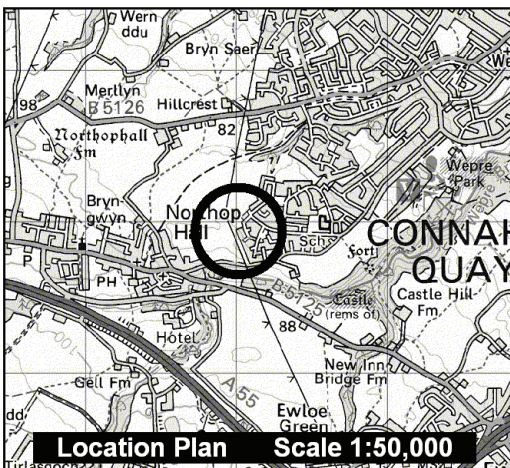
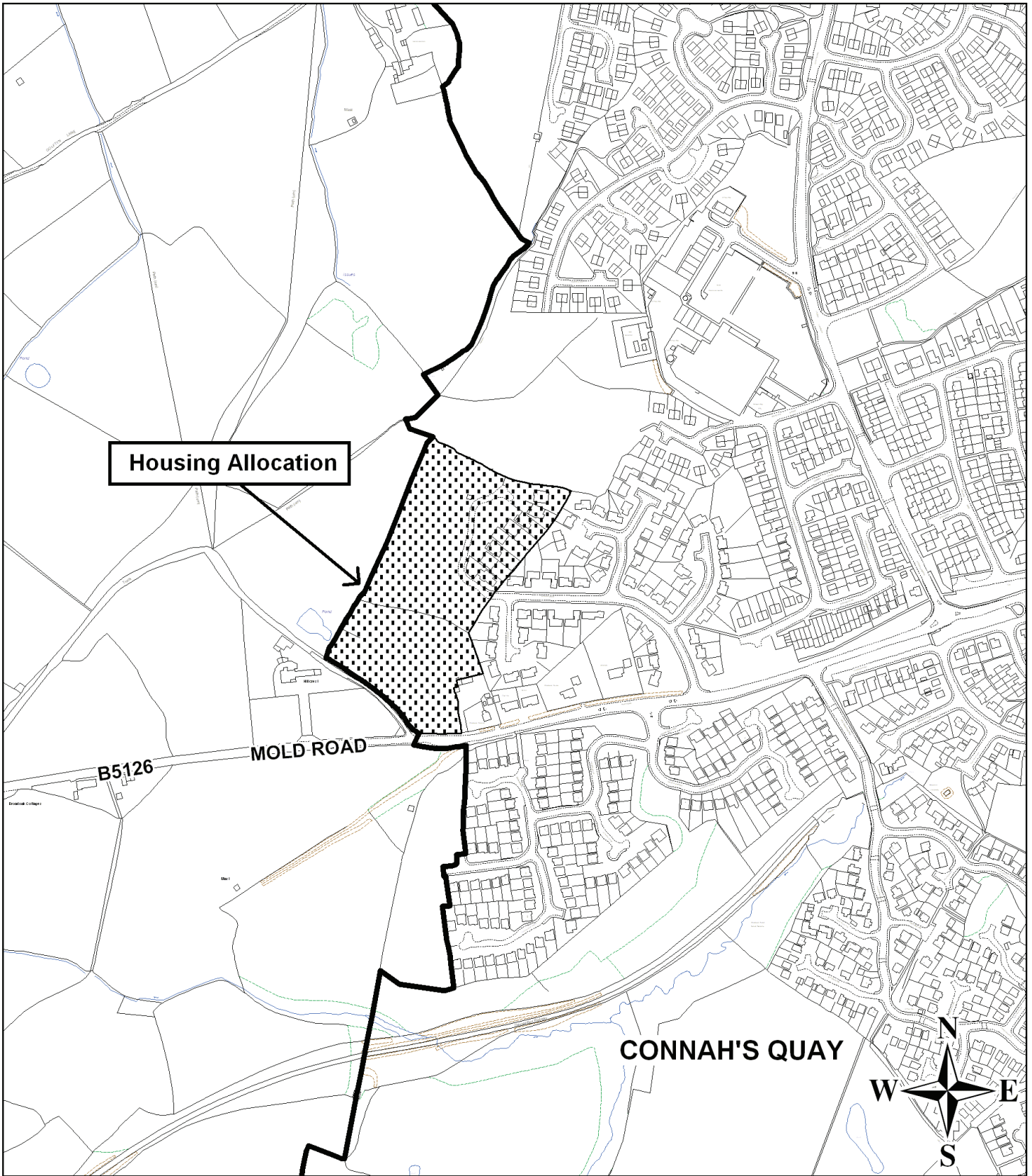
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OS Map ref SJ 2868

Planning Application **48610**

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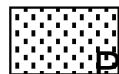


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Housing Allocation HSG1(7)

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Planning Application **48610**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 20TH FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RESERVED MATTERS - APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF 312 RESIDENTIAL DWELLINGS AND ASSOCIATED WORKS AT LAND AT (WHOLE SITE) CROES ATTI, CHESTER ROAD, OAKENHOLT, FLINT, FLINTSHIRE.**

APPLICATION NUMBER: **050300**

APPLICANT: **ANWYL HOMES LTD**

SITE: **CROES ATTI, CHESTER ROAD, OAKENHOLT, FLINT**

APPLICATION VALID DATE: **20TH NOVEMBER 2012**

LOCAL MEMBER: **COUNCILLOR R JOHNSON**

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

REASON FOR COMMITTEE: **SCALE OF THE DEVELOPMENT PROPOSED AND LOCAL MEMBER HAS REQUESTED COMMITTEE DETERMINATION**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This reserved matters (RM) application follows the grant of outline planning permission on land at Croes Atti,, originally in July, 2006, and includes all the land which has not previously been subject to an RM application.
- 1.02 The original submission was for the approval of reserved matters for the erection of 312 dwellings. As the result of discussions the numbers have reduced to 306 dwellings. The site of the present application measures approximately 13.01 hectares in area and is the third reserved matters submission following the granting of the outline

planning permission reference 035575 on 11th July 2006, for a mixed use development including residential use, open space, infrastructure, landscaping, education and community facilities on the land.

1.03 As noted the current application proposes development comprising the erection of 306 dwellings which vary in design, from one bedroom apartments, terraced two storey dwellings; semi detached dwellings and detached dwellings. The application forms part of the much larger site which has an overall area of 27 hectares having been granted outline planning permission in 2006. The previous outline application and reserved matters applications and the current reserved matters application have all been subject of extensive pre application discussions between the applicants and the Council. The design and layout of the present proposal has been designed to have regard to the parameters as identified in the original outline permission and the 'Design Principles' and 'Development Brief' drawn up as part of the permission and the 'Croes Atti Master plan' and reflects the layout and house types approved under the previous reserved matters applications.

2.00 RECOMMENDATION: TO GRANT APPROVAL, SUBJECT TO THE FOLLOWING:-

2.01 Conditional Permission

Conditions

1. In accordance with approved plans.
2. Remains subject to conditions on outline planning permission
3. Notwithstanding the submitted details, the proposed development shall be carried out in accordance with a schedule of materials to be submitted, and agreed.
4. No works shall commence unless a detailed scheme for the construction of a roundabout junction on the A548 and a scheme for the improvement of Coed Onn Road has been submitted to and approved.
5. No works shall commence unless works specified in the aforementioned Agreement have been completed.
6. Visibility splays shall be made available and kept free from all obstructions for the duration of site construction works.
7. Access to each plot shall be in accordance with the attached standard detail relating to a single and paired residential access.
8. The front of the garages shall be set back a minimum distance of 5.5 m behind the back of the footway line or 7.3m from the edge of the carriageway in the case where the crossing of a grass service margin verge is involved.
9. The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction

of the internal estate roads shall be submitted to and approved by the County Council prior to the commencement of any site works.

10. Positive means to prevent the run-off of surface water onto the highway shall be provided.
11. Legally defined public rights of way which affect the site must be marked out on site.
12. Prior to the development commencing a comprehensive planting plan to be submitted and approved.
13. Landscaping scheme to be submitted demonstrating how landscaping /specification will be implemented.
14. Avoidance measures and mitigation details to be submitted.
15. Work not to take place during bird breeding season.
16. Archaeological watching brief

3.00 CONSULTATIONS

3.01 Local Member (s)

Councillor R. Johnson

Asks that the application is taken to Committee. Wish as local member to comment to the Committee on the application, received representations from local residents about impact and disamenity of the proposal and concerned that their views are relayed to the Committee.

Councillor D. Cox

Agrees to the determination of this application under delegated powers.

Councillor I.B. Roberts

Agrees to the determination of this application under delegated powers.

Councillor E.F. Evans

No response at time of writing

Councillor H.T. Howorth

No response at time of writing

Councillor A. Aldridge

Agrees to the determination of this application under delegated powers.

Flint Town Council

The Council has no objections.

Head of Assets and Transportation (Highways)

Recommend that any permission shall include the following conditions:

- No works shall commence unless a detached scheme for the construction of a roundabout junction on the A548 and a scheme for the improvement of Coed Onn Road has been submitted to and approved.
- No works shall commence unless works specified in the aforementioned Agreement have been completed.
- Visibility plays shall be made available and kept free from all obstructions for the duration of site construction works.
- Access to each plot shall be in accordance with the attached standard detail relating to a single and paired residential access.
- The front of the garages shall be set back a minimum distance of 5.5 m behind the back of the footway line or 7.3 m from the edge of the carriageway in the case where the crossing of a grass service margin verge is involved.
- The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads shall be submitted to and approved by the County Council prior to the commencement of any site works.
- Positive means to prevent the run-off of surface water onto the highway shall be provided.
- Legally defined public rights of way which affect the site must be marked out on site. The surface of the rights of way must not be disturbed without lawful permission and development over the line of the public right of way until any necessary diversion or extinguishment has been lawfully authorised under the appropriate legislation.

Drainage Section

No response at time of writing.

Rights of Way

Footpath crosses site applicant must contact Rights of way Section before proceeding with any works. Rights of way must be marked out and surface right of way must not be disturbed without lawful permission. Applicant may be required to apply for a temporary Closure Order.

Street Lighting

No response at time of writing.

Head of Public Protection (Pollution)

Confirms that he has no adverse comments to make regarding the proposal.

Lifelong Learning

No response at time of writing.

Housing Strategy Officer

Confirms that the affordable units will be spread around the site and will be sold on a shared equity basis, the Council retaining 30% as a 'second charge'.

Public Open Spaces

The level of open space provision for the development has been agreed within the previous Section 106 Agreement.

Welsh Water/Dwr Cymru

No response at time of writing.

Environment Agency

Seek confirmation of how surface water is intended to meet standard requirements, i.e., confirmation of run off rates, attenuation and discharge locations. Further information has been submitted and the Environment Agency confirm that they are satisfied with the proposal to freely discharge to the Welsh Water drainage scheme as outlined.

Airbus

Have no aerodrome safeguarding objection to the proposal.

Clwyd Powys Archaeological Trust

Presently dealing with agreed watching brief on the land 20 metres south of the main road, Earthworks archaeology will be completing the work next week. Recommend with regard to this site that an archaeologist be contacted to be present during the topsoiling operations, by way of a watching brief.

Clwyd Bat Group

No response at time of writing.

Clwyd Badger Group

No response at time of writing.

Countryside Council for Wales

Proposal is not likely to adversely affect any of the interests as specified below:

Mynydd Fflint Flint Mountain Site of Special Scientific Interest.

Dee Estuary Special Area of Conservation, Special Protection Area and Ramsar Site.

CCW does not object to the proposal, however, advise that

consideration be given to ensuring compliance with the provisions of the Habitats Regulations. Also advise that any consent consider the safeguard of Flint Mountain SSI; the provision of an overarching recreational strategy; bio security and requirements for appropriate SUDS based surface water management system.

National Grid Plant Protection

No response at time of writing.

Coal Authority

Object to this planning application as a Coal Mining Risk Assessment report has not been submitted as part of the application. The applicant has now submitted further information in respect of the coal mining risk assessment and a response is awaited from the Coal Authority.

Welsh Government (Transport)

Welsh Government as highway authority for the A55 trunk road does not issue a direction in respect of this application.

SP Energy Networks

SP Manweb PLC have plant and apparatus within the area of the proposed development, the developer should therefore be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to the Electrical apparatus.

British Pipelines Agency

Have no comments to make in relation to the application.

Ramblers Association

Footpath is now safeguarded and do not wish to put forward an objection. Suggest street lighting be put on those sections that will be well used by public also vary surface to identify right of way.

CADW

The proposed development is located in the vicinity of the scheduled ancient monument known as Pentre Bridge Roman Site (FL131). Taking into account that the Roman remains are no longer visible above ground and the degree to which the scheduled area itself has been landscaped there will in Cadw's opinion be no significant impact on the setting of the monument. Cadw would also add that the location of the development immediately adjacent to a scheduled Roman site with extensive known deposits dictates that there is high potential for related undesignated archaeological remains in this area. The Development Control Archaeologist at the Clwyd Powys Archaeological Trust should be consulted on this possibility.

4.00 PUBLICITY

4.01 Press Notice, Site Notices x 8 posted in area, Neighbour Notifications:-

The proposed development has been the subject of a wide level of consultation. The application has been publicised by means of site notices, press notices and neighbour notification letters.

At the time of writing seven letters of objection has been received (including one from an Assembly Member) :-

Main objections refer to :

- The principle of development (which is not material to this application for approval of reserved matters)
- Weight of through traffic onto Coed Onn Road - no physical deterrent to traffic using internal link road as rat run.
- General traffic movements through the sit and their impact on existing residents
- Safety of schoolchildren and pedsetrians
- the position of a footpath link adjacent to the property known as Cwm Eithin.
- Plans show 50% more housing than that originally envisaged in 1999 design brief, when barriers were shown.
- Submitted documentation shows access from Prince of Wales Avenue, not as per Committee decision, presumptuous until result of inquiry is known. (**NOTE : This aspect of the proposal does not form part of this application and has been the subject of an inquiry held on 30th and 31st January this year and the outcome of this appeal is awaited**).
- Should be a traffic assessment that reflects impact upon Coed Onn Road without barriers.
- Flooding risk - Files show surface water will discharge via existing watercourse land at higher level causing significant chance of flooding of existing and proposed houses.
- Access from south of site too close to realigned Starkey lane junction - confusion as to motorists intentions. Re-aligned Starkey Lane will cause problems in icy/snowy conditions.
- Footpath 48 crossed by roads, speed retarders not provided
- Missing length of footway - some 300 metres, children will have to cross Coed Onn Road and three other roads and cross back over to access school. Result in a route that is not safe.
- Impact on Archaeological heritage (and the amount of time given to investigate the finds on the other part of the site

5.00 SITE HISTORY

5.01 98/17/1308

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

035575

Outline application for a mixed use development including residential, open space, infrastructure, landscaping, education and community facilities was reported to committee on 19.7.2004 which resolved to approve subject to a Section 106 Agreement -the agreement was signed and the permission issued on 11th July 2006.

044033

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

044035

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

046562

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

046595

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

049154

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted - appeal submitted for non determination, this was considered by way of a public inquiry on 21st/22nd August 2012 –the appeal was allowed and the planning permission was varied to allow 7 years for the submission of reserved matters.

049312

Application for a Lawful Development Certificate for construction of vehicular access from Prince of Wales Avenue, Flint to serve

residential development at Croes Atti, Oakenholt, permitted by outline planning permission code number 035575 dated 11th July 2006 – granted on 5th April 2012.

049426

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted – resolved to grant planning permission at Committee on 25th July, 2012 subject to completion of S.106 Obligation.

050258

Proposed house type substitutions and amendments to plots 62, 62a, 63, 65-70, 72-74, 74a, 75-93, 95-103, 106-108, 110-112, 112a, 113, 116-118 and one additional plot to that approved at Croes Atti, Chester Road, Oakenholt. – still under consideration.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development inside Settlement Boundaries.

Policy HSG3 – Housing upon Unallocated Sites within Settlement Boundaries.

Policy HSG2 – Housing at Croes Atti, Flint.

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Type and Mix.

Policy D1 – Design Quality, Location and Layout.

Policy D2 – Design.

Policy AC13 – Access and Traffic Impacts.

Policy AC18 – Parking Provision and New Development.

Policy SR5 – Outdoor Playing Space and New Residential Development.

7.00 PLANNING APPRAISAL

7.01 Principle of Development

This reserved matters application proposes the erection of 306 dwellings, on land at Croes Atti, Chester Road, Oakenholt. The current site measures 13.01 hectares in area and is the third reserved matters application to be submitted following the granting of the outline planning permission for the site in 1996, as amended by an appeal into non determination of planning permission for the development of the land without complying with conditions previously imposed.

- 7.02 The proposal itself forms part of an overall site of 27 hectares which was granted outline planning permission for a mixed use development scheme comprising residential development, public open space, infrastructure works, landscaping and education and community facilities. The previously granted outline approval and the past and current reserved matters applications have been the subject to extensive negotiations between the applicant's and the Council.
- 7.03 The current reserved matters application has been submitted as required following the granting of outline planning permission under reference 035575 this being the original outline permission which is noted above. The principle of residential development on this part of the site has therefore been established under the outline permission as amended by the appeal decision made under application reference 049154 and the current application being the third reserved matters application following the granting of the outline consent.
- 7.04 Design & Appearance
The proposed development is designed to link in with the other approved parcels of land all of which are accessed off a new distributor road via a new roundabout access onto Chester Road Oakenholt. Overall the density and character of the site will vary in design from two storey apartments, terraced two storey dwellings, detached dwellings, and semi detached dwellings. This application also has an assortment of house designs consisting 312 dwellings which proposes a mix of sizes and types with the proposed density being 30 dwellings per hectare which is in line with the original development brief.
- 7.05 The development of this site as with the previous parcels already approved has been designed following the principles as set out in the Outline Approval reference 035575 and the 'Design Principles Statement, 'Development Brief', and 'Master plan'.
- 7.06 The design philosophy for the development has been to create an attractive residential neighbourhood, with an attractive gateway into the development, while creating a sense of space which reflects the character of the surrounding area with particular reference to the local vernacular. The layout provides routes within which the sense of place reinforces the character of the area. The layout proposed also reinforces the amenity value of the existing watercourse which crosses the site, creating a green link through the site while adding to its recreational value. The use of existing planting on the site plus the provision of additional screen planting will also soften the layout while providing a mix of dwelling types and designs.
- 7.07 The proposed dwellings are considered sympathetic to the existing development in the area and that already approved where the vernacular is predominately Victorian, where a consistency of scale/materials have been incorporated into the scheme. The

proposed designs include the use of materials that are sympathetic to the site and area.

7.08 Policy Context

While a large number of policies apply, the application site was allocated for development in the Draft North Flintshire Local Plan (LP) which was approved by the Council for development control decisions in November 1998. Policy H1 allocated the site for houses, Policy H2 indicated that the development should only come forward in accordance with the Development Brief which was produced by the Council in December 1999. A revised Development Brief was prepared and approved in May 2005 and was adopted as Supplementary Planning Guidance to the LP.

7.09 The Flintshire Unitary Development Plan (UDP) was placed on deposit in September 2003. Policy HSG2 of that Plan said that new housing will be permitted on the site as part of the mixed use development subject to certain criteria including that it provides a mix of house types, including an appropriate proportion of affordable housing, it is developed in phases during the Plan period and it represents an exemplar development in terms of its quality, design, layout, form and function. The UDP was adopted in September 2011 and the wording of Policy HSG2 has not changed since its adoption. Furthermore, the text to UDP Policy HSG2 refers to the Development Brief being agreed between the Council and the developers as a basis on which to develop the site.

7.10 Impact on Residential Amenity

The proposed development is bordered by the St. Richard Gwyn High School playing field to the north west boundary of the site and the previously approved area off residential development approved, with open countryside forming part of the overall site to the southern boundary and residential properties to the east and along part of the south western boundary. The layout shown and the house types proposed allow for space about dwellings which are considered not to be detrimental to amenities of the existing dwellings by way of overlooking or physical proximity.

7.11 The proposed development is considered to provide adequate private amenity space in addition to space about dwellings, whilst at the same time benefiting from formal and informal public open spaces which forms part of this phase of the development and that previously approved.

7.12 Landscape & Nature Conservation

The overall aims and objectives set for the site in the original site brief are as follows:-

- Retain and enhance any natural features where ever possible including trees, hedges, woodland and streams.

- Encourage wildlife/nature conservation by the use of native planting where ever possible.
- Create areas of Public Open Space throughout the development of both equipped and native play to supplement the existing proposal for a large central Public Open Space within Phase 1 of the development.
- Provide a landscape framework within the housing area with a hierarchy of planting to respond to the housing layout and create a sense of place.

7.13 In terms of this application native trees and hedges have been retained. The existing planting has also been enhanced with the use of native planting within the Public Open Spaces including wild flower seeding to the banks of water courses along with enhancement of hedges and wooded areas.

7.14 The majority of the trees on site are within are, mainly within hedges the majority of trees being Oak, Ash and Alder with some Willow and Sycamore, all of these trees in are to be retained. Additional planting of native tree species is proposed which will improve numbers and diversity of species throughout the site. Such species proposed are Oak Ash, Rowan Birch Cherry and Field maple and Crab Apple.

7.15 There will be a hierarchy of planting within the site with the larger native tree, hedge and shrub planting to the majority of open spaces as described above. Within the housing areas more formal/ornamental planting using smaller tree species and evergreen shrub and hedge planting. Discussions have taken place regarding the planting on site and the issue outstanding is the need for information indicating the location of shrubs/herbaceous plants to the house frontages. This aspect can be conditioned as part of any approval and a condition has been included. From the nature conservation point of view two conditions have be requested by the ecologist relating to avoidance measures and mitigation and that works do not take place during the breeding season.

7.16 Open Space Provision

The site benefits from the previously approved formal “village green” which includes a mini soccer pitch, a junior play area, a toddlers/picnic area, a Multi Use Games Area (MUGA) which forms part of the wider open space allocation for the overall site. The current application site proposes smaller informal public open space/areas within the site and in particular provide an informal area running through the site which takes advantage of the stream running through the site. The less formal public open space takes advantage of retaining as much existing boundary landscaping as possible while being supplemented

with new planting. The proposed public open space within the site has been designed to be overlooked to provide surveillance from nearby dwellings, and also benefits from active frontages which assist in providing safer environments.

7.17 Drainage Issues

The original outline was conditioned to allow for the development to incorporate a sustainable urban drainage system however following the appeal decision under planning reference 040154 the Inspector imposed alternative conditions regarding the treatment of foul and surface water disposal. The Environment Agency/Welsh Water have not objected to the proposal. At the time of writing works have been undertaken to off site sewer works which include improvements to a pumping station which caters for the Croes Atti development in addition to improving drainage in the area.

7.18 Affordable Housing

As required by the Development Brief this application incorporates a 10% allocation for affordable housing. While it was initially envisaged that this allocation would be provided in an early phase off construction by grouping them together this did not comply with the provisions of the brief. The developer has now confirmed that the affordable housing distribution on this phase of the development will be in accordance with the development brief and be distributed over the development proposed as a whole and will be in accordance with the terms of the Section 106 Agreement. The affordable units will be pepper potted throughout the developments. The units will be affordable homeownership being sold on a shared equity basis on a 70/30 basis.

7.19 Highways Issues

The site access is in accordance with the Outline Application permission granted under planning reference 035575 on 11th July 2006. As part of the proposed development and with the previous reserved matters application the principle access into the development site is from the A548 Chester Road by the means of a three arm roundabout served through 'Phase 1' of the development. This aspect of the development has now commenced.

7.20 This new roundabout links into the main spine road for the overall site which links in with the second phase of the development known as the Thomas land and this phase of the development which links through to Coed Onn Road.

7.21 As noted the route has been proposed in the form of a Spine Road and in accordance with the 'Development Brief' a hierarchy of streets are proposed for the development, which will assist in leading drivers and pedestrians around the site in a logical manner. The streetscape hierarchy underpins the sense of place and different street characters

which will be created through the landscape strategy, the spatial arrangement of buildings and building heights. A Spine Road is proposed through the residential area, narrowing down to less heavily trafficked, shared surface mews streets and spaces.

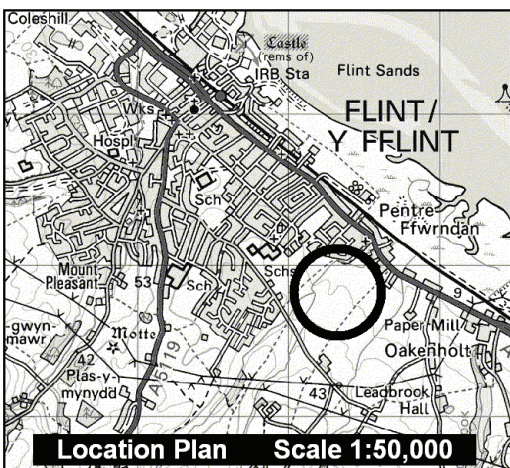
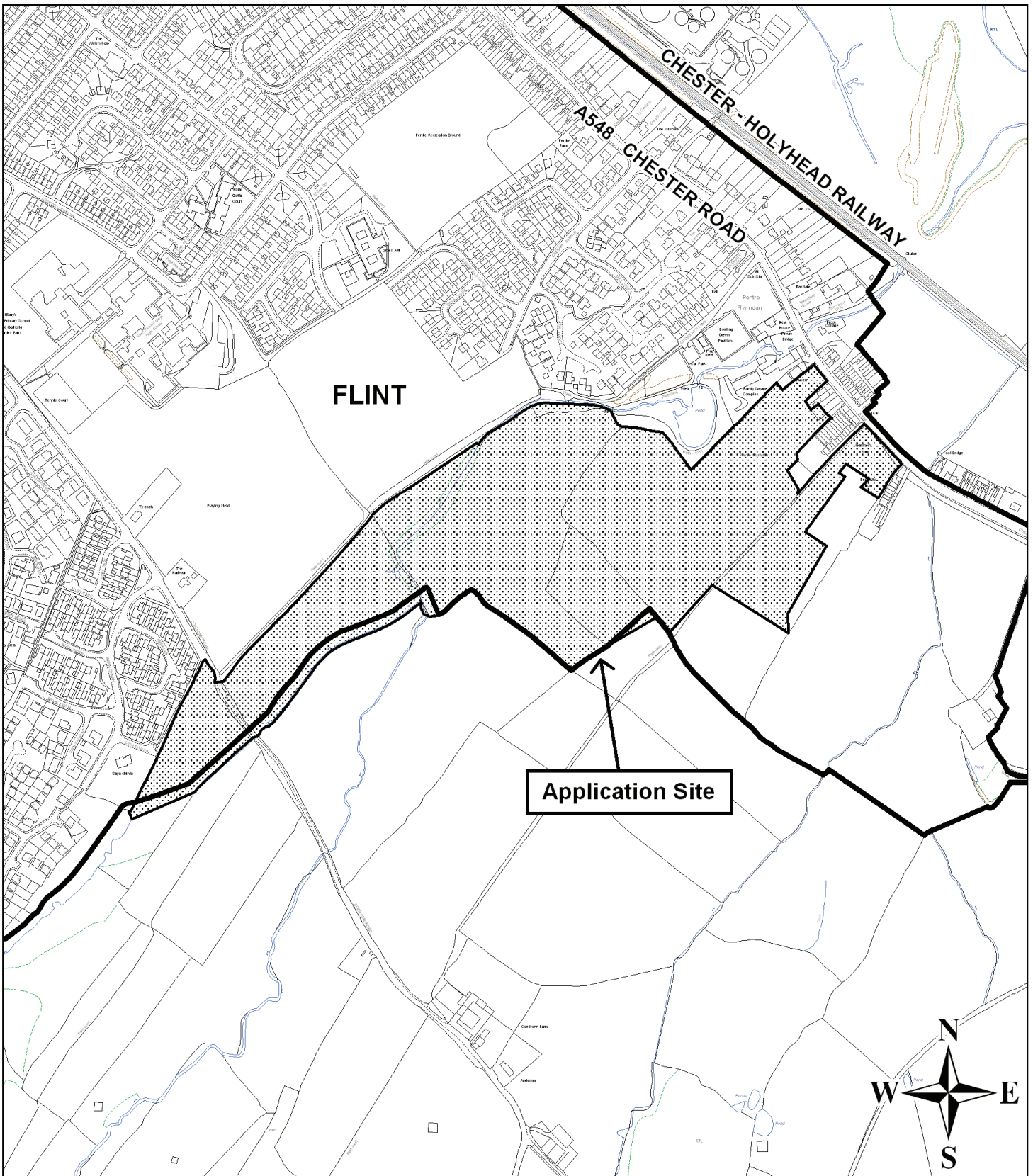
- 7.22 The proposed network of connected spaces has routes for pedestrians, cyclists and vehicles. New routes will connect to existing routes and movement patterns through the development site. Links to existing movement patterns will include links to Leadbrook Drive, Prince of Wales Avenue and Coed Onn Road. These links will minimise walking distances to public transport stops and local services reduces reliance on the car.
- 7.23 The Highways Engineer has been consulted on the application and raises no objection, but has requested the imposition of conditions which are noted above. Regarding the objections received on highway issues one relates to a footpath link shown onto Cwm Eithin. The applicant has now amended the proposal to show the link no longer encroaching on the objector's land, while further consultations have been undertaken no further comments to those previously made have been received. The Ramblers Association objected to the original submission which showed footpath 48 being diverted. The layout has now been amended to protect the line of the footpath, and at the time of writing re consultations have been undertaken although no further observations from the Ramblers have been received. The public rights of way section have been consulted again and raise no objections to the amended layout subject to appropriate conditions to protect the footpath in question.
- 7.24 In terms of highway access to the site the original outline planning permission reference 035575 required that the development should conform to the 2005 Development Brief. In this brief it identified that access to the whole site would be taken from three access points one being the new roundabout from the main coast road, which links into the main spine road and other two from prince of Wales Avenue and Coed Onn Road. Clearly the outline consent required access to be taken from the three access points noted.

8.00 CONCLUSION

- 8.01 The application provides for a scheme which takes account of the outline planning permission and the development brief while reflecting the layout and house types approved under the two previous applications for approval of reserved matters.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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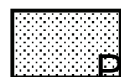


Environment Directorate,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
Development Plan
Settlement Boundary



Application Site Extent

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Map Scale 1:6000

OS Map ref SJ 2571

Planning Application 50300

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **20th FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RESERVED MATTERS – ERECTION OF A HEALTH CARE FACILITY ON LAND AT THE FORMER YSGOL BELMONT SCHOOL, MILL LANE, BUCKLEY, FLINTSHIRE.**

APPLICATION NUMBER: **050284**

APPLICANT: **HPC WALES**

SITE: **LAND AT THE FORMER YSGOL BELMONT SCHOOL, MILL LANE, BUCKLEY, FLINTSHIRE.**

APPLICATION VALID DATE: **12/11/2012**

LOCAL MEMBERS: **COUNCILLOR MRS. C. A. ELLIS**

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

REASON FOR COMMITTEE: **AT THE REQUEST OF MEMBERS GIVEN THE SIGNIFICANCE AND IMPORTANCE OF THE PROPOSED DEVELOPMENT**

SITE VISIT: **YES (AT THE REQUEST OF THE CHAIRMAN – REASON AS ABOVE)**

1.00 SUMMARY

- 1.01 This Reserved Matters application is submitted following the grant of Outline Planning Permission for the development of this site for the purpose of providing a health care facility and associated parking and landscaping.
- 1.02 Members will recall that access was a matter approved at Outline Permission stage and therefore this submission seeks approval of matters relating to appearance, landscaping, layout and scale (The Reserved Matters).
- 1.03 This application seeks approval of details to provide a 2 storey health care building. During the consideration of the application, issues in respect of design, visual impact, landscape and parking provisions

have been negotiated and resolved subject to the imposition of conditions as detailed elsewhere in this report.

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

2.01 That planning permission be granted subject to the following conditions:-

Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. Samples of all external materials of dwellings, hard surfaces, footpaths and driveways to be submitted and approved.
4. Implementation of approved landscaping scheme.
5. BREEAM "Interim Certificate" to be submitted before work commences.
6. BREEAM "Final Certificate" to be submitted before use commences.
7. No site clearance works during bird nesting season
8. Scheme for hours of working to be agreed.
9. 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.
10. Foul and Surface waters to be drained separately.
11. No surface water to public system.
12. No land drainage waters to public system.
13. External lighting scheme to be agreed prior to commencement.
14. Tree and hedgerow protection to be agreed and installed prior to any other works.
15. Submission of a full travel plan prior to commencement. Implementation within 6 months of first use of building.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Mrs. C. A. Ellis

Requests Committee Determination.

Raises concerns in relation to traffic impact upon the adjacent school.

Adjacent Ward Members

Councillor R. Hampson

Requests Committee Determination.

Councillor R. Jones

No response at time of writing.

Councillor M. J. Peers

No response at time of writing.

Councillor D. Hutchinson
No response at time of writing

Councillor N. Phillips
No response at time of writing.

Councillor A. Woolley
Considers that bollards will be required along the pavement of Mill Lane and Liverpool Road to prevent vehicular parking.

Buckley Town Council
Offers the following observations;

- Suggests bollards at junction of access to Elfed School and Mill Lane to deter parking of vehicles dropping off and picking up passengers;
- Considers the increase in traffic at school opening and closing times will result in increased adverse impacts upon highway safety;
- Concerns relating to perceived increased traffic on road junctions adjacent to the site;
- Considers a traffic survey and site visit should be undertaken at peak usage times.

Head of Assets and Transportation
No objections. Considers the detailed design of the highway access is adequately addressed by those conditions already imposed upon the previous Outline planning permission. Requests a further condition requiring the submission and agreement of a Full Travel Plan.

Head of Public Protection
No adverse comments.

Welsh Water/Dwr Cymru
No adverse comments. Requests the imposition of conditions governing drainage flows and connections.

Environment Agency Wales
No adverse comments. Requests the imposition of a condition requiring the installation of oil and petrol interceptors as part of surface water drainage proposals.

Airbus
No adverse comments.

The Coal Authority
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.

3No. responses have been received at the time of writing this report. Whilst these letters are broadly supportive of the principle of a new health facility in Buckley, they raise objections to the application proposal. The issues raised include;

- The site is not best suited to the proposed use in view of the inadequate existing highway infrastructure;
- The traffic likely to arise from the proposal will, in addition to already high volumes of traffic in the vicinity, result in increased congestion and risks to highway safety;
- Concerns in relation to the adequacy of visibility from likely access points;
- Loss of trees to the frontage of Liverpool Road;
- Pedestrian access near the junction of the school access with Mill Lane may give rise to vehicles using the area as a pick up and drop off point with consequent adverse impacts upon highway and pedestrian safety.

5.00 SITE HISTORY

5.01 The site has an extensive planning history dating back to 1979 which relates primarily to the previous use of the site as a school. The only application of relevance in respect of the application proposals is the outline application below.

046261

Outline planning permission for health care facility, access, parking and landscaping. - Permission 20/5/2010.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR1 - New Development
- Policy STR2 - Transport and Communications
- Policy GEN1 - General Requirements for Development
- Policy GEN2 - Development inside Settlement Boundaries
- Policy D1 - Design Quality, Location and Layout
- Policy D2 - Design
- Policy D3 - Landscaping
- Policy D4 - Outdoor Lighting
- Policy D5 - Crime prevention
- Policy TWH1 - Development affecting trees and woodland
- Policy TWH2 - Protection of hedgerows
- Policy L1 - Landscape Character
- Policy HE2 - Development affecting listed buildings and their Settings.
- 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 and New Development
- Policy CF1 - Retention of existing facilities.
- Policy CF2 - Development of new facilities.
- Policy EWP1 - Sustainable Energy Generation.
- Policy EWP2 - Energy Efficiency in New Development
- Policy EWP3 - Renewable Energy in New Development
- Policy EWP9 - New Development & Waste Management Facilities.

7.00 PLANNING APPRAISAL

7.01 Introduction

The proposals seek approval for the erection of a modern, state of the art, primary health care facility on the site, together with associated car parking facilities and landscaping. The proposals include the creation of a new vehicular access point off Alltami Road.

7.02 The health care centre will provide a space which will enable a number of health care facilities to occupy a single space within the community. The scheme provides accommodation for General Practitioners, dental consulting rooms and associated complimentary therapies and Local Health Board facilities. The building also provides spacious waiting areas and office and administration space associated with these services.

7.03 Site Description

The site comprises land which was lastly occupied by the former Ysgol Belmont, now demolished. The site is located upon the junction of Liverpool Road to the east and Alltami Road to the north. These boundaries are marked by mature and established hedgerows. The western boundary of the site is marked by a chain link fence to the playing fields at the adjacent Elfed High School. The southern boundary of the site is marked by the access road, adjacent fence and a grouping of mature trees which line the access road. This access presently serves both Elfed High School and Buckley Leisure Centre. The site is flat across each axis and is reflective of the wider topography of the area as a whole.

7.04 The site is bounded to the east, beyond Liverpool Road, by an open area of common land within the settlement boundary. This coupled with the open playing fields to the west and the low rise nature of the existing development upon the site gives the site a very open character. A small grouping of dwellings lies to the immediate north of Alltami Road, sweeping around the junction with Liverpool Road, Further loosely grouped dwelling lie further to the west of the site beyond the playing fields. In addition to the buildings of the Elfed High School and Buckley Leisure Centre further to the South West, the land to the south is occupied by Hawkesbury Hall, a Grade II Listed

Building which is currently undergoing renovation as a private dwelling. Beyond this building are open fields associated with the school and with the exception of the Hall and a grouping of trees near the access, is also very open in character.

7.05 Proposed Development

The proposals provide for a building of 2 storeys in height at the frontage of the site to Liverpool Road, reducing in scale to single storey to the rear. 2 points of access to the building are proposed facing Mill Lane and Liverpool Road respectively. The access to Mill lane is pedestrian access only. Vehicular access is derived via a new access onto Alltami Road.

7.06 The building provides accommodation for 2 General Practitioners practices, with 12 consulting rooms provided in addition to ancillary support rooms. 7 consulting rooms are provided at ground floor level for Local Health Board care services, including district nurses and midwives. 2 dental consulting rooms are also provide in addition to a dental surgery suite. All patient service delivery rooms, reception facilities and waiting areas are located at ground floor level, with administration facilities for all of the services located at first floor level. A pharmacy facility is also proposed at ground floor level.

7.07 The proposals provide facilities for both patient and staff vehicle parking, amounting to some 108 car parking spaces and 48 cycle parking spaces. In addition, facilities are provided for the dropping off and picking up of patients within the proposed car parking area. Site landscaping is also proposed.

7.08 Principle of Development

The site is an undesignated area of open space within the settlement boundary of Buckley as defined within the Flintshire Unitary Development Plan. There is a general presumption in favour of the principle of development within defined settlement boundaries subject to other policy and material planning considerations. Members will recall that the grant of outline planning permission has established that a proposal of this type is acceptable in principle.

7.09 The proposals comply with the policy context in respect of the principle of development and with regard to the location of new community facilities, in the form of a health centre, within settlement boundaries.

7.10 Main Planning Issues

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

- a) Design
- b) Highway Issues
- c) Landscape issues

7.11 Design

The proposed design and layout of this scheme has been the subject of negotiation and discussion over the course of the consideration of the application and has been amended in line with comments arising from the consultation process. The proposals were also presented for Design Review to the Design Commission for Wales (DCW). This review was held on the 26th September 2012 and the comments arising from this review have, in part, been responded to in the proposed design. A copy of the Design Review Report is appended for Members interest - see Appendix.

7.12 The design concept behind this building has been to create a building which not only meets the operational needs of the health service bodies proposed to occupy this space, but also creates a building which is sustainable and legible. The building is a contemporary design which incorporates single and 2 storey elements and is arranged in 4 distinct blocks around a central atrium. This proposed 'block' structure enables the arrangement of the functions proposed to be housed within the building to be located in practice specific blocks which assists with the legibility of the building and its use by patients. The G.P practices are housed with the 'wings of the building located to the north and south of the building. The patient accessible facilities of the Local Health Board and the reception facilities occupy the single storey link block between these wings with the Dental Practice and administration functions of the building housed within the 2 storey block fronting Liverpool Road. This arrangement of form enables the formation of a pseudo public square in the space between the blocks which services as the waiting space to the facilities.

7.13 In response to the comments of the Design Commission arising from the Design Review, the arrangement of dental facilities within the block fronting Liverpool Road to create a central waiting area within this block. This amendment serves to open the waiting atrium up to views from the interior of the building out towards Higher Common, thereby improving the visual connection with the surrounding landscape.

7.14 The breaking up of the mass of the building through the careful use of 1 and 2 storey elements successfully presents this building at a less intrusive scale than might otherwise be the case. The external appearance of the building utilises high quality detailing and materials in its composition. The use of render, brick, glazing, timber cladding and aluminium roofing all combine to soften the scale of the building, provide interest to the external elevations and, through the use of brick, provides a subtle reflection of the historical associations of the town. I am satisfied that this proposal represents a bold, modern but sympathetic design response to both the operational needs of the building and its setting.

- 7.15 The above mentioned materials and their application not only presents a visual demonstration of the fact that the building falls into distinct use areas, but also reflects the careful consideration given to the incorporation of sustainability principles and renewable energy into this scheme. Throughout the design process, regard has been had to the need for the building to achieve BREEAM 'Very Good' standard overall and 'Excellent' in respect of requirement Ene1 – Energy. A range of options have been examined through the consideration of the approach to adopt in designing the building to achieve these requirements.
- 7.16 The scheme has sought to adopt a low embodied energy approach to its construction. A query was raised at Design Review as why aluminium roofing was proposed and opportunities for Sedum roofing not explored, this material was selected as the additional mass of construction foundations and walling necessary to support the weight of a Sedum roof would have elevated the embodied energy bound up the materials to form the supporting structure of the building.
- 7.17 An appraisal has been undertaken in respect of the most appropriate carbon reduction strategy to employ in connection with this scheme. This appraisal has concluded that, in addition to the low energy design characteristics and use of air source heat pumps as the primary means of heating space, the building will benefit most from utilising a Combined Heat and Power system to contribute to its electrical and heat needs. The proposed gas powered system will contribute towards 25% of the heat demand for the building and 10% of its electrical requirements whilst reducing anticipated carbon outputs by up to 20%.
- 7.18 Highways Issues
Members will recall that access was a matter which was established at outline planning permission stage where it was established that vehicular access would be derived via a new vehicular access onto Alltami Road.
- 7.19 The application has been the subject of consultation with the Head of Assets and Transportation who has advised that the proposal is considered acceptable, subject to the imposition of conditions. Whilst the car parking provision identified in Paragraph 7.07 is below that required to comply with the Council's parking standards for a development of this type, the applicant had provided a report which outlines the relationship of the proposals to existing public transport services, together with providing an assessment of the scope of the site to be accessed by pedestrians. It is considered that this factor, in addition to supporting the sustainability credentials of the scheme through BREEAM, also serve to act as mitigation in the consideration of this proposal against the applicable parking guidelines. Members will appreciate that its standards are maximum standards, representing 200% provision and therefore, a balanced and

considered approach is appropriate in circumstances such as this. In order to ensure that the sustainable transport credentials of the scheme are fully implemented, a full travel plan will be required to be submitted and agreed with the Local Planning Authority prior to the commencement of the development with the scheme being fully implemented within 6 months on the date of the building coming into use.

7.20 Concerns have also been raised in respect of the potential for vehicles to park up adjacent to the pedestrian entrance at the junction of Mill Lane and Liverpool Road with consequent impacts upon both highway safety and the safety of other pedestrian users of the adjacent access to Elfed High School and Buckley Leisure Centre, especially at peak morning and afternoon times.

7.21 In considering this issue, a number of factors should be borne in mind;

1. This junction has a lesser degree of usage presently than it did at the time that Ysgol Belmont was operational at the site.
2. All vehicular traffic associated with the proposals will be accessing the site via the vehicular access provided onto Alltami Road. Therefore there will be no increase in the use of this junction which can be attributed to the proposals.
3. There is a light controlled crossing adjacent to the area of concern upon Liverpool Road to assist in the free movement of pedestrians around this road junction. This has associated areas clearly marked upon the road where parking and stopping is prohibited. These prohibited areas extend to the junction with the school and leisure centre entrance and therefore across the frontage of the proposed pedestrian access to the health centre. Therefore, any instances of vehicles seeking to 'drop off' here are enforceable by the police.

7.22 Consideration has been given to relocating the proposed bollards to the edge of footway at this location. However, this would have the unfortunate effect of acting as an impediment to visibility at the junction and therefore would adversely affect the safety of highway users at the junction and upon the adjacent roads and would not therefore be an appropriate response to the issue. Furthermore, I am mindful that the planning process should not be seen as a means of reinforcing other control provisions where they exist via other legislation. The controlling of vehicular parking adjacent to this junction is already addressed via the prohibitive road markings. Should further parking restrictions be deemed necessary, these can be addressed by the Local Highway Authority via an appropriate Traffic Regulation Order. Such an order is not deemed necessary at this time.

7.23 Taking all of these factors into account, I do not consider that the

scheme requires amendment in response to these concerns.

7.24 Landscape

The proposal seeks to retain the hedgerow boundaries to this site and seeks, where possible to retain those trees which form part of such boundaries. Concerns were raised that the proposals would result in the loss of the mature trees within the western boundary of the Liverpool Road frontage of the site. Whilst the concern raised at Design Review in this regard has been noted, modification of the scheme to facilitate the retention of these trees has not proved possible. This is due to the fact that there is insufficient depth of the site to enable the building to be moved back into the site, thereby giving adequate separation from the trees to allow their retention. The scheme is designed such that an element of expansion space for further consulting rooms to the west is built into the site layout. This takes account of the projected growth of population within Buckley which this centre is designed to serve.

7.25 However, I consider that the loss of these trees is adequately compensated by the 9No. new trees to be planted along the boundary of the site adjacent to the proposed car park and within the landscaping areas proposed to both the site boundaries and the car park area itself. Furthermore, the existing hedgerows to the north and east are proposed to be the subject of reinforcing planting and, in the area closest to the proposed pedestrian access at Mill Lane, a new section hedgerow is to be planted.

7.26 I propose to condition the implementation and management of the proposed landscaping scheme, and also propose to condition the requirement for protective fencing to the retained hedgerows and trees. In the interest of managing the impact of the development overall in the wider landscape, samples of the proposed materials will be required to be submitted and agreed and no external lighting is permitted to be installed without a scheme for the same having been submitted and agreed in order to ensure that the site does not contribute excessive degrees of light into the night time landscape of the area.

7.27 Other matters

In response to consultation, both Dwr Cymru and Environment Agency Wales (EAW) have raised no objection subject to the imposition of conditions relating to the proposed drainage schemes for both foul and surface waters. The EAW have also requested that a condition requiring the installation of petrol interceptors be imposed.

7.28 Members will recall that the grant of outline planning permission included conditions as per the request of EAW and also requested that a comprehensive drainage scheme be submitted and agreed prior to works commencement. The scheme submitted with this application is considered acceptable to Dwr Cymru who request conditions

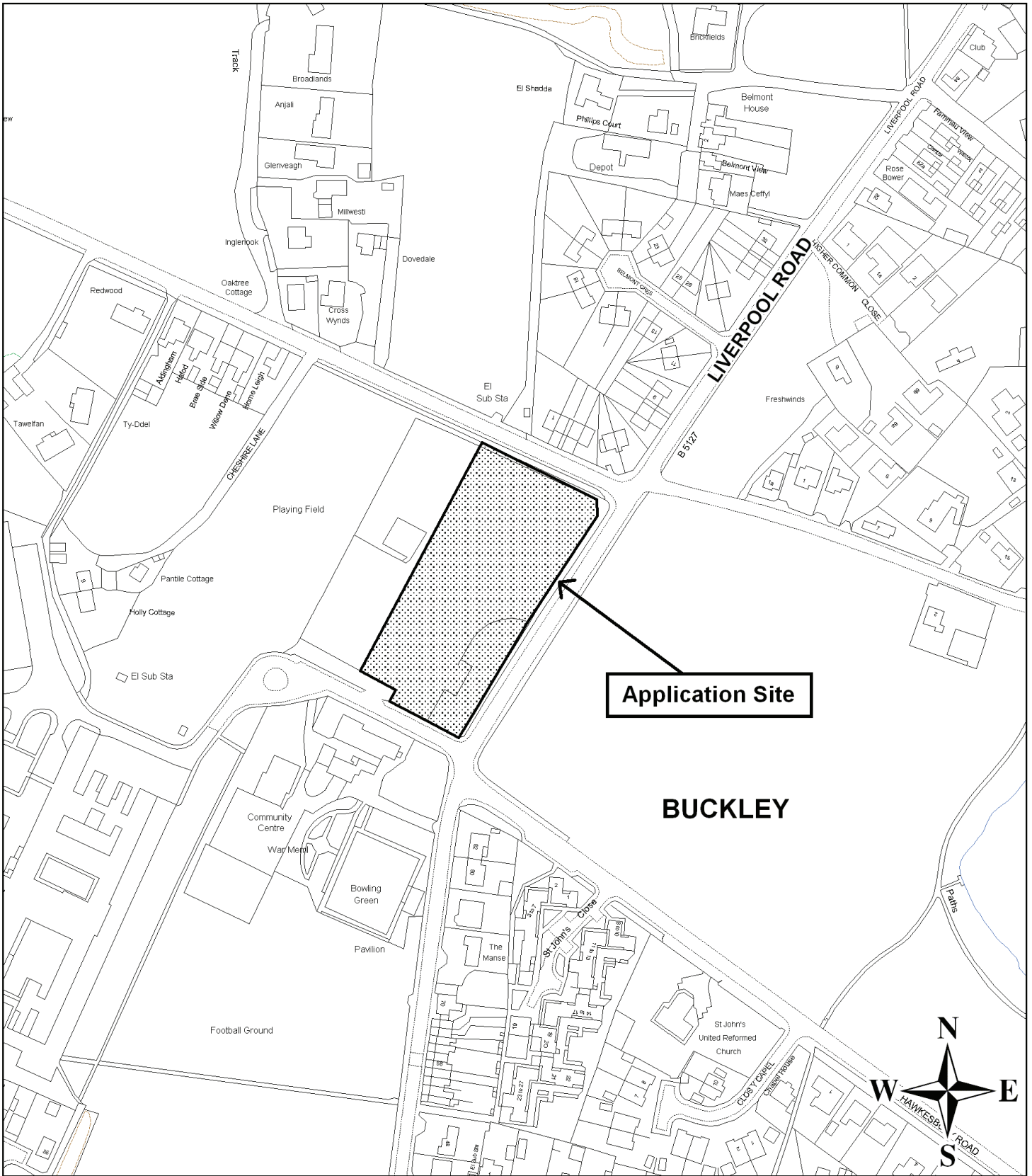
advising of the need to ensure that foul and surface water is drained separately and no surface or land waters shall be permitted into the adopted system. I propose to condition accordingly. In view of the fact that the EAW response replicates existing provisions, there is no need to impose such a condition upon any subsequent grant of Reserved Matters approval.

8.00 CONCLUSION

- 8.01 The proposals are supported by the applicable policy context and the proposed design and layout represents a form of development which the Council would expect to see provided in a location within the settlement boundary of a principal settlement such as Buckley.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

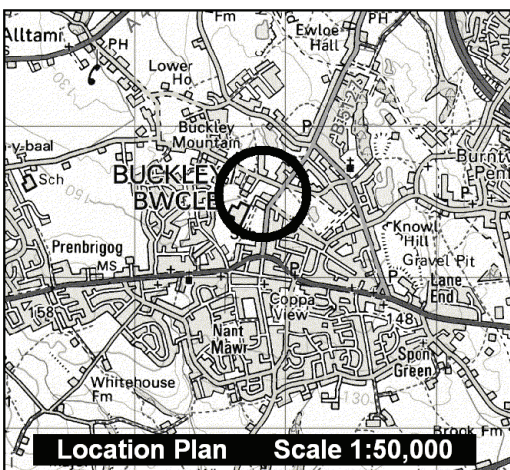
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Application Site

BUCKLEY



Location Plan Scale 1:50,000

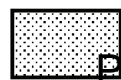


Environment Directorate,
 Flintshire County Council, County Hall,
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 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 2764

Planning Application **50284**

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Design Review Report

Review status

Dyddiad cyfarfod/meeting date
 Dyddiad cyhoeddi/issue date
 Lleoliad y cynllun/scheme location
 Disgrifiad y cynllun/scheme description
 Scheme reference number
 Planning status
 Declaration of interests

Confidential

26 September 2012
 11 October 2012
 Buckley
 Health Centre
 78C
 Pre-application
 n/a

Summary

The Panel welcomed the opportunity to review this scheme although we would have preferred to see it at an earlier stage when our comments would have been more useful. We appreciate that there has been a long and somewhat difficult history to the development of this project. However, we think that the current proposal misses the opportunity to fully exploit the site and the semi-rural context. In summary:

- The proposed atrium/waiting area is a predominantly enclosed space with no views out to the immediate green spaces or surrounding countryside. The patient experience would be improved by visual contact with the external landscape.
- The number of reception points shown was questioned. A centralised reception function, serving the two GP practices, dentist and Health Board Offices, would deliver economies in terms of space and personnel.
- The loss of semi-mature trees on the eastern boundary with Liverpool Road is unfortunate. These need to be assessed to determine if they could be retained if the building were to be moved further back towards the west (although this would compromise potential future expansion space).
- We thought the palette of materials could be simplified, although we understood the design intention to indicate the difference in function of the three blocks.
- The addition of solar panels to a shallow pitched roof running east/west will significantly alter the appearance of the building and presents a challenge to successfully integrate them.

Discussion and panel response in full

It was confirmed that outline planning permission has been granted for access (from Alltami Road), and for parking. An inclusive user group design process had been undertaken with the 3 client groups, and AEDET reviews have been undertaken two or three times during the 5 year history of the project.

The Panel was informed that the inclusion of an internal courtyard in the central space, which featured in earlier iterations, was not included in this proposal. We thought that the atrium space would feel very enclosed and cut off from any visual connection with its immediate surroundings, including Buckley Common to the east, as well as the more distant rural landscape. This would be a huge potential opportunity offered by the site and its context, to decrease stress levels among patients and increase a feeling of relaxation and wellbeing. It is very disappointing that this opportunity appears to be lost with the current proposal.

Although the Panel was informed that shared space has been maximised within the layout, there remain separate receptions (and receptionists) reflecting the different organisational functions. The Panel thought this would be confusing for patients and represented unnecessary duplication. A seating layout of the waiting space, which appeared somewhat characterless and impersonal, would be useful to inform an assessment of its functionality.

We understood the reasons given for the differing forms of the two blocks - one curved to open up the main entrance, the other orthogonal to respond to the consulting room module. We also thought some reference could have been made to the listed building immediately to the south, in built form and/or materials.

The Panel regretted the loss of existing semi-mature trees to the east and we understood this was also a concern for the local community. We thought that the desired legibility of the main entrance from the south would not be compromised by the retention of the trees and hedgerow. However, setting the building further to the west would reduce the space notionally reserved for possible future expansion, on the basis of the current site area. This could only be resolved by a revision of the current footprint and layout, or adjustment to the boundary.

Although the proposed new pharmacy is an existing business, transferring to this new location, we understood that concern has been expressed by the Buckley Town Council at the possibly damaging effect on local businesses.

The Panel recognised that the project would be required to meet BREEAM 'Very Good' with an 'Excellent' rating for energy. While the M&E report on renewable technologies is not yet complete, this is likely to recommend the use of solar thermal and solar photovoltaic panels, to achieve the BREEAM target. If these are to be roof mounted, the visual impact of south facing panels at an angle of 30-35 degrees on a shallow pitched roof running east/west, would be considerable. It is unfortunate that the building design has not been better integrated with the sustainability strategy.

The Panel also commented on the use of aluminium sheeting as the roof finish. This is a high embodied energy material and, given the alternatives available, there appears to be no justification for its use in such large quantities.

DCfW is a non-statutory consultee, a private limited company and wholly owned subsidiary of the Welsh Government. The comment recorded in this report, arising from formal Design Review through our Design Review Service, is provided in the public interest for the consideration of local planning authorities as a material consideration, and other users of the Design Review Service. It is not and should not be considered 'advice' and no third party is bound or required to act upon it. The Design Review Service is delivered in line with DCfW's published protocols, code of conduct and complaints procedure, which should be read and considered by users of the service.

A Welsh language copy of this report is available upon request.

Appendix 1

Attendees

Agent/Client/Developer	Betsi Cadwaladr University Health Board (Liz Obbard) HPC Wales Ltd (Matthew Hall)
Architectural/Urban Designer	Austin-Smith:Lord (Mike Yates, Chris Pritchett)
Consultants	n/a
Third Party	n/a
Planning Authority	Flintshire CC (Jerry Spencer, Glyn D Jones)
Design Review Panel Chair Officer Lead Panellist	Wendy Richards Cindy Harris Chris Jones Roger Ayton
Sylwedyddion/Observers	Councillor Carol Ellis

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 20TH FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **VARIATION OF CONDITION 3 OF PLANNING PERMISSION 3/240/94 TO PERMIT ASPHALT PRODUCTION FROM 0400 HOURS AND THE SUPPLY OF ASPHALT OUTSIDE CURRENT PERMITTED HOURS ON UP TO 45 OCCASIONS A YEAR**

APPLICATION NUMBER: **050313**

APPLICANT: **TARMAC LIMITED**

SITE: **PANT QUARRY, HALKYN, HOLYWELL, FLINTSHIRE**

APPLICATION VALID DATE: **30/11/2012**

LOCAL MEMBER: **COUNCILLOR COLIN LEGG**

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

REASON FOR COMMITTEE: **NEED FOR THE APPLICANT TO ENTER INTO A SECTION 106 LEGAL AGREEMENT**

SITE VISIT: **NOT REQUIRED**

1.00 SUMMARY

- 1.01 The asphalt plant located at Pant Quarry operates under planning permission reference 3/240/94. Condition 3 of the planning permission states the permitted hours of working of: 0600 – 1800 hours Monday to Friday and 0600 – 1200 hours on Saturdays. Working outside of these hours or on Sundays and public holidays is not permitted without the written authorisation from the County Planning Authority. Tarmac Limited has sought planning permission to vary these hours of working to permit asphalt production from 0400 hours, and to supply asphalt outside the permitted hours on 45 occasions per year.

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:-

1. Allow vehicles associated with asphalt production and transportation to use the existing quarry access road during permitted out of hours operations
2. Provide a scheme for routing of HGVs to avoid travelling through Pentre Halkyn when travelling to and from the A55 during the permitted out of hours.
3. Revoke planning permission 3/240/94.

2.02 Conditions including:-

1. Duration of permission until 30th April 2025 (expiration of the quarry permission)
2. Approved Plans
3. Restoration of the site on cessation of operations
4. Hours of operation of the plant:
 - 0400 hours – 1800 hours Monday to Friday
 - 0400 hours – 1200 hours Saturday
 - No HGV Movements until 0600 hours Monday to Saturday
 - No working outside these hours on Sunday or Public Holidays with the exception of 45 occasions per year
 - The asphalt plant and associated HGV movements may operate outside these permitted hours for up to 45 occasions per year (averaged over 3 years) subject to:
 - a) Notification to the MPA on prior to each occasion
 - b) No more than 8 HGV movements per hour
 - c) No more than 6 consecutive days or nights of extended hours of operation
 - d) No more than 3 consecutive Sunday working
 - e) Noise levels shall not exceed 42 dBLAeq (1 hour) (free field) at the nearest noise sensitive priority between 1900 and 0700 hours
 - f) Noise levels shall not exceed 55 dBLAeq (1 hour) (free field) 3.5 metres from the at the nearest noise sensitive priority between 0700 – 1900 hours
5. Erect a sign at the exit to remind drivers not to travel through Pentre Halkyn.
6. No additional lighting
7. Submission of monitoring scheme

3.00 CONSULTATIONS

3.01 Local Member

Councillor Colin Legg has no objections to the proposal and agreed to the determination under delegated powers. Initial concerns regarding the proposed 0400 hours start time for asphalt production were raised; however Councillor Legg was satisfied with the reason provided by the applicant for the early commencement time for asphalt production.

- 3.02 Neighbouring Local Member
Councillor Matt Wright has raised concerns with regards to increased traffic through Pentre Halkyn and has questioned whether the application would set a precedent with regards to relaxed working hours for other quarries in the area. Should planning permission be granted, Councillor Wright has requested that measures are taken to ensure quarry traffic avoids Pentre Halkyn, and that the application is subject to a formal review every two years, such that if any conditions are not applied with, it would be revoked.
- 3.03 Town/Community Council
Halkyn Community Council supports the application.
- 3.04 Head of Assets and Transportation has no objection to the proposal and no recommendations have been made on highways grounds.
- 3.05 Head of Public Protection has no adverse comments to make. An increase in noise and the ground vibration from the increased vehicle movements would be considered to be insignificant, and there is no evidence to substantiate the health concerns raised.
- 3.06 Environment Agency offers no objections to the proposal and considers it to be of 'low environmental risk' and has provided standard advice in relation to pollution control.
- 3.07 Countryside Council for Wales does not object to the proposal. The proposal is not likely to adversely affect any of the natural heritage interests surrounding the application site, namely:-
- Halkyn Mountain Special Area of Conservation (SAC)
 - Halkyn Common and Holywell Grasslands Site of Special Scientific Interest (SSSI)
 - Halkyn Mountain and Holywell Landscape of Outstanding Historic Interest
- 3.08 David Hanson MP has passed on two letters from local residents in relation to the application raising concerns involving traffic, noise, dust and pollution from the plant and also the notification process.
- 3.09 Halkyn Mountain Graziers' and Commoners' Association
No comments received to date.
- 3.10 Halkyn Mountain Common Joint Consultative Board
No comments received to date.
- 4.00 PUBLICITY**
- 4.01 This application was advertised by a number of site notices being posted around the site, along public rights of way within the site and at the site entrance. Site notices were also posted in surrounding villages that could be affected by the proposal including Halkyn,

Rhesycae and Moel-y-Crio. Neighbour notification letters were posted to the nearest residential receptors surrounding the quarry. The application was publicised in accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

4.02 A total of 14 letters of objection have been received. The main planning issues raised include:

- Noise from the operation of the asphalt plant at night and in the early hours of the morning preventing sleep and having a detrimental impact on residential amenity,
- Disturbance and noise from quarry traffic (Heavy Goods Vehicles) passing residential properties at night and in the early hours of the morning preventing sleep and having a detrimental impact on residential amenity,
- Increase in heavy vehicle movements
- The speed at which quarry vehicles travel through the surrounding villages,
- The need for the extension of hours,
- Disturbance from blasting,
- Impact on Rhos Helyg School and additional traffic during school hours,
- Requesting that the speed limit outside Rhos Helyg School is reduced,
- Protection of children and animals from quarry traffic,
- Lack of noise assessment undertaken at dwellings that are located on the quarry vehicle routes,
- The noise assessments focused on those properties that are immediately adjacent to the quarry rather than assessing the impacts on properties that are located along adjacent highways
- Additional monitoring at Ty Isa, the nearest residential property,
- Affect on the Halkyn Conservation Area,
- Impact on residential amenity,
- Impact of vibration of vehicles,
- Incompliance with Policy AC13 of the Flintshire UDP due to the lack of a transport impact assessment,
- Incompliance with GEN5 and Policy MIN2 of the Flintshire UDP with regards to the affects from the application on the amenity,
- Set a precedent for extending operating hours at other quarries in the area and also allow unrestricted out of hours working,
- Lack of publicity of the application, the timing of the consultation and problems with submitting comments online,
- Damage to local roads caused by lorry vehicles
- Inadequate road network for heavy vehicles,
- Dust and contamination causing health problems,
- Debris on the highway and risk of injury from loose stones
- Health concerns particularly asthma, pulmonary infections, nasal irritations/infections, eye irritation and taste imbalance,
- Increase quarry related pollution,
- Odour from the asphalt plant.
- Traffic travelling through Pentre Halkyn

5.00 RELEVANT SITE HISTORY

- 5.01 Pant Quarry has a long and complex planning history commencing with a planning permission granted in November 1947. The quarry was operated then by Flintshire County Council. It was subsequently acquired by Wimpey Asphalt Ltd, and since 1996 has been owned and operated by Tarmac Limited. In order to simplify the planning position, Tarmac Limited submitted a consolidating application in 1998, covering the entire area of the quarry and the full range of quarrying and ancillary activities within that area.
- 5.02 The consolidating permission was granted in April 2000 and was accompanied by a Section 106 Agreement under which Tarmac relinquished all working rights afforded by the previous planning permissions. However, the planning permission for the asphalt coating plant at Pant Quarry that was granted on 15 June 1994 was not revoked by the Section 106 legal agreement and the permission stands in its own right (reference 3/240/94).
- 5.03 Three planning permissions have been granted since the consolidation permission. The first, in July 2000, was to authorise a minor change in the scheme of working. The second was granted in September 2002, for stabilisation works on part of the eastern face of the quarry. The third was granted in June 2006 for the modification of the western screening mound, and a minor extension to the quarry.

6.00 PLANNING POLICIES

6.01 Adopted Flintshire Unitary Development Plan

- Policy STR10 – Resources
- Policy GEN1 – General Requirements for Development
- Policy GEN3 – Open Countryside
- Policy D4 – Outdoor Lighting
- Policy L4 – Common Land
- Policy WB2 – Sites of International Importance
- Policy WB3 – Statutory Sites of National Importance
- Policy WB4 – Local Sites of Wildlife and Geological Importance
- Policy HE1 – Development Affecting Conservation Areas
- Policy HE5 – Protection of Registered Landscapes, Parks and Gardens of Special Historic Interest.
- Policy AC2 – Pedestrian Provision and Public Rights of Way
- Policy AC13 – Access and Traffic Impact
- Policy EM7 – Bad Neighbour Industry
- Policy MIN1 – Guiding of Minerals Development
- Policy MIN2 – Minerals Development
- Policy MIN3 – Controlling Minerals Operations
- Policy MIN4 – Restoration and Aftercare
- Policy EWP12 – Pollution
- Policy EWP13 – Nuisance
- Policy IMP1 – Implementation and Planning Obligations

- 6.02 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)

7.00 **PLANNING APPRAISAL**

Introduction

- 7.01 Tarmac Limited is seeking a variation to the asphalt plant's current operating hours to allow greater flexibility to supply asphalt to surfacing contracts over night, and at weekends.

Site Location and Description

- 7.02 Pant Quarry is located about 450 metres west of Halkyn, about 600 metres south-east of Rhesycae and immediately north of Moel-y-Crio. The quarry, with its plant, storage and infrastructure areas together with its access road, covers about 44 hectares of land. The surrounding area is principally common land, used for rough grazing. Public rights of way run along or close to all of the quarry boundaries.
- 7.03 The quarry itself, because of its geological interest, is part of the Halkyn Common and Holywell Grasslands SSSI. The Halkyn Mountain Special Area of Conservation (SAC) adjoins the north-western, northern, eastern and south-eastern boundaries of the quarry. The principal reason for the designation of both the SAC and the SSSI is the protection of rare habitats and of plant communities which exist within those habitats. The Holywell Common and Halkyn Mountain Area is included on the Register of Landscapes of Outstanding Historical Interest in Wales. Halkyn Conservation Area is located 1km to the north east of the asphalt plant and approximately 700 metres to the north of the quarry access road.

Details of the Proposed Development

- 7.04 The asphalt plant located at Pant Quarry operates under planning permission reference 3/240/94. The quarry access road is not included within the red line boundary application plan. Condition 3 states: *"The hours of operation for the asphalt plant shall be Mondays to Fridays 0600 – 1800 hours and on Saturdays 0600 – 1200 hours on Saturdays. There shall be no working outside of these hours or on Sunday and public holidays except for the purposes of maintenance, without the written authorisation from the County Planning Authority. Reason: In the interest of amenity.* Tarmac Limited has sought planning permission to vary these hours of working to permit asphalt production from 0400 hours Monday to Saturday, and to supply asphalt outside the permitted hours on 45 occasions per year.

Issues

Need for the extension of operating hours

- 7.05 Tarmac Limited is seeking a variation to the asphalt plant's current operating hours to allow greater flexibility to supply asphalt to surfacing contracts over night, and at weekends.
- 7.06 The application seeks permission to permit asphalt production from 0400 hours Monday to Saturday, rather than the 0600 hours currently permitted. This has been requested so that surface dressing products can be produced in advance of loading HGVs from 0600 hours. Surface dressing asphalts can no longer be stored overnight in hot storage bins. Permitting asphalt production from 0400 would facilitate the delivery of products from 0600 hours and provide more efficient surfacing works. In addition to the earlier production start time, Tarmac Limited is also seeking permission to be able to supply asphalt outside the permitted hours on 45 occasions per year.
- 7.07 It is a fact that some coating materials have to be laid within a short period of time after production, in some instances within 3 hours of production, otherwise the product becomes unworkable. Furthermore, there is an increasing trend for highway works, road repairs and surfacing of highways to be carried out over night or at weekends to minimise disruption and the impact of the works on the road network. As a consequence, asphalt is required to be manufactured at nights or at weekends to meet contractual requirements.
- 7.08 Until 2009, any night or weekend road surfacing contracts supplied by the applicant to North Wales were supplied from asphalt plants located in England with no restrictions of operating hours. The existing planning permission at Pant allows out of hours working with the written consent of the Planning Authority. Since 2009, the Planning Authority has authorised extended hours to supply contracts, both at night and at weekends on a number of occasions. On each occasion, Tarmac has sought the support of Halkyn Community Council and the Authority's authorisation. There is a significant level of administration required for each request as the Planning Authority needs to confirm that doing the surfacing works, at the requested times is justified, and that the frequency, routing of the HGV movements is reasonable. The administration of these requests is complicated further as the surfacing programmes are often not confirmed until a couple of days in advance of the works, thus short notice of these works often causes problems in administering and authorising these works.
- 7.09 This application has been submitted at the request of the Planning Authority to reduce the administration in authorising these requests and also to be transparent in decision making. Whilst the Community Council is notified and has supported out of hours working in the past, consultation with the local community would not have been possible due to the short timescales involved. This application provides the opportunity for the local community to comment on the proposals.

- 7.10 45 out of hours occasions per year has been calculated based on previous requests since 2009, and should be sufficient for the majority of small contracts supplied during the year. Tarmac has also requested to retain the flexibility to continue to have the ability to request additional days should the 45 occasions be exceeded. This is requested to allow for larger surfacing contracts such as the Wrexham Industrial Estate which was completed in July 2012.
- 7.11 However, it is not considered appropriate or lawful to grant this planning permission for extending hours of operation whilst retaining the 'tail-piece' style condition, which would allow continued ad hoc written authorisation and further out of hours working once the 45 events had been exceeded. Therefore, it is recommended that planning permission is granted to permit 45 out of hours events per year but averaged over a 3 year period, allowing the supply of asphalt to large contracts to prevent the annual allowance to be exceeded.
- 7.12 Councillor Matt Wright has requested that the proposal be reviewed every 2 years to ensure compliance; failure to comply should result in revocation of the permission. This could be achieved via granting a temporary consent. However, it is considered that this would not be necessary as the applicant has been operating out of hours since 2009 and has demonstrated that this can be achieved without significant complaint and can operate within acceptable limits.

Noise, Dust and Amenity

- 7.13 Local residents have raised concerns that the out of hours operations would have a detrimental impact on residential amenity, and prevent sleep from the result of the operation of the asphalt plant at night and early hours of the morning, and from the disturbance from quarry associated traffic.
- 7.14 Whilst the Planning Authority has no control over vehicles, or any impacts of passing vehicles on the public highway, it has the ability through the planning permission to ensure that noise emitted from the asphalt plant, and vehicles on the quarry access road would not cause unacceptable levels of noise. The application was accompanied by a noise monitoring report which provides evidence that night time working can be carried out within limits of 42 dB LAeq, 1 hour, in line with guidance set out in MTAN 1.
- 7.15 Residents have suggested that the proposal would increase blasting and thus increase disturbance from quarry blasting. Production levels from Pant Quarry have reduced considerably over recent years due to aggregate production being focused at Hendre Quarry. As a result, there has been no blasting at the quarry since 2010. As the majority of resurfacing contracts are required at night or over weekends, it is likely that the application would not result in a considerable increase in production from the asphalt plant as it may replace and off-set asphalt production and activity that would usually take place during the day.

- 7.16 The Council's Environmental Protection Officer has confirmed that any increase in noise and the ground vibration from the increased vehicle movements would be considered to be insignificant, and there is no evidence to substantiate the health concerns raised by local residents. It is considered that, the proposal would not be contrary to Policies GEN1 or MIN3 of the Flintshire UDP as it would not cause excessive noise, dust or odour, nor would it cause an unacceptable impact on residential amenity. Night time noise levels would be conditioned in accordance with guidance set in MTAN 1 at 42 dB LAeq, (1 hour) and day time noise levels would be conditioned in line with the existing quarry planning permission and guidance of MTAN 1 at 55 dB LAeq, (1 hour). A condition would also ensure that there would be no more than 6 consecutive days or nights of extended hours of operation, and no more than 3 consecutive Sunday working. It is recommended that asphalt production could be produced from 0400 hours but there would be no associated HGV movements until 0600 hours.

Traffic and Access

- 7.17 Concerns have been raised by local residents in relation to the increase in traffic during the night, at weekends and travelling through the village of Pentre Halkyn. It has been claimed that the local highway network is not adequate for heavy quarry vehicles, and a transport impact assessment should have accompanied the application.
- 7.18 Should planning permission be granted, HGVs would be limited to 8 movements per hour (4 in and 4 out) during out of hours operations, and a scheme for a routing agreement would be required (via a section 106 agreement) stating that all HGVs associated with the Pant Quarry asphalt plant would avoid Pentre Halkyn when travelling to and from the A55. Furthermore, a sign would be required to be erected at the quarry exit to remind drivers of this obligation.
- 7.19 Production rates at Pant Quarry have reached in the past over one million tonnes per annum which would have amounted to more than 450 HGV movements per day (average of 40 movements per hour). Due to the economic recession production rates are much reduced. The local road network is more than adequate to accommodate 8 movements per hour outside of their usual permitted hours of operation; during which times there is likely to be less traffic on the local road networks. The Head of Assets and Transportation has no objection to the proposal and has not requested a transport impact assessment as the proposal would not significantly increase vehicle movements associated with the site at 8 movements per hour on up to 45 occasions per year. As such, it is considered that the proposal would accord with the provisions of Policies GEN1 AC13 or MIN3 of the Flintshire Unitary Development Plan or TAN 18.

7.20 Concerns have also been raised in relation to the speed at which quarry vehicles travel through the surrounding villages causing danger to children and animals, the impact the proposal would have on nearby Rhos Helyg School and additional traffic during school hours. As stated above, the Planning Authority has no control over vehicles on the public highway and it cannot control speed of quarry vehicles through conditions of planning permissions. However, this issue will be raised through the Quarry's liaison committee to request that Tarmac remind their drivers to be considerate drivers. Furthermore, this proposal is to request working outside of school hours and therefore it is considered that the proposal would not have any impact on the local schools.

7.21 As the red line plan for the application does not include the quarry's access road, to ensure that there would be no breach of condition due to asphalt plant vehicles using the quarry access road out of permitted hours, a section 106 legal agreement would be required.

Landscape and Halkyn Conservation Area

7.22 Halkyn Conservation Area is located 1km to the north east of the asphalt plant and approximately 700 metres to the north of the quarry access road. The site is also located within the Holywell Common and Halkyn Mountain Area which is included on the Register of Landscapes of Outstanding Historical Interest in Wales. Whilst the quarry is located within a the Holywell Common and less than 1km from the Halkyn Conservation Area, it has operated in this location for many years and is a fundamental part of the character and setting of the surrounding area. As stated above, production at the quarry is considerably less than it has been in recent years due to the recession. CCW has raised no objections to the proposal.

7.23 It is considered that the proposed variation to the hours of working of the asphalt plant would not materially cause harm to the character, setting or appearance of the designated areas. As such it is considered that the proposal would not be contrary to the provisions of Policies HE1 or HE5 of the Flintshire UDP.

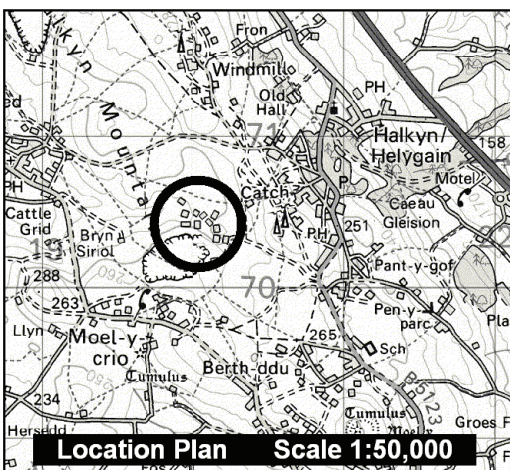
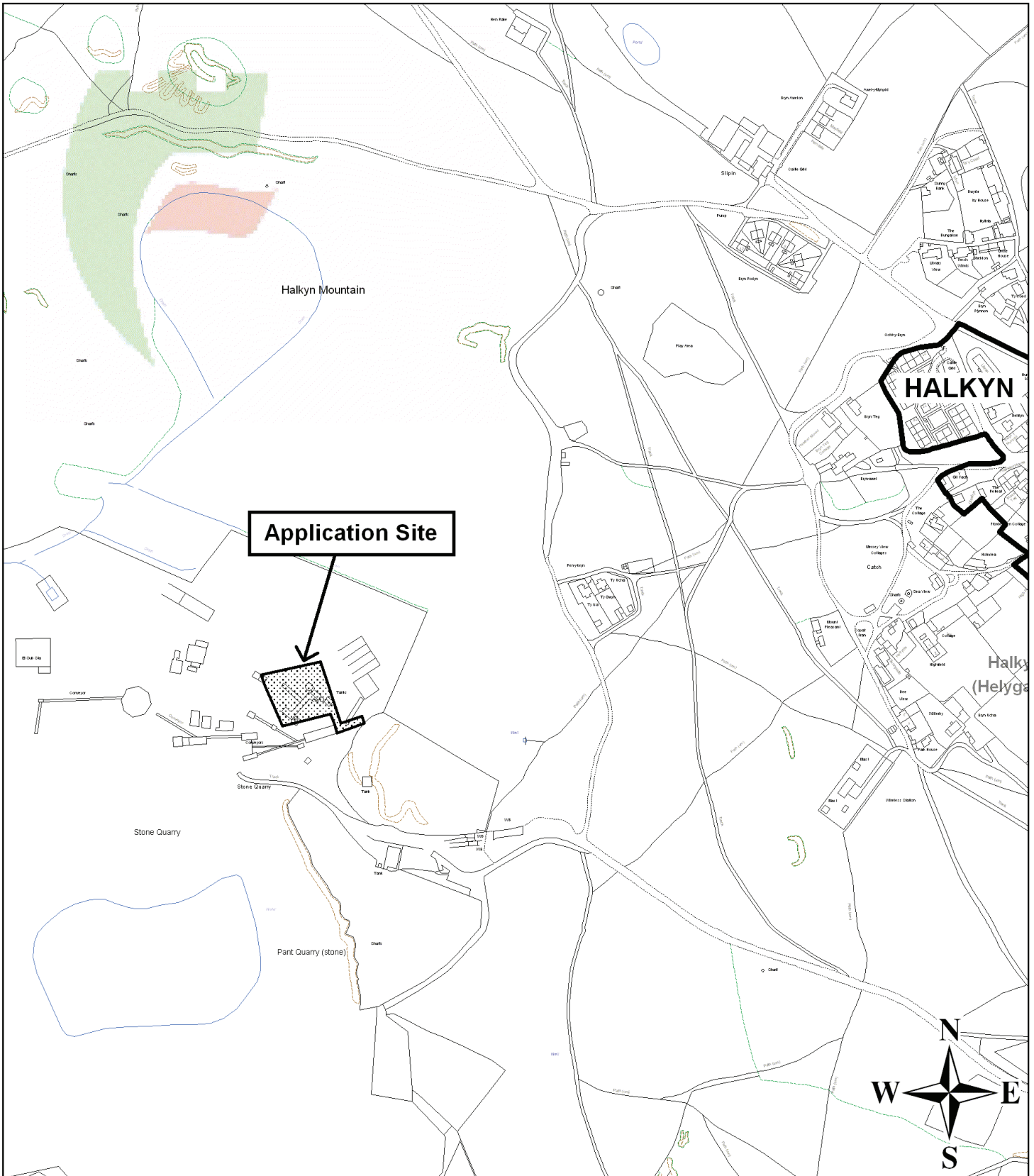
8.00 CONCLUSION

8.01 The Planning Department has been approving ad hoc hours of operations for asphalt production at Pant Quarry since 2009, without any substantiated complaints. Each separate request generates a substantial amount of administration and there is not sufficient time to consult the local community. This application has been submitted at the request of the Planning Department in order to be transparent and open in decision making. Over recent years surfacing contracts are increasingly carried out over night or at weekends to minimise disruption and the impact of the works on the road network.

- 8.02 Should planning permission be granted, the potential impacts of weekend and over night working would be controlled and regulated by restricting the number of vehicles per hour to 8 movements, ensuring the noise levels would not cause unacceptable harm to residential amenity, there would be no more than 6 consecutive days of out of hours working, and no more than 3 consecutive Sundays. Whilst the asphalt production would be permitted to commence from 0400 hours, there would be no HGV movements permitted until 0600 hours, in line with the existing planning consent.
- 8.03 It is also considered that the highway network is more than adequate to accommodate 8 vehicles per hour, and a scheme for a routing plan to ensure that vehicles avoid Pentre Halkyn when travelling to and from the A55. The passing of HGVs is shorted lived and it is considered, with an average of 8 movements per hour for the additional weekend/night time working would not have an unacceptable impact or materially worse effect on the living conditions of residents along the routes.
- 8.04 Granting planning permission for this proposal would not set a precedent for other quarries in the area to allow out of hours working. The existing asphalt consent at Pant Quarry already contains provision for ad hoc out of hours working within the condition. Any other quarry wishing to seek permission for out of hours working, would have to be considered on their own merits.
- 8.05 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 legal agreement under the terms of the Town & Country Planning Act 1990 (as amended) Section 106 to allow vehicles associated with asphalt production and transportation to use the existing quarry access road, to provide a scheme for routing of HGVs to avoid Pentre Halkyn when travelling to and from the A55 during permitted out of hours, and to revoke planning permission 3/240/94, and with the imposition of conditions as listed above, there is no valid material planning reason why planning permission should be refused, and that planning permission should be granted.
- 8.06 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: Hannah Parish
Telephone: 01352 703253
Email: hannah.parish@flintshire.gov.uk

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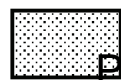


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Map Scale 1:5000

OS Map ref SJ 2070

Planning Application 50313

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **20th FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **ERECTION OF A SINGLE STOREY CONVENIENCE STORE AND ASSOCIATED CAR PARKING FOLLOWING THE DEMOLITION OF EXISTING STORAGE BUILDING ON LAND AT MORRIS'S GARAGE, WREXHAM ROAD, MOLD, FLINTSHIRE.**

APPLICATION NUMBER: **050252**

APPLICANT: **OM PROJECTS LTD**

SITE: **LAND AT MORRIS'S GARAGE, WREXHAM ROAD, MOLD, FLINTSHIRE.**

APPLICATION VALID DATE: **2ND NOVEMBER 2012**

LOCAL MEMBERS: **COUNCILLOR H. BATEMAN**

TOWN/COMMUNITY COUNCIL: **MOLD TOWN COUNCIL**

REASON FOR COMMITTEE: **THE PROPOSALS REQUIRE A S.106 AGREEMENT IN RELATION TO A TRAFFIC REGULATION ORDER, POWERS FOR WHICH ARE NOT DELEGATED.**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This full application seeks permission for the demolition of the existing building upon the site and the redevelopment of that part of the site fronting onto Wrexham Road for the purposes of the erection of a single storey convenience store and associated service and customer parking areas.

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 either a Section 106 Obligation, Unilateral

Undertaking or the making of an advance payment to provide the following:-

- The payment of £3500 to provide for the cost of a Traffic Regulation Order and the associated parking restriction lining along Wrexham Road, Brook Street and Conway Street.
1. Time limit
 2. In accord with approved plans
 3. Details of highway amendment and improvement works prior to commencement
 4. No other works until access works are completed
 5. Details of site access prior to works commencement
 6. Access completed to base course and internal tangent of entrance radii prior to any other site works
 7. Site served by single access with all other access closed prior to first use of site.
 8. Provision of parking facilities prior to first use.
 9. Submission of Construction Management Plan.
 10. Submission of Operational Traffic Management Plan
 11. Restrictions to delivery times.
 12. Submission of site contamination investigation and associated remediation measures. Implementation of identified and agreed remediation prior to any other site works.
 13. Verification and validation of remediation scheme.
 14. Opening Hours – 0600 hours – 2300 hours Monday – Saturday. 0700 hours – 2200 hours Sundays and bank holidays.
 15. Notwithstanding submitted details, boundary details to be submitted and agreed.
 16. Implementation of landscaping scheme prior to use and maintenance for 5 years thereafter.
 17. Samples of materials to be submitted and agreed.
 18. Noise control measures upon external plant to be agreed prior to installation.

3.00 CONSULTATIONS

3.01 Local Member

Councillor G. H. Bateman

No objection to a delegated decision. Raises issues in respect of;

1. Reinstatement of kerbs on Conway Street,
2. Improvements to entrances on Brook Street and Conway Street,
3. Provision of double yellow lines on Brook Street, Conway Street and Wrexham Street, and
4. Restrictions to store opening time of 0700 hours to 2100 or 2200 hours.

Mold Town Council

Supports the proposal in principle. Requests conditions preventing 24 hour operation and delivery times restricted to be between 7am and 7pm. Also requests the addition of double yellow lines to the junction of Wrexham Road, Brooke Street and part of Conway Street.

Head of Assets and Transportation

No objection subject to the imposition of conditions and the applicant entering into a S.106 agreement (or similar) to secure the funding to provide for the cost of a Traffic Regulation Order and associated parking restriction lining along Wrexham Road, Brook Street and Conway Street.

Head of Public Protection

No objection. Requests the imposition of conditions requiring a site investigation of the site for potential contamination arising from the previous historical contaminative use of the site. Also requests that condition require the imposition of such remediation measures identified and agreed.

Also, advises that scheme of noise levels and such required mitigation as may be identified in respect of proposed external plant.

Environment Agency Wales

Considers the flood risk to be acceptable upon the basis of the proposals representing a 'like for like' change of use in terms of vulnerability to risk. Requests the imposition of notes requiring the incorporation of flood proofing measures and participation in the flood warning service

4.00 PUBLICITY

4.01 The proposals has been advertised by way of a site notice and neighbour notification letters.

4.02 4 No. letters received. Comments and objections relating to the following matters were raised;

- Opening hours to be restricted
- Delivery times to be restricted
- Potential for proposals to result in antisocial behaviour
- Detrimental impacts upon residential amenity arising from noise
- Adverse impacts upon highway network and pedestrian safety
- Site contamination
- Proliferation of 'supermarkets'

5.00 SITE HISTORY

5.01 **038466**

Demolition of garage and erection of 3 and 4 storey residential development.
Refused 27/2/2006

045341

Change of Use from garage site to self storage container site.
Refused 9/12/2008

045711

Outline application – Erection of 24 apartments.
Approved 23/3/2009.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR1 - New Development
- Policy STR5 - Commercial Development
- Policy GEN1 - General Requirements for Development
- Policy GEN2 - Development inside Settlement Boundaries
- Policy D1 - Design Quality, Location and Layout
- Policy D3 - Landscaping
- Policy AC13 - Access and Traffic Impact
- Policy AC15 - Traffic Management
- Policy AC18 - Parking Provision and New Development
- Policy S3 - Integrating New Commercial Development
- Policy S4 - Small Scale Shopping Within Settlements

7.00 PLANNING APPRAISAL

7.01 Introduction

The application seeks permission for a new A1 retail building. The building is proposed as a single storey construction and appears modular in its proposed construction. The site layout provides parking and maneuvering space for 20 cars to serves staff and customers. In addition, parking and maneuvering space for delivery vehicles is also provided. Access is proposed via Brook Street.

7.02 Site Description

The site comprises an area of land containing the former vehicle repair garage, its forecourt and areas of hardstanding and a number of other structures within the curtilage. The site has been used for the siting of shipping containers, facilitating and unauthorised storage use at the site.

7.03 The site itself is flat across its both its axis. The site is bounded to the north by the adjacent highways known as Brook Street and Wrexham Road. There is largely no formal demarcation of this boundary as it served as the access to the forecourt of the garage although at present, security style fencing prevents access to the site along these boundaries. The southerly boundary of the site comprises an established hedge and associated fence to the property known as

Garfield. The eastern boundary of the site abutting Conway Street is open along the most northern extreme of the boundary with the more southerly extremes comprising of a combination of corrugated sheet metal screening, an established hedgerow and a stone wall. A combination of wall and some hedges mark the western boundary of the site with the properties on Stryd Henardd.

7.04 The site surroundings are densely developed and are characterised as a mix of residential and education facilities. The residential component of the surroundings comprises 2 storey terraced dwellings on Conway Street, modern semi detached 2 storey dwellings to the west on Stryd Henardd and a 3 storey sheltered housing apartment block on the junction of Brook Street and Wrexham Road to the north. In addition to the detached residence, Garfield, to the south, the site also lies in close proximity to Ysgol Maes Garmon and the Alun School.

7.05 Principle of Development

The principle of proposals of this type is specifically addressed within policies S3 and S4 of the Flintshire Unitary Development Plan. These policies concern themselves with the integration of new commercial development and the location and scale of small shopping proposals within existing settlement boundaries. The proposal is compliant with all of the criterion identified within these policies with the exception of criterion i) of Policy S4, which states that such proposals should be limited to 300 sq metres in floor space. However, this policy does allow for variation up to 500sq metres in certain circumstances.

7.06 Whilst the proposal provides for an outlet of 372sq. metres, it should be borne in mind that the existing premises amounts to 260sq. metres and therefore the proposals actually represent an increased floorspace of only 112 sq. metres. Also, compliant with Policy S3, the proposals will result in a proposal which will integrate much more satisfactorily within the area in visual terms than the site does at present. Given this, I consider the floorspace in excess of the 300sq metres specified with Policy S4 is justified and acceptable in principle.

7.07 Highway Issues

The site is presently served by 2 existing points of vehicular access, one off Conway Street adjacent to its junction with Wrexham Road, and the other off Brook Street, again, just adjacent to its junction with Wrexham Road although in connection with the current unauthorised activities at the site, only the access via Brook Street is utilised. The proposals seek to close the access onto Conway Street permanently and improve the access off Brook Street to serve the proposed convenience store.

7.08 The proposals have been the subject of consultation with the Head of Transportation and Assets who has advised that the proposal is acceptable subject to the conditions identified in Section 2 of this

report and the provisions of the proposed S.106 agreement.

- 7.09 In consideration of this issue, regard has been had to the nature of the proposed use and the volume of traffic likely to arise from such a use. This has been balanced against the levels of traffic likely were the site to revert to its approved use as a petrol filling station and vehicle repair garage. It is considered that the level of generated traffic would not amount to a level which would amount to a detrimental impact upon highway safety.
- 7.10 However, it is appreciated that without appropriate controls at the junctions of Brook Street and Conway Street with Wrexham Road, there is the potential for customers to simply park on these streets, in close proximity to the junctions, thereby causing a highway danger to vehicles wishing to enter or emerge from these junctions and creating potential obstructions to visibility. Therefore it is proposed that the applicant will enter into a S.106 Agreement requiring the payment of £3500 to provide for the cost of Traffic Regulation Order and associated parking restriction lining at the identified junctions. This scheme would result in double yellow lines being imposed in the areas along Brook Street and Conway Street abutting the site.
- 7.11 Regard has also been had to the management of operational traffic related to the proposed store. It is considered that given the close proximity of the site to nearby schools, delivery vehicles should not be permitted to arrive at the site at times which relate to the opening and closing times of the school in the interests of minimising the risk of conflicts with other vehicles at peak traffic flow times. Therefore, I propose to condition that delivery vehicles shall not be permitted to arrive between 0815 and 0915 hours and 1445 hours and 1630 hours on Mondays through to Fridays inclusive.
- 7.12 In addition, it is considered that whilst adequate parking and turning provisions are made at the site for such vehicles, the addition of further vehicles travelling westwards towards Mold Town Centre would be unacceptable. Therefore a condition will be imposed requiring the submission, agreement and adherence to an Operational Traffic Management Plan. Such a plan will identify the means and methods to be employed to ensure that all service vehicles arriving and departing the site do so from and to the east, via Wrexham Road, and do not perform a left turn out of Brook Street towards the town centre. During the development phase of the proposals, a similar plan will be sought by condition for all construction traffic, with similar provisions expected to be incorporated.
- 7.13 Impacts Upon Amenity - Residential
Concerns have been raised in respect of the potential impacts upon existing residential amenity arising from this proposal. This concerns relate to the following issues;

1. Delivery vehicle times;
2. Noise from external plant; and
3. Opening hours and serving of alcohol.

7.14 Whilst the conditions proposed in respect of the control of delivery vehicles delivery times arising from highway safety considerations will assist in the management of impacts, I consider that this requirement will require further amendment in order to minimise adverse impacts upon existing residential amenity. To this end, I propose to prohibit vehicles from delivering before 0700 hours and after 2000 hours.

7.15 In recognisance of the potential for there to be adverse amenity impact arising from the noise of external plant and machinery such as air conditioning and refrigeration units, I am minded to impose the condition requested by the Head of Public Protection in respect of this matter which requires that if silencing is identified to be necessary, it will be required to be installed prior to operation.

7.16 Concerns have also been raised in respect of opening hours and, more particularly, in respect of the hours within which alcohol will be permitted to be sold. I do not consider the proposed opening hours to be excessive or such that would adversely affect amenity in itself. I appreciate the view expressed in respect of the potential for alcohol sales to give rise to antisocial behaviour or congregation of youths in the area. However, I am of the view that controls of the sale of alcohol are best addressed through the licensing regime and do not consider that attempting to restrict such sales through planning legislation would satisfy the criteria for the use of conditions as set out in Circular 35/95 – Use of Planning Conditions. This circular sets out the tests for a condition to satisfy in order for it to be considered enforceable. Of relevance is the need for a condition to be relevant to planning. The sale of alcohol, or attempts to control the same, is not a planning matter. I do not therefore propose to impose any condition to this effect.

7.18 Impacts Upon Amenity – Visual

The site is presently a collection of buildings and structures, with no overall discernable function apparent. The site has various vehicles and shipping containers located within its' boundaries in varying states of use. In addition, the site boundaries, the interface of the site with its' surroundings are varied and extremely unsightly given the predominantly residential character of the area. These vary from corrugated sheeting and security steel mesh fencing to the remnants of historical stone walls. It is clear that the development of the site as proposed will serve to enhance the visual appearance of the site overall, and its interrelationship with its surroundings in visual terms in particular. Landscaping and new boundary treatments are proposed but nonetheless, I require the precise details to be submitted and agreed and I propose to condition the same.

7.19 I am satisfied that these proposals will serve only to enhance the visual quality of the site.

7.20 Land Contamination

The proposals have been considered by the Head of Public Protection and, given the historical potentially contaminative use of the site as a garage and petrol filling station, both a Phase 1 and Phase 2 land contamination survey would be required to be undertaken upon the site prior to the commencement of the development. These reports should establish the extent of any contamination arising from the previous use and will identify the methods and means of decommissioning of any subterranean fuel tanks within the site.

7.21 It is therefore proposed that any permission granted should be the subject of a condition requiring the above stated investigations, together with details of any required remediation works and the provision of appropriate validation and verification reports in accordance with the approved remediation strategy.

7.22 Other Matters

The site is located entirely within a C2 flood zone. The proposals have been considered by EAW who have advised that whilst TAN15: Development and Flood Risk (July 2004) seeks to direct development away from such zones, they are mindful of the lawful planning use of the site as a vehicle garage and repair premises in their consideration of the proposals.

7.23 A view has been taken that the risks arising from the proposals are of a similar to that presented by the existing use and therefore the potential risks posed in the event of a flood are considered no greater. Therefore, no objection is raised subject to any permission granted being the subject of additional notes in respect of flood proofing and the EAW flood warning system. I propose to add such notes.

8.00 CONCLUSION

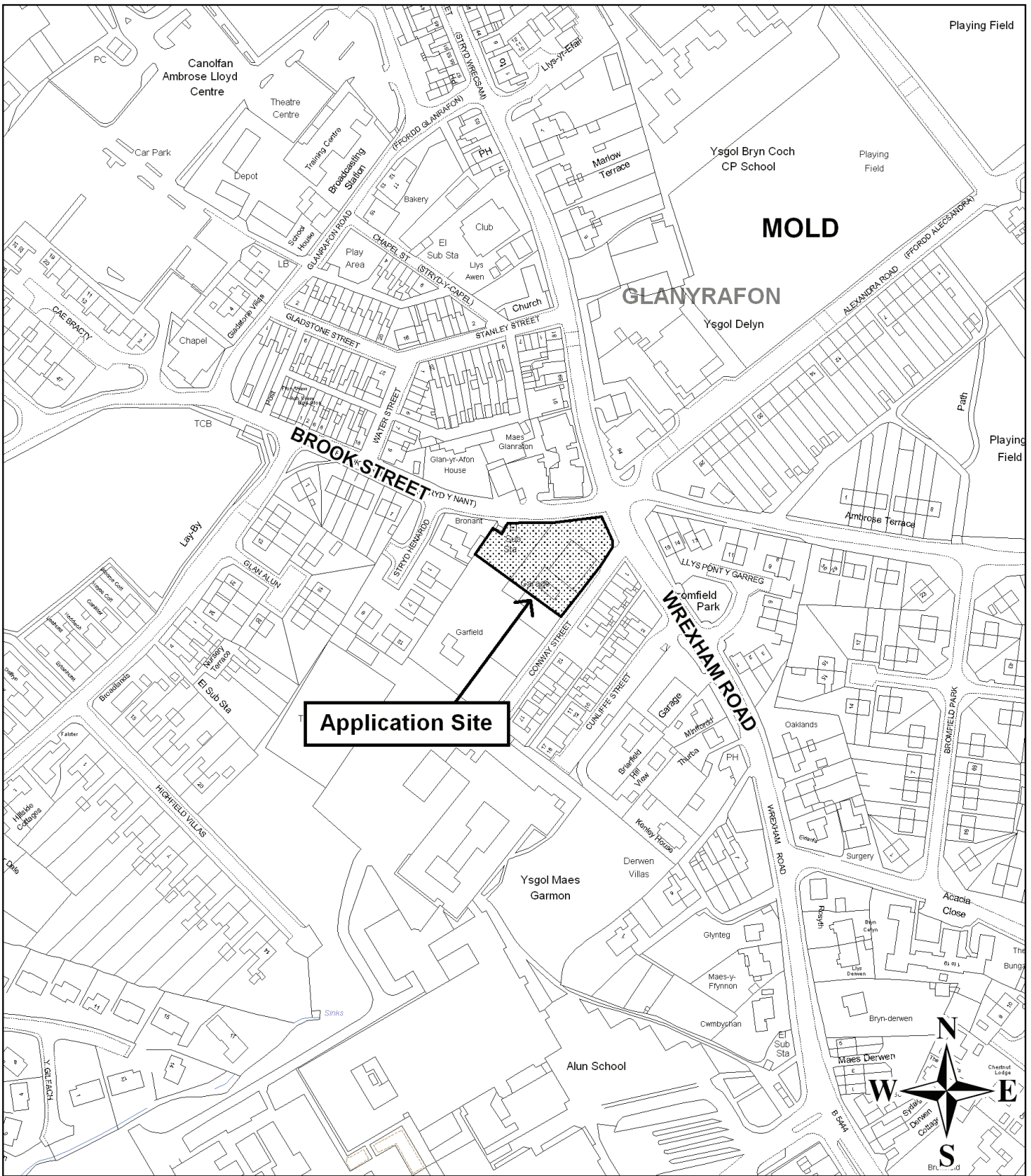
8.01 I am satisfied, having had regard to the provisions of the applicable policies and all other material considerations, that this proposal would, through the suggested S.106 Obligation and conditions, represent an appropriate and acceptable form of development in this location.

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.

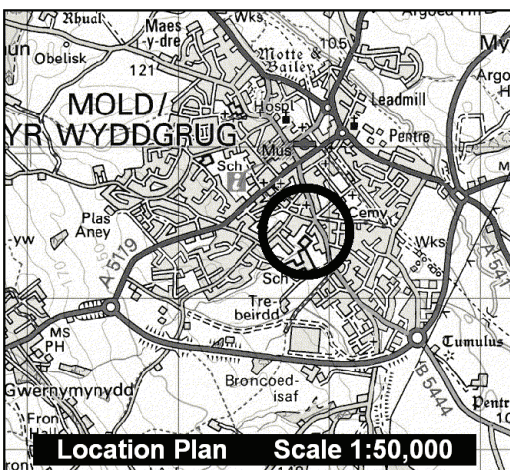
Contact Officer: David Glyn Jones
Telephone: 01352 703281

Email: glyn_d_jones@flintshire.gov.uk

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Application Site



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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Map Scale 1:2500

OS Map ref SJ 2363

Planning Application 50252

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 20TH FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **PROVISION OF OVERSPILL CAR PARKING**

APPLICATION NUMBER: **050161**

APPLICANT: **CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, ST. DAVIDS PARK, EWLOE, DEESIDE**

SITE: **CHURCH OF JESUS CHRIST LATTER DAY SAINTS, ST DAVID'S PARK, EWLOE**

APPLICATION VALID DATE: **5TH OCTOBER 2012**

LOCAL MEMBERS: **CLLR. D. MACKIE**
CLLR. A. HALFORD

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

REASON FOR COMMITTEE: **CLLR. A. HALFORD: MEMBERS COULD BENEFIT FROM SEEING HOW THE DEVELOPMENT WOULD IMPACT ON THE AREA AND GAUGE OVERDEVELOPMENT, ETC.**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This application seeks planning permission for the construction of an overspill car park to provide an additional 30no. car parking spaces at the Church of Jesus Christ Latter Day Saints, Ewloe.

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

2.01 The proposal is recommended for approval subject to the following

conditions:

1. Time limit on commencement.
2. In accord with approved detail.

3.00 CONSULTATIONS

3.01 Local Member

Councillor D. Mackie

No objections. Agree to determination under delegated powers.

Councillor A. Halford

It is a route to and from Ewloe Green school. Youngsters use the slopes for a play area for bikes and skateboards. It is a route for Sparrowhawks and Wagtails for feeding. When consent was granted for the church no further development was permitted.

Hawarden Community Council

No objection

Head of Assets and Transportation

No objection

Head of Public Protection

No adverse comments to make

The Coal Authority

No objection

4.00 PUBLICITY

4.01 Site Notice

No comments received

5.00 SITE HISTORY

5.01 1/1/265

Outline - Construction of a Church

037135

Reserved Matters Application - Construction of church meetinghouse, car park, landscaping and formation of new pedestrian and vehicular access

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
STR1 – New Development
GEN1 – General Requirements fro Development
GEN2 – Development inside Settlement Boundaries
EM3 – Development Zones and Principal Employment Areas

The proposed development complies with the above policies

7.00 PLANNING APPRAISAL

7.01 Introduction

The application site is located within the settlement boundary of Ewloe. The existing use of the site is for that of a church and the proposal is for an overspill extension to the existing car park.

7.02 Main Planning Issues

It is considered that the main issues in relation to this proposal are as follows:

- Impact on the visual amenity of the character of the area
- Impact on ecology
- Impact on Rights of Way

Planning Policy

- 7.03 Although the site is located within a Development Zone and Principal Employment Area, the established lawful use of the site is a D1 use. Therefore, the proposal does not constitute a change of use of the land, it is only operational development and therefore policy EM3 is not applicable.

- 7.04 The overspill car park is required due to the increasing number of congregation members. Although the car park is occasionally used by non-congregation members, most probably employees from nearby business, there remains insufficient parking for the church at the weekends, notably on a Sunday. Given that very few, if any, of the car parking spaces used on a Sunday would be used by non-congregation members, there is sufficient justification for the need for the need of the overspill car park.

7.05 Visual Amenity

The proposed overspill car park will be constructed of porous grass pavers - a paving system which allows grass to grow through the pavers to give the appearance of a grassed area. The pavers themselves will not be readily visible and therefore negating any visual impact.

7.06 Highway Issues

2no. footpaths are located within close proximity to the proposed overspill car park; however, the development will not have any impact on the footpaths. Furthermore, the overspill car park will negate the need for people to park on Wood Lane at times when the existing car

park is full to capacity.

7.07 Ecological Issues

A wildlife corridor lies to the south west and north west of the site; however, given that the overspill car park will be located approximately 40m from the corridor at its nearest point, it is considered that the proposal will not have any impact on wildlife and ecology in the area.

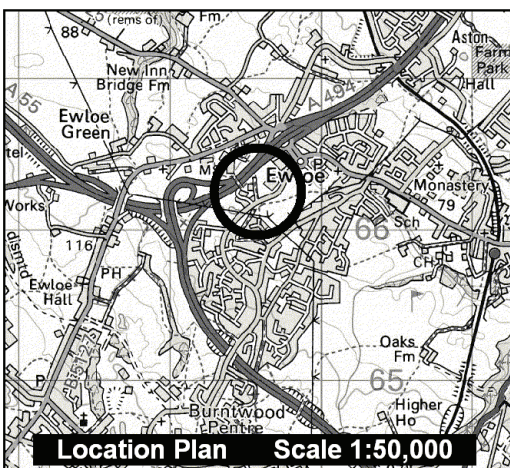
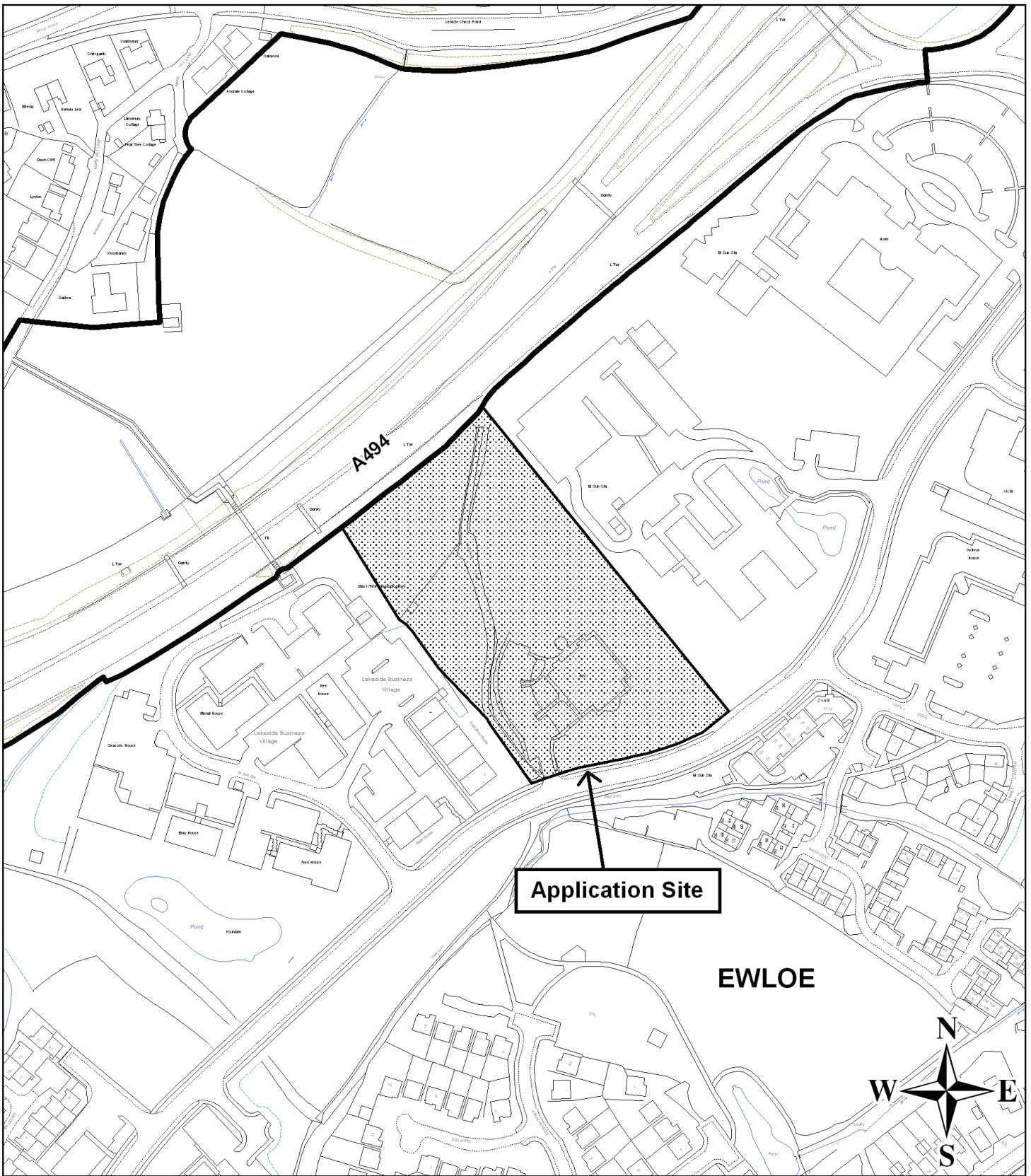
7.08 The site is located within the Coal Mining Development Referral Area; however, the Coal Authority has confirmed that it has no objection to the proposal.

8.00 CONCLUSION

8.01 Due to the nature of its design and construction, the proposed overspill car park will not have any detrimental impact on the visual amenities or character of the area. Furthermore, it will not have any detrimental impact on any nearby wildlife corridors or affect the nearby public footpaths.

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: Alex Walker
Telephone: 01352 703299
Email: alex.walker@flintshire.gov.uk

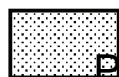


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 2966

Planning Application **50161**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 20th FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **OUTLINE – ERECTION OF 71 NO. DWELLINGS AT BYCHTON HALL FARM, MAES PENNANT ROAD, MOSTYN, FLINTSHIRE.**

APPLICATION NUMBER: **047951**

APPLICANT: **MULLHILL ESTATES LLP**

SITE: **LAND AT BYCHTON HALL FARM, MAES PENNANT ROAD, MOSTYN, FLINTSHIRE**

APPLICATION VALID DATE: **19.10.2010**

LOCAL MEMBERS: **COUNCILLOR P. HEESOM**

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

REASON FOR COMMITTEE: **SCALE OF PROPOSALS EXCEED THRESHOLDS FOR A DELEGATED DETERMINATION**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is an outline planning application for the erection of 71 dwellings on land adjacent to Bychton Hall Farm, Maes Pennant Road, Mostyn. The site is allocated for residential development in the Flintshire UDP. The application provides detail in respect of access, appearance, layout and scale. Matters of landscaping are reserved for future consideration. During the consideration of the application, issues in respect of design, layout, access and highway improvement works, drainage proposals, land contamination, existing natural features, affordable housing, recreation provision and educational requirements have been negotiated and resolved subject to the imposition of conditions and a S106 agreement.

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 £162,200 to the Council for use in facilitating access to affordable homes. Such sum to be paid in 2 instalments as follows;
 1. £76,000 upon completion of the first dwelling sale upon site.
 2. £86,000 upon completion of the 35th dwelling sale upon site.
 - b. Payment of £63,000 towards educational provision/improvements at Ysgol Bryn Pennant. This contribution shall be paid upon completion of the first dwelling sale upon site.
 - c. Payment of £52,800 towards the upgrade of existing recreational facilities within the locality. This contribution shall be paid upon completion of the 35th dwelling sale upon the site.
 - d. Provision of the on site play facility for use, levelled and appropriately drained, together with play equipment installed in accordance with a detailed specification to be agreed with the LPA via conditions precedent upon completion of the first dwelling sale upon site.
 - e. Payment of £7100 to the Local Highway Authority to promote, monitor and evaluate the travel plan. Such sum to be paid prior to the commencement of development.
1. Time limit on commencement within 3years from date of outline or 1 year after Reserved Matters approval.
 2. Submission of Reserved Matters.
 3. Samples and/or precise details of all external materials to be submitted and approved.
 4. Code for Sustainable Homes "Interim Certificate" to be submitted before work commences.
 5. Code for Sustainable Homes "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. Surface water scheme to be implemented before any impermeable surfaces constructed.
 8. No site clearance or tree/hedgerow works during bird nesting season or unless agreed with LPA
 9. Scheme for hours of working 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. Protective fencing as per Arboricultural report to be provided

- before works commencement.
12. Arboricultural Method Statement (AMS) to be provided in respect of all works within Construction Exclusion Zones around trees prior to any works being undertaken. Development to proceed in strict accordance with the agreed AMS. No dig construction in areas of proposed hard standing with CEZ.
 13. Phase 2 land contamination survey to be undertaken prior to commencement of development. Report to be submitted and approved.
 14. Remediation measures to be undertaken in accordance with scheme agreed and prior to occupation of dwellings. Validation and verification reports to be provided prior to occupation of the dwellings.
 15. Submission and agreement of scheme for equipping, layout, landscaping, management and maintenance of the play area and surrounding space prior to works commencement.
 16. Access works to be submitted and agreed prior to any site works commencing.
 17. Access shall be formed before any other site works and in accordance with agreed scheme.
 18. Visibility splays of 2.4m x 40m in both directions. No obstructions within the splays.
 19. Detailed layout, design, traffic calming, signage, drainage, lighting and constructional details to be submitted and agreed prior to works commencement.
 20. Scheme for the prevention of surface water run off from estate highway onto Maes Pennant Road prior to commencement.
 21. Protection of route of Footpath 106b.
 22. Provision of badger run prior to any site works being undertaken in accordance with scheme to be submitted and agreed.
 23. Precise details of highway crossing point to be submitted agreed and implemented.
 24. Full Travel Plan to be submitted prior to commencement of development.

3.00 CONSULTATIONS

3.01 Local Member Councillor P. Heesom

Considers the proposals are an overdevelopment of the site.
Requests a committee site visit.

Mostyn Community Council

Objects. Considers the proposals are excessive in scale and would give rise to adverse highway safety issues and problems with site access and egress.

Head of Assets and Transportation

No objections. Requests that a S.106 contribution of £100 per dwelling (£7100) be sought to facilitate the promotion, monitoring and

evaluation of the required travel plan. Requests the imposition of conditions.

Head of Public Protection

Advises that a Phase 1 land contamination assessment has been considered and is deemed acceptable. Requests the imposition of a condition requiring a Phase 2 investigation prior to the commencement of development and implementation of identified and agreed remediation measures prior to the occupation of any dwellings.

Public Open Spaces Manager

Advises that a door step play area of not less than 1000m² will be required upon the site.

A commuted sum equivalent to 10 years maintenance costs will be required in play area is not be offered for adoption.

A commuted sum should be sought on the basis of 66% of the total number of dwellings at £1100, with such sum being used to upgrade existing play and recreation facilities within the locality. Sum sought is £52800.

Director of Lifelong Learning

Advises that a commuted sum towards the provision of educational facilities at Ysgol Bryn Pennant to address the demands arising from the anticipated 18 additional pupils. Advises this sum should be £63000.

Head of Housing Strategy

Advises of an identified affordable housing need within the locality. Outlines 2 options to address this need. This issue is explained in greater detail in Section 7.

Welsh Water/Dwr Cymru

No objections. Requests the imposition of conditions.

Environment Agency Wales

No objections on the basis that both foul and surface waters are proposed to be drained to an existing adopted system. Requests a condition requiring the agreement and implementation of the surface water drainage proposals.

Coal Authority

No objections.

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

- a) Access inadequate to serve such a large development site;
- b) Existing highway infrastructure inadequate to accommodate development;
- c) Inadequate separation between existing and proposed dwellings;
- d) Inadequate local infrastructure;
- e) Adverse impacts upon residential amenity;
- f) Construction traffic will pose risk to elderly and child pedestrians in the village;
- g) Adverse impact upon adjacent historic farm complex; and
- h) Impact upon badgers in the locality.

5.00 SITE HISTORY

5.01 279/89

Outline – residential development
Refused 26.5.1989.

826/89

Outline – residential development
Refused 26.5.1989
Appeal Dismissed 5.6.1990.

037911

Erection of 158 dwellings
Refused 25.10.2004.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR1 - New Development
- Policy STR4 - Housing
- Policy STR11 - Sport, Leisure & Recreation
- Policy GEN1 - General Requirements for Development
- Policy D1 - Design, Location & Layout
- Policy D2 - Design
- Policy D5 - Crime Prevention
- Policy TWH1 - Development affecting Trees & Woodlands
- Policy TWH2 - Protection of hedgerows
- Policy WB1 - Species Protection
- Policy AC13 - Access & Traffic Impact
- Policy AC18 - Parking Provision & New Development
- Policy HSG1(31) - New Housing Development Proposals
- Policy HSG8 - Density of Development
- Policy HSG9 - Housing Mix & Type

- Policy HSG10 - Affordable Housing within Settlement Boundaries
- Policy SR5 - Outdoor Playing Space & New Residential Development
- Policy EWP2 - Energy Efficiency in New Development
- Policy EWP3 - Renewable Energy in New Development
- Policy EWP14 - Derelict & Contaminated Land.

6.02 The application site is located within the settlement boundary of Mostyn as defined within the Flintshire Unitary Development Plan and is allocated as a site for housing development. Therefore the proposals are considered acceptable in principle.

6.03 The question for consideration is whether the proposals accord with the other policies in respect of the detail of the proposals. 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 comprises a 1.8 hectare area of agricultural land currently in use for the grazing of horses. The site is broadly rectangular in shape and occupies a position upon the western extremes of the settlement of Mostyn.

7.02 The site occupies a position upon rising ground above the existing settlement abutting areas of open countryside. It is generally flat across its northwest – southeast axis but there is a steady gradient down slope from the south west towards the existing residential estate at Bodhyfryd to the north east. This site topography is reflective of the landform in the wider area.

7.03 The site abuts a small copse of woods to its north eastern edge which is a designated Green Space. The site abuts further agricultural land to the north west although the site is part of this larger land holding and therefore, there is no formal demarcation of this boundary. The County highway, Maes Pennant Road abuts the south eastern edge of the site with this boundary formed by a well established hedgerow and bank. The south western edge of the site is formed by the limits of the historic 19th century farm complex, Bychton Hall Farm. The limits of the site equate with the base of a bank, upon the top of which is one of the range of outbuildings to the farm.

7.04 There is presently no vehicular access directly to the site from Maes Pennant Road.

The Proposed Development

7.05 The proposal seeks to establish the principle of the residential development of this site to provide 71No. detached, semi-detached

and terraced dwellings, in 2 storey format. The proposed composition is;

41 x 3 bed units, and
30 x 4 bed units.

All the dwellings would achieve Level 3 of the Code for Sustainable Homes.

- 7.06 The proposals are submitted in outline but the majority of detail is provided. The scheme includes the creation of vehicular and pedestrian access points onto Maes Pennant Road and links with the adjacent Footpath 106b, together with the provision of estate highways. The scheme also includes the provision of a 1000m² area of open space intended as a doorstep play facility.

Main Planning Issues

- 7.07 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. Land contamination.
 - e. Landscape and ecology.
 - f. Public open space and recreation provision.
 - g. Affordable Housing.
 - h. Education contributions.
 - i. Viability and S.106 requirements.

Principle of Development

- 7.08 The site is allocated for residential development in the Flintshire Unitary Development Plan, with an expected yield of 54 dwellings. The principle of development has therefore been accepted.
- 7.09 The indicative yield of 54 dwellings within the UDP accords with the amendments made by the Inspector that all allocated housing sites should achieve a minimum of 30 dwellings per hectare (dph) unless there are particular constraints or issues which indicate a lower density is appropriate. Policy HSG8 - Density of Development, seeks to make the most efficient use of land whereby the density of development should be optimised, whilst having regard to the characteristics of the site and surroundings and making provision for a high quality living environment in terms of privacy and space.
- 7.10 In the case of this proposal, the yield exceeds that identified within the

UDP. The provision of 71 dwellings amounts to a density of 38 dwellings per hectare (dph) and, whilst above the expected yield identified by the Inspector, this yield should not be seen as a target, but a guideline. Indeed, the UDP advises that density should be considered against the factors such as the character of built form in the locality. The character of built form within Mostyn is one of high density housing. The development proposals reflect this fact and given that fact that the required levels of separation and spacing are achieved, I see no fundamental objection to the density of development proposed. Accordingly, I consider the layout to represent a balance between the aims of policy and all other material considerations.

7.11 Therefore, the proposed residential development of this site is considered to be acceptable in principle.

7.12 Design Considerations

The proposed design and layout of this scheme has been the subject of negotiation and discussion over the course of the consideration of the application and has been amended in line with comments arising from the consultation process. The proposals were also informally discussed with members of the Design Review Panel of the Design Commission for Wales (DCW) and the input arising from this discussion has, in part, been reflected within the proposed scheme.

7.13 The scheme has evolved to respond to and reflect the characteristics of built form within the locality. The proposed layout delivers a form which echoes the strong linear patterns of built form both within the settlement and the adjacent historic farm complex. This linear character is reflected in the arrangement of strong ribbons of built form which, allowing for the break of Maes Pennant Road, continue these existing lines. The layout takes full account of the existing dwellings adjacent to the site by maintaining adequate separation distances, in line with Council standards on space about dwellings and overlooking to secure privacy and amenity as well as respecting the private gardens of adjacent houses.

7.14 The wider area is characterised by a mixture of property types but with two identifiable styles. These are the more modern house types apparent at Bodhyfryd and the post war former Local Authority Housing which comprise most of the dwellings within the settlement. The applicant has sought to create a development which recognises this influence but does not seek to replicate these styles. Accordingly, features such as steeply pitched roofs are proposed and the palette of proposed materials, being brick, render and slate, accords with the existing built form.

7.15 Accordingly I consider the proposals provide an adequate and appropriate response to the design issues raised in connection with the consideration of this application.

- 7.16 Highways and Access
Vehicular access to the site is proposed to be derived via a new junction with Maes Pennant Road within the south eastern boundary, facilitating access to both the County highway network and existing adjacent residential estate roads. The application is accompanied by a transport assessment which highlights that the site is sustainably located in transport terms and makes provisions to access the existing links to the good public transport network which serves the village.
- 7.17 The creation of this point of access will require the removal of a short length of the existing hedgerow, However, the distance to which the hedge is presently set back from the road is such that the majority of the hedge can be retained and would not be required to be removed to provide visibility splays,. In addition, there is sufficient width to allow for the length of Maes Pennant Road along the site frontage to be improved to a width of 5.5 metres and provide for a pedestrian footway to the north western edge of the road. The proposals also seek to provide a footpath link into the site to the south of the wooded copse at a proposed crossing point on Maes Pennant Road. This allows linkages into the existing footpath network and improves access to the public transport network.
- 7.18 Representations have been made that the proposals will give rise to a level of traffic generation which would adversely affect the safety of existing highway users upon a highway network which is inadequate to cater for the volume of traffic envisaged to arise. The Head of Assets and Transportation has considered the proposals and the supporting information and concludes the proposals would not give rise to a volume of traffic which would detrimentally affect highway safety and therefore, has no objections subject to the specified S.106 contribution and conditions.
- 7.19 It should be noted that Footpath 106b lies adjacent to the northern edge of the site and proposals have been developed to connect into this footpath from the proposed recreation space, thereby securing improved connectivity with the remainder of the community
- 7.20 Land Contamination
The site occupies an area of land which, historically was utilised in connection with coal mining activities in the locality. The application was therefore accompanied by a Phase 1 land contamination assessment which identifies the principal likely contaminants upon the site to those associated with coal mining. The report concludes that a further intrusive survey be undertaken, before the commencement of development, which identifies the location, type and scale of any contamination and from this data, identifies the appropriate remediation strategies to address this issue.
- 7.21 This report has been considered by both the Head of Public Protection

and The Coal Authority, both of whom are satisfied that the report recommendations are appropriate and accordingly a condition requiring the same is proposed to be imposed.

7.22 Landscape, Ecology and Trees

The site abuts an area of designated Green Space and whilst this is not part of the application site, it is respected and incorporated in so much as the proposed on site play facility is located abutting the area, providing a wooded backdrop to this facility. The application is supported by ecological and arboricultural assessments both of which identify issues of interest, together with measures to ensure the proposed development would not adversely affect these issues.

7.23 In respect of trees, the report identifies that that all trees of note within the locality are located outside of the site boundaries. However, it notes the potential crown spread of certain trees within the green space into the play area and proposed footpath extension. In this respect, I propose to condition the tree protection measures identified and include provisions for a 'no-dig' construction where hard standings are proposed within proposed exclusion zones around these important trees.

7.24 The only ecological interest of relevance to the site relates to Badgers and their use of the site for foraging. Provision is made for a corridor to allow connectivity of badger populations between the site and areas further to the west. I propose to condition its provision in accordance with precise details of its construction and management to be agreed.

7.25 Viability

The application has been the subject of lengthy and detailed negotiations in relation to the viability of the site in terms of its ability to yield the level of planning gains identified in accordance with the provisions of the UDP. These matters relate to affordable housing, educational contributions and recreation provision.

7.26 Studies undertaken by the developer have been the subject of independent assessment by The District Valuer (DV). This assessment concludes that the viability assessments are accurate and do indeed indicate that, as a combination of the currently depressed economic situation and the abnormalities associated with the development of this site (land contamination assessments and grouting), the profits arising from this scheme would not reasonably allow for the provisions of the identified issues in strict accordance with the requirements of UDP policies in this respect.

7.27 The evidence considered by the DV suggests that the development would not be viable were the usual payments under a section 106 agreement to be strictly required. The Council is entitled to take into account, in such circumstances, the likelihood of the proposed development being carried out. In doing so, the Council must

consider what would be the planning consequences if the scheme did not proceed because it was not viable.

- 7.28 In this particular case, the consequences relate to the fact that the site is an allocated site for the purposes of residential development within the Flintshire Unitary Development Plan (UDP). As such, the anticipated yield of dwellings arising from the development of this site forms a part of the strategic overall housing figure planned to be delivered through the UDP. If this site is not delivered, there would be a consequent impact upon the levels of housing identified to be required to be delivered through the plan.
- 7.29 This assessment identifies that a sum below that which would be considered acceptable would be likely to result. In the view of the DV, the sum offered of £278,000 was reasonable. The applicant offers this sum for planning contributions, payable in 2 instalments.
- 7.30 However, in recognising that the assessment outcomes arise as a consequence of current economic circumstances, I consider that provision ought to be made to allow for the re-assessment of the viability of the proposed development if the site were to not be commenced swiftly following approval of Reserved Matters.
- 7.31 I consider that the most appropriate and pragmatic means via which this provision for re-assessment can be secured would be for this outline permission to be granted with a time limit upon commencement of 3 years, instead of the normal 5 years, of the date of the outline planning permission or within 1 year of the date of the last approval of Reserved Matters. Taking into account the fact that this would be an Outline planning permission, with the need for Reserved Matters to be agreed, this would also necessitate a variation to the normal period for the submission of Reserved Matters from 3 years to 2 years.
- 7.32 I consider that this exception to the normally imposed conditions will ensure that, in the event that development has not commenced within that time, an opportunity to re-assess the viability of the development will be afforded if and when an application to renew the permission is made.
- 7.33 Recreation and Public Open Space Provision
In response to consultation, the Head of the Play Unit has advised a willingness to split the requirements normally associated with a development of this scale in such a manner as one third of the requirement is met by an on site provision, and the remainder is met via a commuted sum towards other provision, off site, within the locality.
- 7.34 To this end, a doorstep facility of not less than 1000m² is required upon the site. The nature of landscaping works and equipment is to be

agreed via a condition. This condition will also require the details of the management and maintenance of the facility to be agreed prior to the occupation of any of the dwellings hereby approved.

7.35 In addition, a commuted sum of £52,800 is to be paid to the Council for use in upgrading existing facilities within Mostyn community.

7.36 Education Contributions

Consultation with the Director of Lifelong Learning in respect of the likely impact of the proposed development upon educational facilities within the locality has identified that the 18 primary aged pupils likely to arise from the development would result in an adverse impact upon the educational facilities at the nearby Ysgol Bryn Pennant. No adverse impact at secondary school level is anticipated and therefore the request for contributions towards satisfying the educational needs at the school to provide for the additional pupils is restricted to primary school level only.

7.37 Accordingly, the sum of £63,000 is sought for use in providing additional capacity at Ysgol Bryn Pennant and will be provided as set out in Section 2 of this report.

7.38 Members should note that discussions in respect of the level of contribution sought were undertaken, and assessment of the viability case undertaken, at a time pre-dating the adoption by the Council of Supplementary Planning Guidance Document No. 23 – Developer Contributions to Education (SPG). This document was adopted by the Council on 17th July 2012.

7.39 Were the provisions of the SPG applied to consideration of this application now, I am advised that Ysgol Bryn Pennant presently has 108 pupils on the roll and a capacity of 111 pupils. Consequently the school has only 2.7%. Therefore the formula identified within the SPG, applying the anticipated pupil numbers of 18 would indicate that a sum of £220,626 would be required under this guidance.

7.40 However, for the reasons already set out in this report in respect of the viability, the sum sought (£63000) is that initially discussed and used as the basis for assessment.

7.41 For the avoidance of doubt, there is no secondary school contribution sought as the secondary school serving the catchment area is Holywell High School, which presently has 50% surplus places and therefore the capacity triggers of the SPG are not triggered.

7.42 Affordable Housing

The Head of Housing Strategy had initially outlined 2 options as being an appropriate response to the requirements of Policy HSG10. These were the provision of 21 affordable units on the site via a shared equity scheme or, the gifting of 6 dwelling units to the Council for the

Council to make available to applicants with proven local connections via its affordable home ownership register. This option also included the payment of a commuted sum of £51,000. Both options have a total value of £797,000.

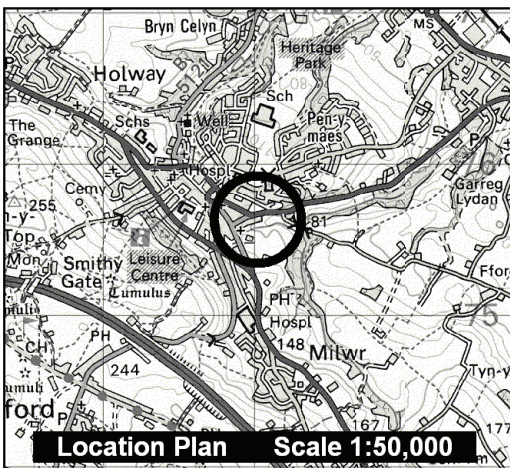
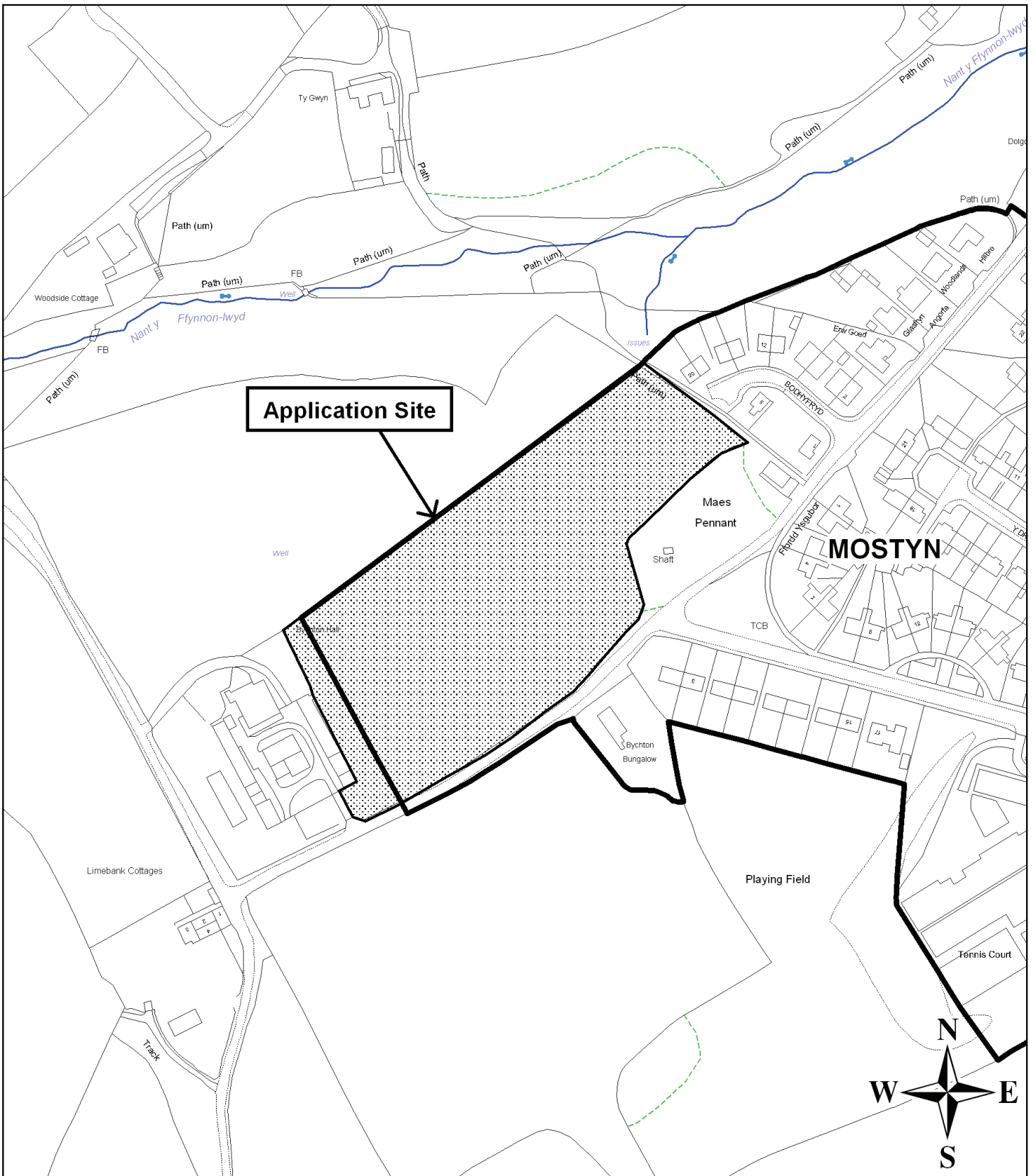
- 7.43 For the reasons given in Paragraph 7.25 – 7.29 inclusive, the scheme does not have sufficient residual value to allow for contributions to this extent.
- 7.44 Following discussions with the Head of Housing Strategy, it is considered that, by virtue of the high level of housing available within Mostyn for social rented and provision via the Council Housing waiting lists, together with the fact that market prices for Mostyn are lower than comparable properties elsewhere, the best way to address affordability requirements having regard to the particular constraints of this site, would be to utilise the residual sum from the contribution offered to facilitate access to existing affordable home provisions.
- 7.45 Therefore I am proposing the residual £162,200 is made available for use in this fashion in 2 instalments as set out in Section of the report.

8.00 CONCLUSION

- 8.01 The development of this site for residential use has been accepted in principle through the allocation of the site in the UDP. The negotiations in relation to the design and layout of the site have resulted in a solution which provides for a scheme which is considered acceptable. The issues of land contamination and site drainage can be dealt with by the imposition of appropriate conditions.
- 8.02 Appropriate levels of affordable housing, education contribution and open space provision have been identified having regard to the proven viability issues presented with the development of this site and therefore, appropriate contributions associated with these matters are proposed to be secured via an appropriately worded legal agreement.
- 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: David Glyn Jones
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Email: glyn_d_jones@flintshire.gov.uk

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

Legend

 Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

 Application Site Extent

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Map Scale 1:2500

Ordnance Survey Sheet SJ 1579

Planning Application **47951**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **20th FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RESERVED MATTERS – ERECTION OF 58 NO. DWELINGS ON LAND ADJACENT TO GLAN-Y-DON ESTATE, HOLYWELL, FLINTSHIRE.**

APPLICATION NUMBER: **050213**

APPLICANT: **WALES & WEST HOUSING ASSOCIATION**

SITE: **LAND ADJACENT TO GLAN-Y-DON ESTATE, HOLYWELL, FLINTSHIRE.**

APPLICATION VALID DATE: **18.10.2012**

LOCAL MEMBERS: **COUNCILLOR J. JOHNSON**

TOWN/COMMUNITY COUNCIL: **HOLYWELL TOWN COUNCIL**

REASON FOR COMMITTEE: **NUMBER OF DWELLINGS PROPOSED EXCEEDS THE NUMBER FOR WHICH DELEGATED POWERS TO DETERMINE EXIST.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This Reserved Matters application is submitted following the grant of Outline Planning Permission for the development of this site for residential purposes.
- 1.02 Members will recall that all matters were Reserved at Outline Permission stage and therefore this submission seeks approval of matters relating to the means of access to the site, appearance, landscaping, layout and scale (The Reserved Matters).
- 1.03 This application seeks approval of details to provide 58 dwellings on the land. During the consideration of the application, issues in respect of design, visual impact, landscape, ecological impacts, affordable housing and recreation provision have been negotiated and resolved subject to the imposition of conditions as detailed elsewhere in this report.

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

2.01 That reserved matters approval be granted subject to the following conditions;

Conditions

1. Time limit on commencement.
2. In accord with outline permission.
3. Notwithstanding condition 20 upon outline permission 047535, an acoustic survey report be undertaken and submitted prior to the commencement of development. Attenuation measures identified and agreed to be incorporated prior to the occupation of the dwelling(s) to which they relate.
4. Construction Traffic Management Plan to be submitted and agreed.
5. Hours of working to be agreed.
6. Full constructional detail of proposed retaining walls to be submitted and agreed prior to commencement.
7. Implementation of the submitted landscaping scheme. To include management and maintenance regime.

3.00 CONSULTATIONS

3.01 Local Member
Councillor J. Johnson
No response at time of writing.

Councillor Mrs. R. Dolphin

Wishes to ensure that no access during construction works is permitted via Glan-y-Don Estate. Considers access from A548 should be constructed before any other work commences. Has requested that consideration be given to making trees upon the site the subject of a Tree Preservation Order.

Holywell Town Council

No objections raised. Raises the following points for consideration;

- Installation of bollards at the end of Glan-y-Don Estate to preclude vehicular access from this direction.
- No access for construction traffic via Glan-y-Don Estate.
- No physical encroachment of site onto adjacent play area.
- Consideration of trees for Tree Preservation Order.
- Provision of an acceptable drainage system.

Head of Assets and Transportation

No objection. Notes that conditional requirements in terms of the design and layout of the highway have already been imposed upon the outline permission. Requests conditions requiring the management of landscaping abutting the highway and details of the

retaining structures to be agreed.

Head of Public Protection

No adverse comments.

Public Open Spaces Manager

As per Outline planning permission, proximity of existing play area adjacent to site negates the need for on site recreation provisions. Requests contributions of £733 per dwelling towards upgrade of this existing facilities.

Also advises of need for boundaries adjacent to the play areas to be of a robust nature to safeguard amenity.

Does not consider that the adoption of any on site amenity areas would be appropriate.

Welsh Water/Dwr Cymru

No adverse comments. Requests the imposition of conditions relating to site drainage proposals and advising of the location of a public sewer in vicinity of the site.

Environment Agency Wales

No objections. Raises awareness of need for land drainage consent for the culverting of the existing watercourse.

The Countryside Council for Wales

No objection to the proposals. Requests that the proposed protected species recommendations are required to be implemented by condition.

Coal Authority

No adverse comments. Standard advice applies.

4.00 PUBLICITY

4.01 The application has been publicised by way of the publication of a notice within the local press, the display of a site notice in the locality and neighbour notification letters sent to directly adjacent properties.

4.02 At the time of writing this report, 1No. letter from a third party has been received. The letter raises the following matters;

- Concerns that existing estate road will act as access for plant and machinery with consequent implications for safety and impacts upon residential amenity;
- Loss of existing natural features and impacts upon the ecological value of the site;

5.00 SITE HISTORY

- 5.01 **035725**
Outline - Residential Development.
Permitted 29.7.2003.

041221
Renewal of 035725.
Permitted 17.1.2007.

047535
Outline – Residential Development.
Permitted 23.12.2011.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy STR - New Development.
Policy STR4 - Housing.
Policy GEN1- General Requirements for Development.
Policy GEN2- Development Inside Settlement Boundaries.
Policy D1 - Design, Location and Layout.
Policy TWH1 - Tree and Woodland Protection.
Policy AC13 - Access and Traffic Impact.
Policy HSG1 - New Housing Development Proposals.
Policy HSG9 - Housing Mix and Type.
Policy HSG10- Affordable Housing within Settlement Boundaries.

7.00 PLANNING APPRAISAL

- 7.01 Introduction
This is an application for the approval of Reserved Matters following a previous grant of outline planning application for the development of the site for residential dwellings. The application seeks approval of a scheme for the erection of 58 No. dwellings and associated works on land at Glan-y-Don, Holywell. The site measures 1.93 hectares in area.

- 7.02 Site Description
The site comprises 2 distinct field parcels of gently sloping land and is located to the south of the Ship Inn between existing residential areas at Glan y Don and Bala Avenue. It is bordered to the north east by the A548, which is at a lower level than the application site. The site was lastly in agricultural use. The site is roughly rectangular in shape and flat across its east/west axis with a significant slope from south to the northern boundary with the A548. The site is strongly bounded by existing mature and well established hedge and tree lines which broadly mark the southern, eastern and northern boundaries of the site, as well as marking the position of a watercourse which flows along the boundary of the two field parcels. The western part of the northern boundary of the site to the adjacent A548 is formed by a precast concrete retaining wall. The character of built form in the area

comprises mainly detached and semi detached 2 storey dwellings.

7.03 Proposed Development

The proposed development comprises the following;

- 58 No. dwellings which vary in design from 1 and 2 bed apartments, and 2, 3 and 4 bed detached and semi detached dwellings.
- The formation of a new point of vehicular access from the A548 to the north of the site.
- The creation of pedestrian access to the adjacent existing Children's Play Area on Clwyd Avenue.

7.04 All dwellings are proposed to achieve level 3 of the Code for Sustainable Homes and, as the houses are to be erected by a Housing Association to provide affordable housing, will also comply with Welsh Government DQR standards and Lifetime Homes Standards.

7.05 Principle of Development

Members will recall that this site benefits from outline planning permission, granted under reference 047535, which establishes the principle of residential development upon this site. Members will also appreciate that this site was considered as part of the housing requirement calculations within the UDP by virtue of the fact that it represented an existing commitment via earlier grants of permission.

7.06 Members will appreciate that, being an application for the approval of Reserved Matters, this application does not afford an opportunity to revisit the principle of the development. The consideration in this case is the extent to which the details of the Reserved Matters accord with the requirements of policy.

7.07 In considering the issue of housing development upon unallocated sites within Settlement Boundaries, the UDP directs that residential development proposals upon such sites in Category A settlements, such as Holywell, should seek to achieve a development density of 30 dwellings per hectare (dph). The proposals represent a development which accords with this aim, being 30 d.p.h.

7.08 Main Planning Issues

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

- a) Landscape and ecological issues
- b) Drainage and flood risk
- c) Highway Issues
- d) Design and impacts upon existing residential amenity.
- e) Education contributions
- f) Recreation contributions

g) Affordable Housing

7.09 Landscape and Ecology

The site lies approximately 500m. to the south of the Dee Estuary SSSI, SAC and Ramsar site. However, given the distance between this area and the site, together with the scale of the proposed development and the segregation imposed by A548 Bagillt Road, no adverse impacts are envisaged. The site is also located within 1km of 5 candidate wildlife sites although no impact is anticipated by virtue of the distance between the application site and the candidate sites and the installation of protective fencing to the southern boundary of the site during construction works.

7.10 Further to the consideration of this matter at outline stage, and pursuant to the conditions imposed upon the subsequent grant of outline planning permission, bat and bird surveys have been carried out in accordance with the requirements of those conditions.

7.11 These surveys have been undertaken and have established that the site does not offer roosting habitat to any bats and the existing trees within the site offer little opportunity for the same in the future. The survey established that the south eastern corner of the site is used for transient foraging by the Common Pipistrelle bat believed to be roosting off site in nearby houses. The reports advocates that bat roosting boxes be placed within the site to afford roosting opportunities and provisions are made for 2No. such boxes to be located within existing trees along the eastern boundary of the site.

7.12 The reports also examined the site for evidence of nesting birds. Nesting blackbirds were discovered and consequently, tree and hedgerow clearance and management work was postponed until the nesting period had expired. The report advocates the provision of bird nesting boxes in the tree belt to the east in mitigation of some of the vegetation lost in these proposals.

7.13 These reports have been considered by both CCW and the County Ecologist and, subject to the mitigation identified within these reports being implemented as per the conditional requirements of the outline permission, no objection is raised. I do not consider a further condition requiring the implementation of these measures is required as such provision is already made within the wording of the existing outline planning permission conditions.

7.14 I therefore conclude that, subject to the identified mitigation, the proposals would not adversely affect the continued favourable conservation status of any protected species.

7.15 Drainage and Flood Risk

The proposals have been the subject of consultation with Dwr Cymru/Welsh Water who advise that, subject to the imposition of

conditions in respect of the submission, agreement and implementation of detailed drainage schemes, there is no objection to the proposal upon drainage grounds. This condition was imposed upon the outline planning permission and there is no need to repeat it.

- 7.16 The site is crossed by two existing watercourses. The potential for these to present a flood risk to the site has been assessed and it is considered that the risk can be adequately managed. In response to consultation, the Environment Agency Wales has advised that subject to conditions in respect of the agreement of the proposed site drainage scheme and the prior agreement of any works affecting the watercourses, there is no objection to the granting of permission.
- 7.17 The proposals involve the diversion and culverting of the channel which presently flows from south to north through the centre of the site to the eastern ditched watercourse. This diversion is required in order that the layout can adequately accommodate the various site constraints and requirements relating primarily to the site topography and its relationship with highway gradients. The EAW have raised no fundamental objection to the proposals for the diversion but advise that as the watercourse is a 'non-main' river, the consent of the Local Lead Flood Authority is required for the works. Accordingly, consultation has been undertaken with the Council's Drainage Section. Advice in respect of this issue will be relayed to members either via late observations or verbal address by the officer at the meeting.
- 7.18 Highways
Vehicular access to the site is proposed to be derived via a new junction with the A548 at the existing roundabout adjacent to the north western corner of the site, allowing access to the County highway network.
- 7.19 Representations have been made that the proposals will give rise to the need for construction traffic to utilise the existing point of access to the site from Glan-y-Don, with consequent impacts upon both amenity and highway safety. I am satisfied that the site can be developed without the need for the use of this access as conditions upon the outline permission both require the construction of the proposed point of access to the site prior to any other site works, and the use of only a single point of access to the site. However, In the interest of ensuring that construction traffic is managed to ensure that Glan y Don is not used, I will impose a condition requiring the submission and agreement of a Construction Traffic Management Plan, prior to the commencement of development.
- 7.20 The Head of Assets and Transportation has considered the proposals and has no objections subject to the conditions which were imposed at outline permission stage. It is considered that the details of the proposed retaining walls can be adequately assessed under the terms

of existing conditions imposed to ensure that there is no detriment to the highway.

7.21 It should be noted that the footpath which cross the site is not a defined public right of way and does not appear upon the definitive footpath map. However, in considering the design and layout of the site, the applicant has recognised that they is an obvious desire line for occupants of existing properties at Glan-y-Don to cross the site and access the play area at Clwyd Avenue. Therefore, pedestrian access is provided from Glan-y-Don, via a flight of steps, onto the proposed estate footpaths and access is proposed via the estate highway footpaths into the play area in the south west corner of the site. I am satisfied that this provision will ensure connectivity with the site and the wider community is secured.

7.22 Design and layout

This application provides the details of a development of 58no. dwellings. These are all proposed to provide 2 storey accommodation which comprises the following mix of accommodation;

- 24 x 2 bed (3 person dwelling)
- 20 x 3 bed (5 person dwelling)
- 2 x 4 bed (7 person dwelling)
- 7 x 2 bed (3 person apartment)
- 5 x 1 bed (2 person apartment)

7.23 5No. of the 2 bed apartments are provided together with the 5No. 1 bed apartments within a terrace of 10 dwelling units arranged in a split level configuration. The external appearance of this terrace from the proposed roadway within the development is as a terrace of 5No. bungalows. However, the terrace will appear as a 2 storey development when viewed from the north. The accommodation is configured such that the 1 bed units are provided with level access to suit occupation by wheelchair users, with the 2 bed units occupying the lower level.

7.24 The scheme has evolved to respond to the site characteristics and delivers a design where the form and dwellings reflect both the design of the residential areas and buildings in the locality, and provide for the above identified mix of accommodation types. The site topography is the prime constraint upon this site and this, coupled with a desire to minimise loss of existing trees and hedgerows has resulted in a layout which meanders up the slope of the site. Members will appreciate that the nature of residential development in the area is such that built form either meanders up the step slope in this area or takes the form of steeped plateaus served by either steep roads or meandering curves. This proposal is reflective of this local form.

7.25 This layout necessitates the use of retaining walls in various locations but this is unavoidable if the site is to be developed at an acceptable

level and be served by a single point of access from the A548. The use of such retaining walls eliminates the need for unsightly, costly and wasteful under build upon the proposed properties. Negotiations during the course of the consideration of the scheme has resulted in improvements to street scenes and seek to retain existing natural features where possible, whilst introducing new and supplementary planting to soften the impacts of the proposed retaining walls.

7.26 The wider area is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form but has no overall dominant local vernacular. The applicant has sought to recognise this within the proposal and seeks to create a development which sits well in its locality but delivers a strong sense of identity. The layout takes full account of the existing dwellings adjacent to the site by maintaining adequate separation distances, in line with Council standards on space about dwellings and overlooking to secure privacy and amenity as well as respecting the private gardens of adjacent houses. The layout in this regard has also enabled the retention of a significant and mature tree and hedgerow buffer between the site and adjacent properties which will add to the measures employed in safeguarding amenity.

7.27 Accordingly and notwithstanding representations made, I consider the proposals provide an adequate and appropriate response to the design issues raised in connection with the consideration of this application.

7.28 Education Contributions

Members will recall that this issue was considered at Outline planning permission stage and permission ultimately granted subject to a S.106 agreement in respect of the matter. This agreement required the payment of £3500 per pupil generated from the development towards Education facility provisions at Ysgol Glan Aber, Greenfield, being the primary school located closest to the site and being within 5% of its capacity. No requirement was requested for Secondary school provisions as Holywell High School, being the closest secondary school, as this has almost 50% surplus places.

7.29 This application now enables the formula calculations to be undertaken, the development is anticipated to give rise to 14 children of primary school age. I can therefore advise Members that the sum for educational provisions at Ysgol Glan Aber will equate to £38500.

7.30 There is no requirement for a further S.106 agreement under this application as these matters are adequately addressed in the current agreement imposed upon the outline planning permission.

7.31 Recreation Contributions

Members will similarly recall that the issue of on site play provisions was considered as part of the outline planning application and it was

considered that, due to the existence of an existing play facility immediately adjacent to the south west of the site, on site provision was not required and a sum in lieu of the same would be sought. The sum sought equated to £763 per dwelling, which reflects that the scheme is proposed to provide 100% affordable dwellings and not market housing.

7.32 I can therefore advise Members that the sum to be paid in lieu of on site play facilities and to be used in upgrading the existing facility at the Clwyd Avenue Play Area is £44254.

7.33 As above, there is no requirement for a further S.106 agreement under this application as these matters are adequately addressed in the current agreement imposed upon the outline planning permission.

7.34 Affordable Housing

The scheme is proposed to be 100% affordable as the developer is Wales and West Housing Association. The scheme has secured funding from Welsh Government as part of Flintshire County Council's Social Housing Grant Programme. The properties are proposed to be available via a rental tenure. However, schemes which are the subject of Welsh Government funding operate upon a tenure neutral basis. This will enable flexibility within the scheme to make properties available via shared equity provisions should the need be identified for such provisions.

7.35 The Council has supported this affordable housing programme as the scheme proposes to provide accommodation for those persons requiring a new home as a result of the Flint Regeneration Project. The funding secured to achieve both of these aims amounts to £4m.

8.00 CONCLUSION

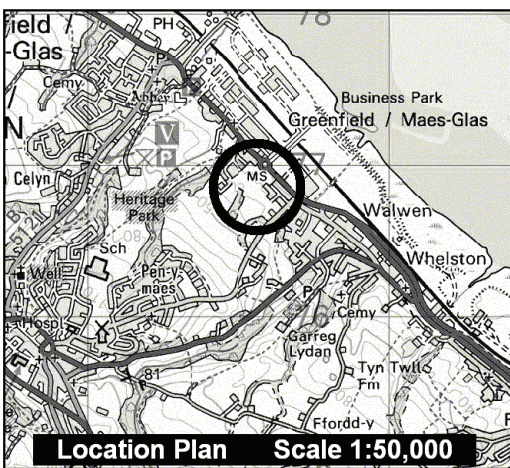
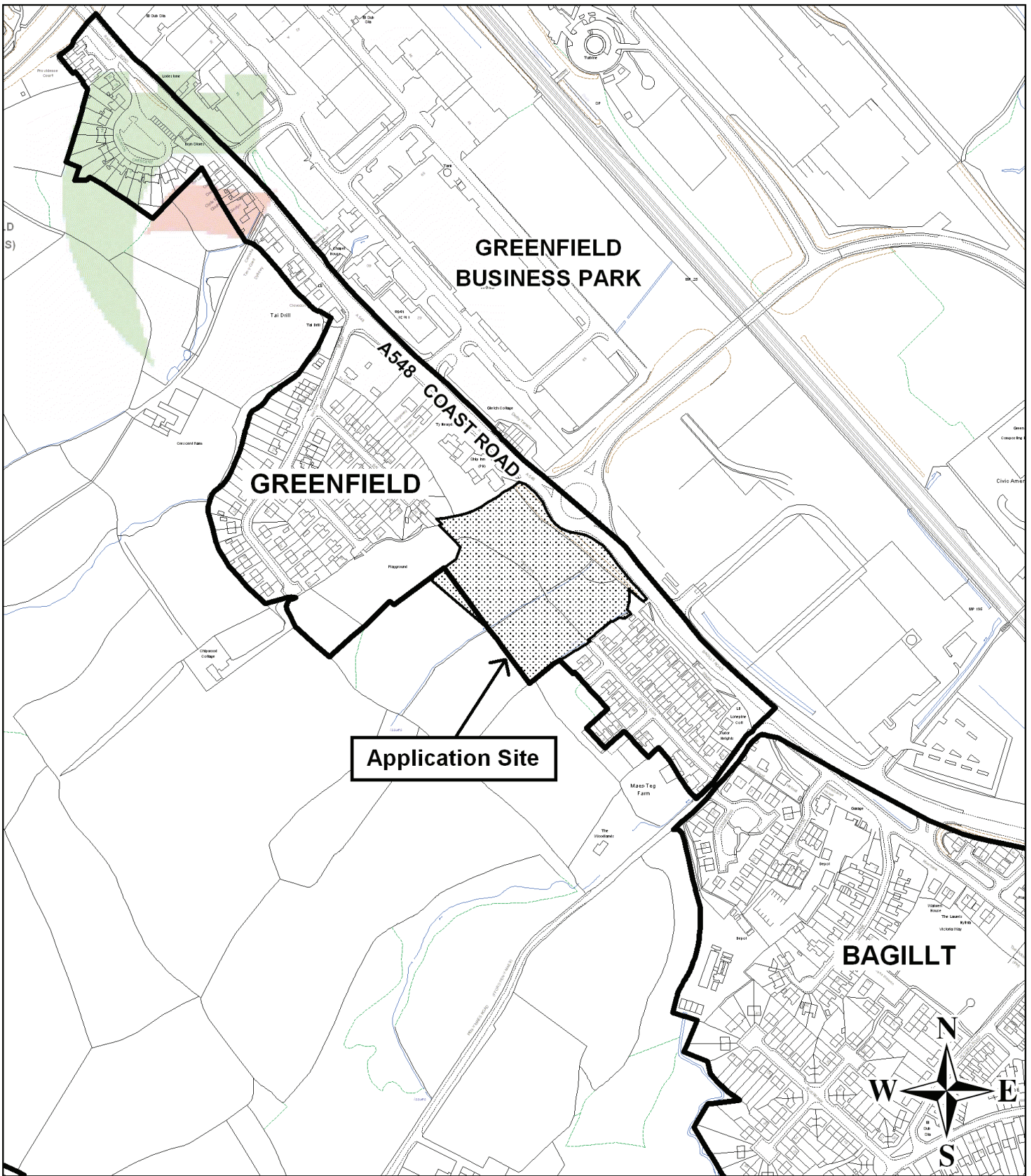
8.01 The development of this site for residential use has been accepted in principle through the granting of outline planning permission. The negotiations in relation to the design and layout of the site have resulted in a solution which provides for an acceptable scheme which respects the constraints imposed from the topography and site features. The issues considered in the above appraisal demonstrate that either they are addressed via the scheme or are appropriately addressed via conditions already imposed upon the grant of outline permission or via the suggested conditions to be imposed upon this grant of Reserved Matters approval. Appropriate provisions for contributions towards play and open space provision and education contributions have already been secured at Outline Planning Permission Stage via an appropriately worded legal agreement.

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

society in furtherance of the legitimate aims of the Act and the Convention.

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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 2076

Planning Application 50213

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **20TH FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – ERECTION OF 18 NO. DWELLINGS WITH ASSOCIATED ROADS, SEWERS AND OPEN SPACES 048850**

APPLICANT: **WAINHOMES LTD**

SITE: **LAND ADJACENT TO ‘SIGLEN UCHAF’, RUTHIN ROAD, GWERNYMYNYDD**

APPLICATION VALID DATE: **19/07/2011**

LOCAL MEMBERS: **COUNCILLOR NANCY MATTHEWS**

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

REASON FOR COMMITTEE: **REQUESTED BY LOCAL MEMBER DUE TO CONCERNS OVER HIGHWAY ACCESS, LAND LEVELS, RETAINING WALL, FOUL WATER DISPOSAL AND SURFACE WATER MANAGEMENT**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application seeking planning permission for the erection of 18 no. dwellings on land adjacent to ‘Siglen Uchaf’, Ruthin Road, Gwernymynydd. The main issues are the principle of development/policy context, impacts on visual/residential amenities, impact on the protected trees, highways and drainage.

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

2.01 That subject to the satisfactory completion of a Legal Agreement or Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990, requiring a financial contribution of £1,100 per dwelling to be paid upon 50% sale or occupation of the development

in order to enhance existing recreation provision within the community, or earlier payment of this amount, planning permission be granted.

- 2.02
1. Time limit on commencement.
 2. In accordance with plans and particulars.
 3. Sample materials to be submitted for approval.
 4. Surface water drainage scheme to serve the site to be approved prior to commencement of any development on site and to include reference to potential surface water/run-off impacts on the proposed retaining walls.
 5. No buildings to be occupied prior to 1st April 2014 when waste water treatment works completed.
 6. Foul and surface water to be drained separately from the site.
 7. No surface water connecting to the public sewerage system.
 8. Land drainage run-off not discharging into the public sewerage system.
 9. The site is crossed by a public sewer with no building permitted within 3 metres either side.
 10. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and internal estate roads to be agreed prior to commencement.
 11. Siting, layout and design of the means of site access along with the external improvement works shall be in accordance with submitted drawings and further details to be agreed.
 12. The works associated with the primary site access shall be kerbed and completed to carriageway base course layer prior to the commencement of any other site works.
 13. Provision of visibility splays.
 14. Visibility splays to be kept free from obstructions during site construction works.
 15. Garages to be set back minimum distances from footway line and carriageway.
 16. Facilities for the parking, turning, loading and unloading of vehicles to be provided and retained thereafter.
 17. Details to be submitted for approval regarding prevention of surface water run-off onto the highway.
 18. Submission and approval of a Construction Traffic Management Plan prior to commencement.
 19. Suitable scheme of enhanced double/secondary glazing to be approved prior to commencement of development.
 20. Submission of a contaminated land survey prior to commencement of development.
 21. Visibility splays to be free of any growth or obstruction that would interfere with the minimum visibility requirements.
 22. Dwellings to be constructed in accordance with Code for Sustainable Homes pre-assessment.
 23. The Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority prior to occupation.
 24. No demolition or tree/hedge management to take place during

the breeding bird season.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Nancy Matthews

Requests that the planning application be determined by the Planning and Development Control Committee with a site visit due to concerns over the highway access, land levels, retaining wall, foul water disposal and surface water management.

Gwernymynydd Community Council

Objects to the proposal for the following reasons:

- The site lies outside of the designated 'Gwernymynydd Village Envelope';
- Development should not take place in the upper part of the site, which would be better utilised as private amenity space;
- Highway safety issue with the proposed access/egress point onto the busy A494;
- 18 no. dwellings on this small site would result in overcrowding and therefore be detrimental to the rural character of Gwernymynydd village;
- The proposed dwellings are so close together that there is insufficient space to accommodate the parking of 2 or more cars per household and vehicles would be parked on the A494 as a result;
- The proposal does not comply with Local Planning Guidance Note No. 2 'Space around dwellings';
- There would be surface water run-off onto neighbouring properties, particularly the Haulage Yard which already suffers from flooding – the building of 18 no. dwellings would exacerbate the problem;
- There would be a problem with the foul water system as a result of adding 18 no. houses to an already overstretched main;
- Concern expressed with regard to underlying mine shafts and the stability of the ground;
- The site is near to the AONB and would be visually obtrusive on the landscape;
- The difference in land levels between the application site and the haulage yard and its neighbouring properties results in overlooking and a loss of privacy;
- The retaining wall proposed at the eastern end of the site will overshadow the neighbouring properties and alter the topography of the village;
- The application suggests that the proposed development site is a brownfield site, whereas the Community Council considers Siglen Uchaf to be a small holding;

- The neighbouring Haulage Yard is a flourishing well-respected business, which this development would seriously jeopardise;
- The development does not accommodate an open space/play area facility, which is contrary to Flintshire County Council's planning policy;
- The proposal does not comply with Policy GEN1 of the Flintshire Unitary Development Plan as it has a detrimental impact upon neighbouring properties and the development does not harmonise with its surroundings;
- There is no provision for affordable housing with Wainhomes proposing executive type houses only; and
- Consideration to be given to Tree Preservation Order T2 – the close proximity of the proposed development may have a detrimental effect on the tree.

Head of Assets and Transportation

Recommend standard conditions regarding full details of layout; means of site access and the works associated; visibility splays; garage positions; facilities for parking, turning, loading and unloading of vehicles; prevention of surface water run-off onto the highway; and submission of a Construction Traffic Management Plan prior to commencement.

Head of Public Protection

No objections. However, records indicate that the site is in an area of extensive lead mining. Therefore, recommend that a condition for a contaminated land site investigation is attached to any approval. In addition to this it is requested that conditions are considered for a scheme of enhanced glazing as the site is adjacent to a busy main road.

Lifelong Learning – Public Open Spaces Manager

In accordance with Local Planning Guidance Note No. 13 'Public Open Spaces', the Authority is seeking an off-site capital contribution of not less than £1,100 per dwelling in order to enhance existing recreation provision within the community.

Engineering – Structures

Where proposed retaining walls support ground that then supports private land outside this development, for example on the north-west boundary, there is a sufficient distance between these walls and the adjacent landowner not to cause a problem should later developments take place on the adjacent land. On the north-west boundary it is structurally practical for the retaining walls to be situated closer to the boundary.

Engineering – Drainage

Grampian style condition required that development should not commence until full surface drainage details have been submitted and approved.

Welsh Water/Dwr Cymru

The proposed development would overload the existing Waste Water Treatment Works; however, improvements are planned for completion by 1st April 2014. Therefore, recommend that a condition is imposed to ensure that no buildings on the site are brought into beneficial use earlier than 1st April 2014. Also recommend standard conditions re foul and surface water discharges and proximity to a public sewer.

Environment Agency

Advise that a condition should be imposed for a scheme for the provision of surface water drainage works to be agreed prior to the commencement of development.

Airbus

No aerodrome safeguarding objection to the proposal.

Countryside Council for Wales

No objection in principle. The development is not likely to have an adverse effect on natural heritage interests provided that any consent is subject to condition in respect of the submission of proposals concerning the external design of dwellings for the purposes of maintaining the character of the Clwydian Range and Dee Valley AONB. Based on knowledge/distribution of protected species and the nature of the proposal, the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of European and 'fully' protected GB species.

Coal Authority

The Coal Authority is satisfied with the broad conclusions of the Ground Investigation Report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority raises no objection to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

Welsh Government - Transport

Considers the use of the existing central hatched area for a right turning facility does not constitute a departure from the standards, therefore, satisfied with the proposals. Also request that a condition is imposed to ensure that the visibility splays are free of any growth or obstructions which would interfere with the minimum visibility requirements.

SP Energy Networks

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

Wales & West Utilities

No objections to the proposal, however, apparatus may be at risk during construction works and the promoter of the works should be advised to contact Wales & West Utilities directly.

CPAT

Although the development lies close to areas of archaeological significance, it appears that no known features will be affected by the intended work, therefore no comments to make.

AONB Joint Advisory Committee

No objection to the principle of residential development but considers the design to be suburban in character, lacks local distinctiveness and fails to reflect its rural village character and setting. Recommends the use of natural blue/grey slate and considers red brick to be an inappropriate wall facing material. A traditionally finished new local stone boundary wall should be constructed along the A494. The intention to retain the mature tree adjoining Siglen Uchaf together with existing boundary hedgerows and trees is also welcome. Disappointed that a significant proportion of the new dwellings will not be retained as affordable houses for local people.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notifications

There were 24 objections received from local residents on the following grounds:

- Possible structural damage to surrounding properties as a result of the development;
- This would be the third large housing estate to be built in the village;
- Potential for parking on the roadside;
- Too many dwellings proposed on a site of this size;
- Planned increase in land levels and the impact of the retaining wall upon 'Fernleigh';
- Impact upon the adjacent haulage business, particularly the Operator's Licence;
- Highway safety due to additional traffic and the access being located on the brow of a hill;
- Affect of additional drainage on lower properties;
- Negative impact on the appearance of the village and the disregard for the AONB;
- Contaminated land;
- The lack of affordable housing;
- Lacking detail re surface water and a sustainable urban drainage system should be implemented;
- In terms of environmental sustainability, only half of the properties benefit from a south facing aspect;

- The proposed development is more suited to a larger town than a village;
- The access/egress point onto the A494 is very near to the Twm Path access, adding more danger to an already busy road;
- Mine shafts in the area;
- The development destroys one of the only remaining open spaces in the centre of the village;
- The houses and their layout are out of character with the village; and
- In bad weather conditions there is an existing problem with vehicles not being able to access their properties and having to park in the lay-by. This problem will be exacerbated by the development when the new dwellings are inaccessible due to bad weather, resulting in the A494 being blocked.

4.02 Re-consultation was carried out in April 2012 due to amended plans and 16 objections were received, which raised no new issues from those listed above.

4.03 Further re-consultation was carried out in November 2012 due to additional information and amended plans. 23 objections have been received at the time of writing, however, no new issues have been raised.

5.00 SITE HISTORY

5.01 043076

Residential development of 24 no. dwellings and associated works – Withdrawn 19/3/2008

042344

Demolition of existing buildings and erection of 24 no. two-storey detached dwellings and associated works including ground remodelling – Withdrawn 30/3/2007

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR4 – Housing

Policy STR7 – Natural Environment

Policy STR9 – Welsh Language and Culture

Policy STR10 – Resources

Policy GEN1 – General Requirements for Development

Policy GEN2 - Development Inside Settlement Boundaries

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy D3 – Landscaping

Policy TWH1 – Development Affecting Trees and Woodlands
Policy L2 – Area of Outstanding Natural Beauty
Policy AC13 – Access and Traffic Impact
Policy AC18 – Parking Provision and New Development
Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries
Policy HSG8 – Density of Development
Policy HSG9 – Housing Mix and Type
Policy SR5 – Outdoor Playing Space and New Residential Development
Policy EWP2 – Energy Efficiency in New Development
Policy EWP3 – Renewable Energy in New Development

The proposal generally complies with the above planning policies.

7.00 PLANNING APPRAISAL

7.01 Description of Site and Proposed Development

The site is currently occupied by a large detached residential property known as Siglen Uchaf. It is proposed that this existing property is retained with 17 no. dwellings being sited on the right-hand side of the dwelling and 1 no. dwelling on the left-hand side. The site at its southern edge is below the level of the A494 (T) and then rises up to the hedgerow denoting the settlement boundary at the rear of the site. The site is bounded to the west by Ty Newydd and to the east by a haulage yard (which has recently been granted outline consent for the erection of 3 no. dwellings) adjacent to Fernleigh, above which is a freestanding bungalow 'Rockland'. There are mature trees located to the north western end of the site, which have Tree Preservation Orders on them.

7.02 Principle of Development and Policy Context

The site falls within the settlement boundary for Gwernymynydd as defined by the Flintshire Unitary Development Plan but is not allocated specifically for housing. However, the inclusion of the site within the settlement boundary has been tested through the plan making process, with the Flintshire Unitary Development Plan Public Inquiry Inspector commenting that:

'Although undeveloped, given its location adjoining development, the land has more in character with the built up area of the village than the open countryside. Development on it would relate well to the existing built up area and would not be a prominent encroachment into the open countryside. As a consequence it is appropriately located within the settlement.'

7.03 Gwernymynydd is classified as a category B settlement in the Flintshire Unitary Development Plan, allowing for an 8-15% growth over the Plan period. Flintshire Unitary Development Plan Policy HSG3 provides guidance on housing proposals on unallocated sites within category B settlement boundaries, provided the development

would not result in more than 15% growth since 2000. Completions and commitments as at April 2012 have resulted in 5.4% growth, therefore, the principle of this proposal is acceptable in principle, i.e., within the settlement limit and compliant with Policy HSG3.

7.04 Impact upon Residential and Visual Amenity

Many of the objections received make reference to the dwellings proposed and how they are out of character with the rest of the dwellings in the village. Gwernymynydd is a village made up of varying house types, with no predominant building material, eg, brick/tile, stone/slate, render. The immediate area is urbanised with a mix of suburban semi-detached houses to the south side of Ruthin Road and more traditional farm houses and steadings to the north. The proposal consists of a pair of semi-detached dwellings and 16 no. detached dwellings of varying sizes, which shall be constructed of materials that are to be agreed prior to commencement. These dwellings are reflective of existing development in the village and would not be deemed out of character with the locality. The proposed dwellings are in accordance with the Council's Local Planning Guidance Note with regards to private amenity space and space about dwellings. The proposed dwellings are set back from the A494 and at a lower level before rising in line with existing land gradient to the rear of the site, which is reflective of the built form in the rest of the village.

7.05 Impact upon Trees/Landscaping

There are 4 Tree Preservation Orders on the application site, two on the rear boundary, one centrally located within the site and one on the left-hand side of 'Siglen Uchaf'. The centrally located Sycamore tree had the potential to be damaged as a result of this development with the originally submitted scheme. Hence, there have been amendments to the site layout, including the access road in order to ensure that the tree is protected and in addition, those amendments have resulted in the tree being a main visual feature when entering the site from the A494. During the course of the planning application additional information has been provided in the form of a Tree Survey, a Tree Root Protection Method Statement and an Arboricultural Impact Assessment, which the Forestry Officer considers to adequately address/mitigate the impacts on the trees. Existing boundary hedges are generally retained and the proposed development will be further augmented with new planting across the site.

7.06 Highway Safety Issues

There have been objections received in relation to highway safety with reference to the busy A494 and potential dangers as a result of the additional point of access/egress for this development. Through consultation with both the Council Highways Officers and Welsh Government's Transport Officers it has been confirmed that the access/egress, right-turning facility proposed and off-road parking

provision for each dwelling are considered acceptable and would not be detrimental to highway safety. Subject to a number of conditions, as listed above, there are no objections raised on the grounds of highway safety.

7.07 Drainage

There have been previously withdrawn applications for residential development on this site that have encountered drainage issues. Due to planned improvements to the Waste Water Treatment Works that are to be completed by April 2014 Dwr Cymru/Welsh Water are now in a position to raise no objection to the proposal subject to it being conditioned that the buildings are not brought into use until after this date – this can be achieved by an appropriately worded ‘Grampian’ style condition.

7.08 Surface water has also been a concern on this site previously and is an issue that has been raised by local residents. The applicant has indicated potential points of connection for surface water drainage for the site which include a watercourse adjacent to the A494 and beyond. The applicant has also indicated that details would be submitted via a planning condition to address any potential build-up of water to the rear of the proposed retaining walls and surface run-off from land to the north west of the site. A condition addresses these concerns by ensuring that a scheme for the provision of surface water drainage works is agreed prior to the commencement of development. As such, this addresses the potential risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

7.09 Any Other Matters

No public open space is provided as part of the development. It is considered that due to the location and size of the proposed development the Authority should not be seeking on-site recreation provision as the existing recreation facilities should meet the needs of the community. Therefore a capital sum payment per dwellings towards maintenance and/or enhancement of existing open space is required through a Section 106 Agreement.

7.10 There is no provision of affordable housing within the scheme. The site area and the number of houses proposed fall outside of the applicable threshold for affordable housing as defined by Policy HSG10 of the Flintshire Unitary Development Plan.

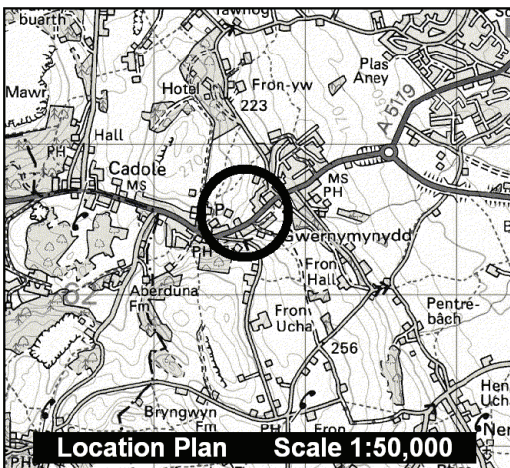
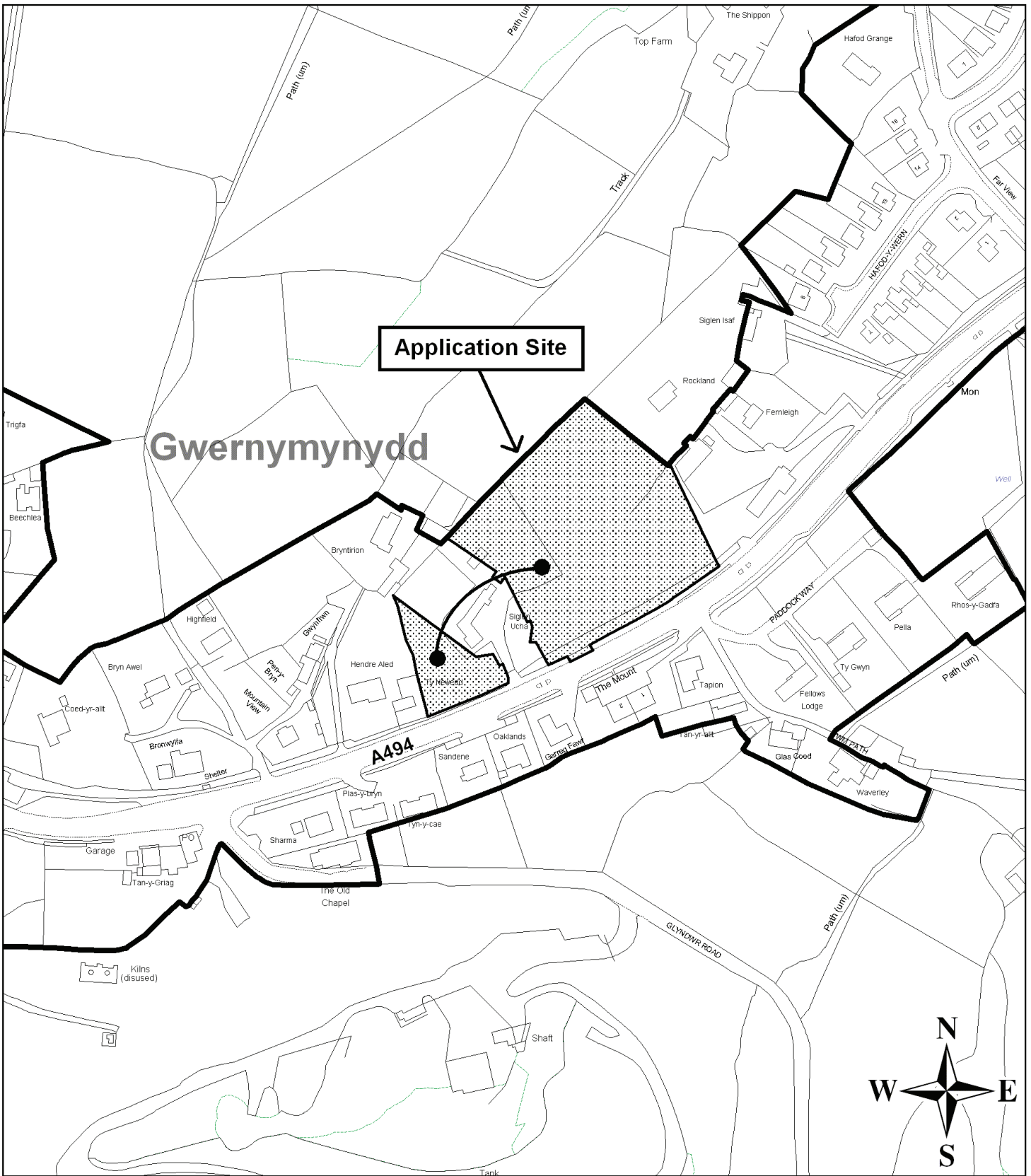
8.00 CONCLUSION

8.01 It is considered that the principle of residential development is acceptable and that the proposed scheme would be acceptable in detailed design and is accordingly recommended for approval subject to the completion of a Section 106 agreement and the conditions as stated at paragraph 2.02 of this report.

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

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Environment Directorate,
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 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 48850

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 20 FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **OUTLINE APPLICATION - ERECTION OF A DWELLING ON LAND ADJACENT TO FERN BANK, THE OLD WARREN, BROUGHTON**

APPLICATION NUMBER: **049966**

APPLICANT: **MR. J. KITCHEN**

SITE: **LAND ADJACENT TO FERN BANK, THE OLD WARREN, BROUGHTON.**

APPLICATION VALID DATE: **19TH JULY 2012**

LOCAL MEMBERS: **COUNCILLOR M. LOWE**
COUNCILLOR D. BUTLER

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

REASON FOR COMMITTEE: **MEMBER REQUEST GIVEN NEED TO ASSESS PROPOSAL HAVING REGARD TO PLANNING POLICY FRAMEWORK.**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This outline application proposes the demolition of a single storey building which is currently vacant but was formerly used for storage/distribution purposes and the redevelopment of the site by the erection of a new dwelling on land adjacent to Fern Bank, The Old Warren, Broughton. All matters except for means of access are reserved for subsequent approval.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 1. The proposed development is located in the open countryside outside the settlement boundary of Broughton as defined in the adopted Flintshire Unitary Development Plan. In such locations new residential development will only be permitted if it can be

established by the Local Planning Authority that the dwelling is essential to house farm/forestry worker(s) or other key business workers who must live on the site rather than in a nearby settlement. No special circumstances have been advanced in this instance and the development is therefore contrary to Planning Policy Wales – Edition 5, November 2012, Technical Advice Note 6 – Planning for Sustainable Rural Communities and Policies STR1, GEN1, GEN3 and HSG4 of the adopted Flintshire Unitary Development Plan.

2. The application does not contain any evidence to confirm that the dwelling is proposed to meet a proven local housing need. This is therefore contrary to Policy HSG5 of the adopted Flintshire Unitary Development Plan.
3. The application does not constitute appropriate infill development as the site is not a small gap in a continuously developed frontage of residential properties at this location. This is therefore contrary to criterion a of Policy HSG5 of the adopted Flintshire Unitary Development Plan.
4. The proposed development does not constitute suitably located 'previously developed land'. Its release for residential purposes is therefore contrary to the locational criteria contained within paragraph 4.9 of Planning Policy Wales Edition 5 – November 2012.

3.00 CONSULTATIONS

3.01 Local Member

Councillor M. Lowe

Request site visit and planning committee determination in order to assess the proposal having regard to the planning policy framework.

Councillor D. Butler

Request site visit and planning committee determination in order to assess the proposal having regard to the planning policy framework.

Broughton & Bretton Community Council

No objection.

Head of Assets and Transportation

Do not intend to make a recommendation on highway grounds.

Head of Public Protection

No response received.

Welsh Water/Dwr Cymru

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

Clwyd-Powys Archaeological Trust
No archaeological implications.

Airbus

Given the sites location under the approach slope to Hawarden Airport the height of any dwelling should be limited to a maximum of 43m above AOD. Any crane used in the construction phase shall have a permit from the airport authority. No aerodrome safeguarding objection providing any development complies with the above condition.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

23 letters of support received, the main points of which can be summarised as follows:-

- Residential development would be preferable to industrial development given damage by HGV's to grass verges/hedgerows.
- Conflicting vehicular movements with domestic vehicles both during the day and night.
- Existing building is in a vacant/derelict condition and replacement by a dwelling would provide an improvement in visual terms.
- There are considered to be more modern vacant and suitable business premises on existing industrial estates within the County.

5.00 SITE HISTORY

5.01 **044468**

Change of use from warehouse/office to day nursery with office accommodation. Withdrawn 8th December 2008

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1- New Development

Policy STR4 – Housing

Policy GEN1 – General Requirements for Development

Policy GEN3 – Development in the Open Countryside

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy HSG5 – Limited Infill Development Outside Settlement Boundaries

Policy HSG11 – Affordable Housing in Rural Areas

The proposal **would not** comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This outline application proposes the demolition of a single storey building which is currently vacant but was formerly used for storage/distribution purposes and redevelopment by the erection of a new dwelling on land adjacent to Fern Bank, The Old Warren, Broughton.

7.02 Site/Surroundings

The site which amounts to approximately 0.15 hectares in area is located on the southern side of the road known as The Old Warren some 300m to the western edge of Broughton. The site currently accommodates a single storey building constructed having facing blockwork/corrugated sheeting external walls with office to the front. The building/site are located adjacent to an existing property Fern Bank and the linear garden area associated with Laburnum Cottage, the property itself being approximately 40 m to the east of the application site.

7.03 Planning Policy

For Members information the site is located within the open countryside some 300m to the west of the settlement boundary of Broughton as defined in the adopted Flintshire Unitary Development Plan. In such locations new residential development is normally only allowed:-

- a) for agricultural or forestry workers or other rural enterprise for which an essential need must be proven or
- b) if the proposal meets the definition of Infill Development in accordance with Policy HSG5 of the adopted Flintshire Unitary Development Plan or
- c) it would result in the redevelopment of suitably located previously developed or brownfield land.

7.04 In support of the application the applicant's agent has submitted a Design & Access Statement and is of the view that:-

- i) the proposed development would constitute infill development in accordance with Policy HSG5 of the Unitary Development Plan and Planning Policy Wales.
- ii) It falls within the definition of previously developed or brownfield land as contained within Planning Policy Wales and its redevelopment would be suitable for residential purposes.

7.05 For Members information Policy HSG5 of the adopted Flintshire

Unitary Development Plan is as follows:-

Outside settlement boundaries infill development for one or two housing unit(s) may be permitted, provided that the proposal is to meet a proven local housing need; and

- a) Comprises a small gap within a clearly identifiable small group of houses within a continuously developed frontage;
- b) Does not constitute or extend existing ribbon development and does not create fragmented development; and
- c) Respects adjacent properties and the surrounding area in terms of its siting, form, design and scale, and does not represent overdevelopment of the site.

7.06 Having regard to the above, it is my view that the main issues in consideration of this application focus on:-

- I. Whether the proposal would meet a proven local housing need in compliance with Policy HSG5 of the adopted UDP.
- II. Whether the proposal constitutes infill development in accordance with the criteria listed in Policy HSG5.
- III. Whether the site meets the definition of previously developed or brownfield land as contained in Planning Policy Wales and its redevelopment for residential purposes would be acceptable in locational terms.
- IV. Adequacy of access to serve the development.

7.07 In response to the above, I wish to advise as follows:-

- I. The proposal does not meet an identifiable and proven local housing need. No case has been advanced by the applicant/agent in this respect with the Design and Access Statement advising in paragraph 2.20 that "Turning to the local housing need element, the nature and character of the site is more appropriate and suited to an open market executive style detached dwelling."

Consultation on this aspect of the development has been undertaken with the Council's Housing Strategy Officer who confirms that "there is an identified affordable housing need in Broughton with 118 applicants registered on the council's waiting list for rental accommodation and 4 applicants on the affordable homeownership register. For Member's information this application is not targeted to meet either of the tenures outlined.

- II. The proposed site is not a small gap in a continuously developed frontage of residential properties. The long garden frontage of Laburnum Cottage, to the east of the site, creates a large gap between the application site and the existing dwelling which significantly weakens the group effect. Whilst the

housing along the Warren predominantly takes the form of frontage development onto the highway, this is characterised by a number of sporadically located properties with associated gaps and spaces between them. The development would add to a fragmented pattern of development at this rural location rather than representing an infill dwelling within a coherent group of dwellings.

- III. Its is acknowledged that the existing building is currently vacant and that it was previously used for storage and distribution purposes in accordance with Class B8 of the Town and Country Planning Use Classes Order 1987. The site does fall within the definition of 'previously developed' or brownfield land as contained in Planning Policy Wales but in locational terms it is considered that redevelopment of the site for residential purposes would be unacceptable for the reasons outlined in paragraph 7.07 (II). Furthermore, the Old Warren is not a remote rural area where there are no other opportunities for new housing development. Rather, it is close to a Category B Settlement, where growth in Broughton amounts to 16.9%, as a result of allocation, completions and commitments over the Plan period. There is considered to be no overriding need for exceptions to be granted against well established national and local policies which seek to protect open countryside locations from inappropriate residential development.

In addition, no supporting information has been submitted to confirm that the building has been advertised at a reasonable price for sale or lease for an employment generating use. It is my view as highlighted by the background of planning history in paragraph 5.00 of this report that scope exists for a suitable employment re-use of the site building to be found, including that for e.g. for a children's day nursery which could operate alongside existing residential properties without causing detriment to privacy / amenity.

- IV. Consultation on the application has been undertaken with the Head of Assets and Transportation who has raised no objection to the development on highway grounds.

8.00 CONCLUSION

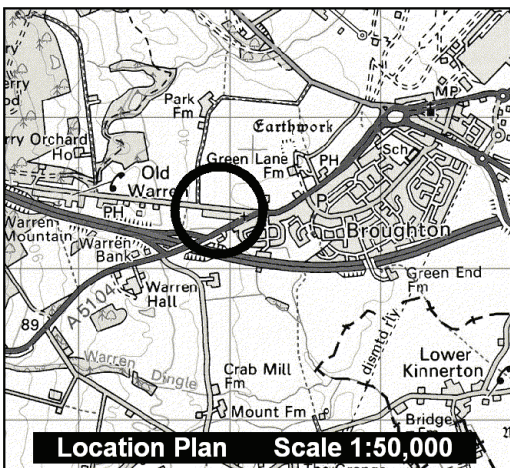
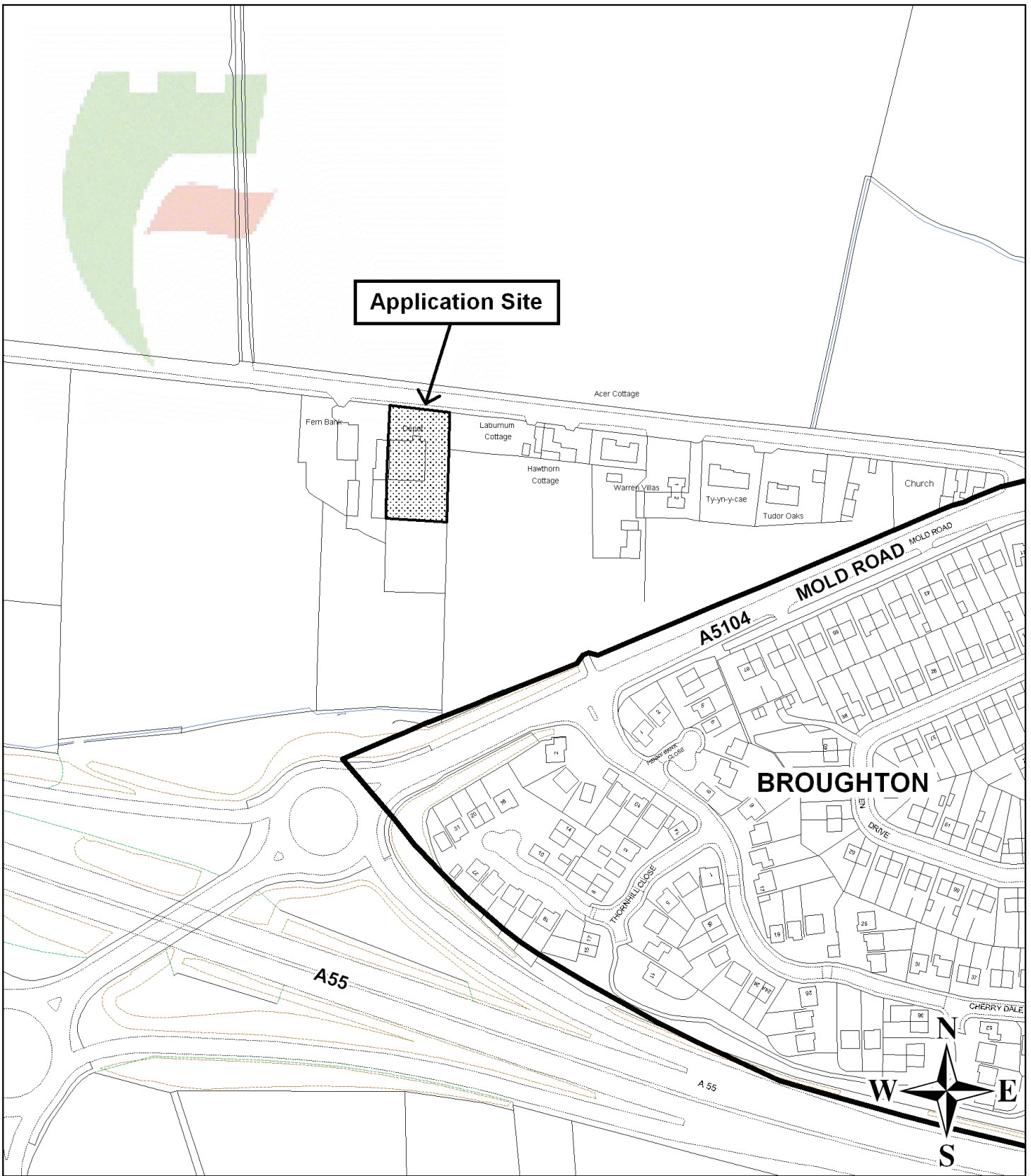
The site is located within the open countryside where any proposals for new residential development would have to meet specific requirements in central and local government policy as outlined in paragraph 7.03 of this report. The proposed development would not meet any of the circumstances outlined as:- a) it is not essential to meet the needs of a farm/forestry or key business worker b) it would not meet a proven local housing need or the locational criteria contained in Policy HSG5 of the Flintshire Unitary Development Plan and c) the site is not suitably located 'previously developed land' and

residential development would therefore be contrary to Planning Policy Wales. I therefore recommend accordingly.

- 8.01 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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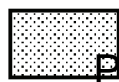


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Map Scale 1:2500

OS Map ref SJ 3263

Planning Application 49966

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 20 FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **049839 - OUTLINE - ERECTION OF A LOCAL NEEDS DWELLING AT WERN ROAD, RHOESMOR, MOLD.**

APPLICATION NUMBER: **049839**

APPLICANT: **MRS M E MORRIS**

SITE: **LAND AT WERN ROAD, RHOESMOR, MOLD , FLINTSHIRE**

APPLICATION VALID DATE: **12 JUNE 2012**

LOCAL MEMBERS: **COUNCILLOR C LEGG**

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

REASON FOR COMMITTEE: **CLLR C LEGG REQUESTS THAT COMMITTEE HAVE THE OPPORTUNITY TO VIEW THE APPLICATION SITE , TO SEE THE RELATIONSHIP OF THE APPLICATION SITE IN RELATION TO THE SETTLEMENT BOUNDARY OF RHOESMOR**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This outline application seeks planning permission for a local needs bungalow on land at Wern Road, Rhosesmor.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 The proposal is contrary to Policies STR1, GEN1, GEN3, HSG4 and HSG11, of the Unitary Development Plan in that it involves development outside a recognised settlement boundary, without sufficient justification., the dwelling will not be managed by a housing association or similar organisation.

The proposal will not result in an extension to the settlement but will take the form of sporadic development which will be harmful to the character and appearance of this open countryside location.

3.00 CONSULTATIONS

3.01 Local Member Councillor C Legg

Requests referral of the application to committee and a site visit to enable the Members to see the location of the site in relation to the settlement boundary of Rhosesmor. In addition Cllr C Legg cites the personal circumstances of the applicant in relation to this application.

Halkyn Community Council Support the application

Head of Assets and Transportation
Recommend that any permission shall include a condition for the loading, unloading parking and turning of vehicles and these facilities shall be provided prior to the proposed development being brought in to use.

Head of Public Protection Pollution

Confirm no objections to the proposal. However, records indicate that the site is in an area of extensive lead mining operations, therefore recommend conditioning any consent for a contaminated land site investigation, in order to safeguard the development against the risks of possible contamination.

Countryside Council for Wales

The Countryside Council for Wales do not object to the proposal as it is not considered to adversely affect the historic landscape or natural heritage interests of the area.

Environment Agency

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

Open Spaces Society

No response received at time of writing

Flintshire Local Access Forum

No response received at time of writing NOTE : (Having checked our records it is evident that the development will not affect common land).

Housing Strategy Unit

Tai Clwyd have assessed the applicant in terms of requiring affordable housing as she is unable to purchase another property

based upon her income ,she also meets the local connection criteria. Therefore should planning consent be granted the applicant will be required to enter in to a Section 106 legal agreement to ensure future local need and affordability requirements of the locality are met.

Welsh Water/Dwr Cymru

Request that if minded to grant consent that conditions and advisory notes are included within any consent, with regard to foul and surface water discharges are to be drained separately from the site, no surface water shall be allowed to connect to the public sewerage system unless agreed in writing. Land drainage run-off shall not be permitted to discharge into the public sewerage system.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

Advertised as a departure to the development plan, two letters of support of the applicant have been received. One letter is from the National Federation of Women's Institutes confirming that the applicant has been an active member of the WI, the graziers association and the church for decades. The letter outlines the personal circumstances of the applicant and considers that the site is on the fringe of the village and as the site is within the applicant ownership would enable her to continue with her small holding activities and would enable her to retain her roots within the village community, and they consider that the application would not affect anyone else in the village as her present access is off Nant Figillt Lane .

In addition to the above another letter in support of the application has been received from the applicant's daughter outlining the local connection her mother has to the village and her active involvement in the village community over decades, and the personal circumstances the applicant now finds herself in.

Halkyn Graziers have raised no objections to the planning application.

5.00 SITE HISTORY

5.01 None

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 New Development

GEN1 General Requirements for Development

GEN3 Development in the Open Countryside

HSG4 New Dwellings Outside Settlement Boundaries

HSG11 Affordable Housing in Rural Areas

Planning Policy Wales edition No 5 November 2012

Para 9.3.6 Unjustified Development in the Open Countryside.

TAN 2 (Planning and Affordable Housing)

TAN 6 (Sustainable Rural Communities)

7.00 PLANNING APPRAISAL

- 7.01 This outline application seeks planning permission for the erection of a (local needs) bungalow in the open countryside. The site is located away from neighbouring settlements and their settlement boundaries. As this is an outline application, there are very limited details submitted. The application site is presently a flat grassed pasture field, with established hedges surrounding the site. There is an existing agricultural access in situ, served off an existing unmade single track width access, highways have raised no objection to the proposed access but have stipulated, that if consent were granted that parking and turning provision be provided and retained within the site in the interest of highway safety. The site is opposite a detached single dwelling. A letter of support has been submitted by the applicant accountant citing the applicant personal circumstances, with regards to the selling of the family farm unit, and if consent were granted this would enable the applicant to live on land within her ownership, and requested that these details are taken in to account in the consideration of this application.
- 7.02 The Application Site's Location and Local Housing Need
The application site is located within the open countryside, physically separated from the settlement boundary of Rhosesmor by approx 54 m, and as such the site neither abuts or adjoins the existing settlement boundary of Rhosesmor. The site has been chosen as the application site, as it is within the applicants ownership and would allow the building of a property on land within her ownership, notwithstanding the fact that its in the open countryside.
- 7.03 Policy HSG11 Affordable Housing in Rural Areas allows development outside settlement s in certain circumstances however, only where there is evidence of genuine local need for such provision. In this case there has been little evidence forwarded in support of this case but, the Housing Strategy Officer has confirmed that Tai Clwyd have assessed the applicant in terms of requiring affordable housing (as the applicant is unable to purchase another property based upon her income) and confirm that she does meet the local connection criteria. The family circumstances are such that the applicant has to leave her current home.
- 7.04 Notwithstanding the above, any local affordable housing site, to be compliant with policy HSG11, should abut the settlement boundary

and form a logical extension to the settlement, (thus avoiding ribbon or fragmented development, as would be the case if allowed in this location in the open countryside). The application site is physically removed from the surrounding settlement boundary of Rhosesmor, and as such is not considered to be compliant with Policy HSG11. Further more, Policy HSG 11 also requires that rural exceptions scheme are managed by a housing association, the County Council, a bone fide trust or similar organisation. Whilst noting the comments of Tai Clwyd and the Council's housing officer about local need existing, there is no commitment from the applicant or a suitable affordable housing body to manage the scheme in line with policy requirements to ensure it remains affordable in perpetuity.

- 7.05 The presumption against unjustified development in the open countryside is further strengthened by Policy STR1 of the Flintshire Unitary Development Plan seeking to direct all new development to existing built areas and sites in order to protect the open countryside from unsustainable sporadic development.
- 7.06 The planning statement submitted with the application declares that the nearby 17ha agricultural holding does not support a full time agricultural worker, as a result of this, the development does not constitute essential worker housing, which may have allowed an exemption to the normal presumption against unjustified development in the open countryside under policy HSG4 . Subject to the evidence supporting this.
- 7.07 Whilst the Local Planning Authority are sympathetic to the circumstances of the applicant , the proposal is considered to be contrary to national planning guidance of Planning Policy Wales, the Technical Advice Notes and the objectives of the relevant policies of the Flintshire Unitary Development Plan , cited above , which seek to restrict unjustified development in the open countryside.

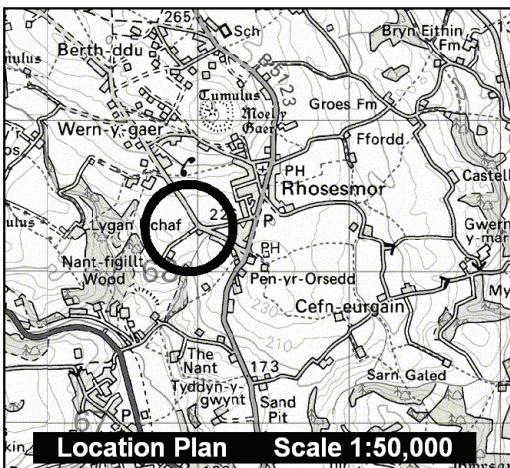
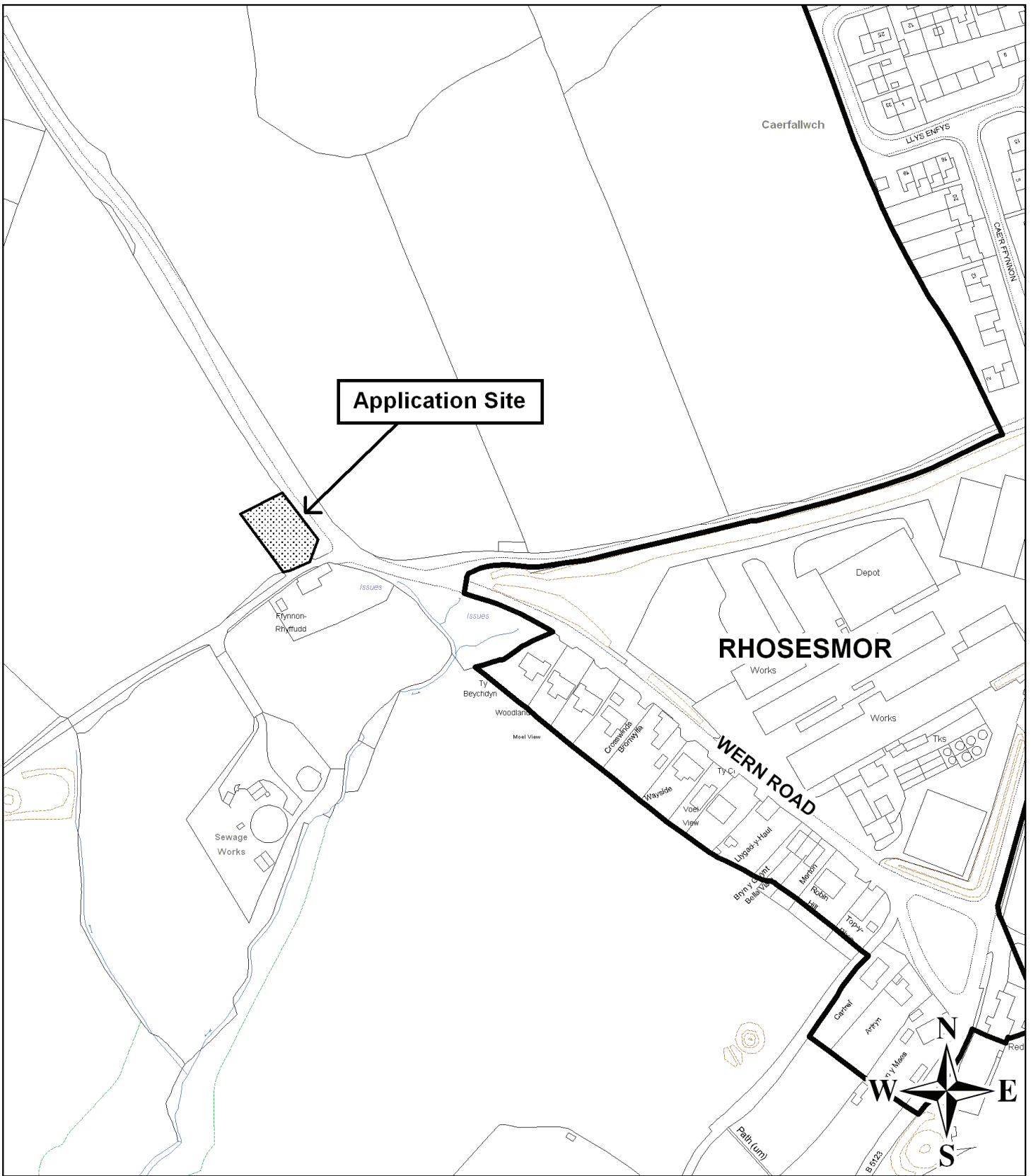
8.00 CONCLUSION

- 8.01 The proposal is considered to be contrary to policies STR1, GEN1, GEN3, HSG4 and HSG11 of the Flintshire Unitary Development Plan, in that it does not meet the criteria for justified development in the open countryside, in addition the application is also considered to be contrary to the provisions of the guidance of Planning Policy Wales, para 9.3.6 Unjustified Development in the Open Countryside and the Technical Advice Note TAN 2 (Planning and Affordable Housing) and Technical Advice Note TAN 6 (Sustainable Rural Communities).

If the proposal were allowed it would lead to unjustified development in the open countryside, which is contrary to the national guidance of Planning Policy Wales , TAN2 and TAN6 and the local development plan policies.

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

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Location Plan Scale 1:50,000

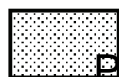


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Planning Application 49839

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 20TH FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION - CONSTRUCTION OF THE SOUTHERN CONVERTER STATION COMPRISING VALVE HALLS, A CONTROL BUILDING AND A SPARES BUILDING TOGETHER WITH OUTDOOR ELECTRICAL EQUIPMENT AND ASSOCIATED ACCESS IMPROVEMENTS, INFRASTRUCTURE, EARTHWORKS, SECURITY FENCING, LANDSCAPED AREAS AND HABITAT CREATION AT CONVERTER STATION, LAND SOUTH OF WEIGHBRIDGE ROAD, DEESIDE INDUSTRIAL PARK, DEESIDE**

APPLICATION NUMBER: **050340**

APPLICANT: **NATIONAL GRID ELECTRICITY TRANSMISSION PLC**

SITE: **CONVERTER STATION, LAND SOUTH OF WEIGHBRIDGE ROAD, DEESIDE INDUSTRIAL PARK, DEESIDE**

APPLICATION VALID DATE: **10/12/2012**

LOCAL MEMBERS: **Cllrs. C.M. Jones, P. MacFarlane & I. Smith**

TOWN/COMMUNITY COUNCIL: **CONNAHS QUAY TOWN COUNCIL & SEALAND COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST DUE TO SCALE, COMPLEXITY & SENSITIVITY OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The proposal is a full planning application for erection of converter station comprising valve halls, a control building and a spares building together with outdoor electrical equipment and associated access improvements, infrastructure, earthworks, security fencing, landscaped areas and habitat creation at Land South of Weighbridge

Road, Deeside Industrial Park, Deeside. The converter station will link the Scottish and English/Welsh electricity transmission networks via a Western Voltage Direct Current (HVDC) subsea cable. The converter station will allow for electricity to be converted from direct currents to alternating current for onwards transmission onto the existing electricity network.. The Western (HVDC) link will increase cross-border transmission capacity on the GB Transmission System by approximately 2200 Mega Watts (MW) and support the development [of renewable energy generation in line with Government and European targets. The issues for consideration are the principle of development/planning policy context, impacts on visual amenity, impacts on residential amenities, highways, ecology and drainage.

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

- 2.01 The proposed development is recommended for planning permission subject to the following conditions,
1. Five year time limit.
 2. In accordance with approved plans.
 3. Foul and surface water to be drained separately.
 4. No surface water to connect to public sewerage system unless otherwise approved by Local Planning Authority.
 5. Land drainage run-off not permitted to discharge to public sewerage system.
 6. No development to commence until a scheme approved for comprehensive/integrated drainage of the site showing foul, surface and land drainage and a strategy for containment of any operational spillages of oil.
 7. All finished floor levels to be set at 7.27 AOD unless otherwise agreed in writing with the LPA.
 8. Flood emergency response plan as per section 6.0 of the FCA.
 9. Construction Traffic Management Plan to be submitted for approval setting out site access/egress arrangements, delivery routes/times, emergency vehicle routes, movement of abnormal indivisible loads to the site. Also to include any assessment identifying any removal, replacement, modification and re-instatement of the highway associated infrastructure required for the movement of the abnormal indivisible loads.
 10. Submission and approval of contamination appraisal, details to include for capping required, a health and safety management plan and a remediation scheme with verification and all remedial works.
 11. Lighting requirements of overall site to be submitted and approved.
 12. Noise attenuation scheme to include minimum construction noise and operational noise and noise monitoring and hours of operation.
 13. Details for a scheme indicating hard and soft landscaping works and/or any necessary land profiling

14. Implementation of hard and soft landscaping scheme
15. Submission/approval of an Environmental Management Plan.
16. Development to be carried out in accordance with mitigation works as stated at Table 16-1 of the submitted Environmental Report.
17. Confirmation of the timing of works in regards to nesting birds and mitigation if necessary.

3.00 CONSULTATIONS

3.01 Councillor I. Smith

Agrees to determination under delegated powers, has no objection and welcomes its location in the industrial area across the river.

Councillor P. MacFarlane

Requests the application be referred to Planning Committee due to the proposal being a major development and supports the proposal. Has been advised that due to the proximity of his home to an alternative site he has a “prejudicial interest” in the application.

Councillor C.M. Jones

Requests the application be referred to Planning Committee due to size of development, complexity and sensitivity.

Adjacent Member

Councillor J.B. Attridge

Agrees to determination under delegated powers

Connah’s Quay Town Council

Supports and welcomes the application

Sealand Community Council

Awaiting final response |

Cheshire West & Chester Council

No response at time of writing report

Wirral Council

No response at time of writing report

Head of Assets and Transportation

No objections subject to conditions

Environment (Rights of Way)

No observations

Head of Public Protection

No objections subject to contamination and noise conditions

Welsh Government Transport

Directs that any permission includes a traffic management plan condition to cater for movement of abnormal indivisible loads.

Environment Agency

No objections subject to condition

SP Powersystems

No objection

NATS

No safeguarding objections

Clwyd Powys Archaeological Trust

There are no archaeological implications for the proposed development

The Coal Authority

Does not fall within the defined coalfield. No comments to make.

Airbus

No aerodrome safeguarding objection

British Pipelines Agency

Works will not affect BPA's pipeline interest in the area

Fire and Rescue Service

No observations

Council for the Protection of Rural Wales

The development will integrate well within the existing industrial landscape of the area. Careful orientation of the built form will reduce visual and noise impacts. A condition is requested to reduce light pollution.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

The proposed development has been advertised by way of press and site notices and neighbour letters. No observations have been received at the time of report writing.

5.00 SITE HISTORY

5.01 The site was formerly part of the Shotton Steel and includes the railway sidings for the steel works. The site was cleared in the 1980's and has remained vacant since.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 - General Development Requirements for Development|
 Policy D1 - Design Quality, Location and Layout
 Policy D2 - Design
 Policy D3 – Landscaping
 Policy D4 – Outdoor Lighting
 Policy L1 – Landscape Character
 Policy EM1 - Employment Uses
 Policy EM6 - Protection of Employment Land
 Policy EM7 – Bad Neighbour Industry
 Policy EWPF16 - Flood Risk
 Policy EWP12 – Pollution
 Policy EWP13 – Nuisance
 Policy EWP14 – Derelict and Contaminated Land
 Policy EWP17 – Flood Risk
 Policy AC18 - Parking Provision and New Development
 Policy CF9 - Development of Utilities
 Policy WB1 – Species Protection
 Policy WB2 - Sites of International Importance
 Policy WB3 - Statutory Sites of National Importance
 Policy WB6 – Enhancement of Nature Conservation Interests
 Policy AC13 – Access and Traffic Impact
 Policy AC14 – Traffic Calming
 Policy AC18 – Parking Provision and New Development
 TAN5 - Nature Conservation and Planning
 TAN8 - Planning for Renewable Energy
 TAN12 - Design
 TAN15 - Development and Flood Risk
 TAN18 - Transport
 TAN22 - Planning For Sustainable
 Planning Policy Wales 2012

The proposal would generally comply with the above policies and advice.

7.00 PLANNING APPRAISAL

7.01 Proposed Development with General Overview and Site Description

The proposal is a full planning application for erection of converter station comprising valve halls, a control building and a spares building together with outdoor electrical equipment and associated access improvements, infrastructure, earthworks, security fencing, landscaped areas and habitat creation at Land South of Weighbridge Road, Deeside Industrial Park, Deeside. The application site is currently in the ownership of Flintshire County Council.

7.02 In summary, the application is further detailed as follows:

- Valve Hall/DC Buildings, control building and spare parts store. Approx. internal floor area of 7258 sq.m. ranging in height from approx. 6 metres to 24.4 metres. The proposed buildings are linked as one unit, save for the spares part building, are contemporary in design and would utilise

primarily metal cladding for the roof/walls and brick plinths.

- Outdoor electrical equipment is located to the south of the buildings and will be arranged broadly in two banks which are aligned north to south. These comprise reactive and harmonic equipment and busbars and associated switchgear which are used in the conversion and transmission of electricity. The height of the equipment will range from 12-15 metres.
- Auxiliary 11V Substation will be located to the north of the converter station to provide auxiliary power supplies via the distribution network operator.
- Landscaping will be used to the perimeter of the site and will include a landscaped embankment which will run north to south along the eastern boundary of the site, SUDS drainage zones and settlement ponds. The SUDS will include filtration trenches, soakaway, oil interceptors & oil dump tanks.
- Back-up diesel generator
- Two boundary fences are proposed to the western and eastern boundaries
 - a 2.7 m high palisade fence and a 4 m high Pulse Secure fence system.
- Access. The proposed access for the site is indicated as via a new gated access off Weighbridge Road and includes related internal access arrangements.

- 7.03 In addition to the submitted drawings, the application is accompanied by a Design and Access Statement, Planning Statement, Environmental Reports, Flood Consequences Assessment, Habitat Regulations Assessment Screening Report, Transport Statement, Drainage Strategy, and a Tree Survey. Members should be aware that any onshore cables linking the proposed development to off shore cables do not require formal planning permission and are not being considered as part of the application.
- 7.04 The Government has set ambitious targets to increase renewable energy generation and to combat climate change. In order to achieve this major reinforcements of the current transmission system are required with the Western Link being one such reinforcement. It will connect the electricity transmission network in Scotland with England and Wales by subsea HVDC cable. The WHVDC link is seen as a key reinforcement of the UK's electricity transmission system, ensure security of supply and facilitate further development of renewable energy in line with the UK and European targets. The WHVDC link comprises a converter station and substation at Hunterston in North Ayrshire which will connect to the existing system and be transmitted via subsea and underground cables to a converter station at Connah's Quay where the electricity would be converted from DC to AC for onwards transmission onto the existing electricity network.
- 7.05 The applicant maintains that at the time the outline and full planning applications were submitted for a similar proposal at Kelsterton Road,

Connahs Quay, there were no technically feasible sites available on the north of the River Dee. However, the current application has now been submitted and a solution to cross the River Dee with multiple HVAC cables has been identified, which overcomes previous constraints on technical feasibility.

7.06 The application site is previously developed land where part of the wider Shotton Steel works site was located and was occupied by railway sidings and associated buildings to enable delivery of coke and coal before the iron and steel works operations ceased in 1980. The site has remained vacant since apart from unauthorised off road motocross use. The site is located to the south of the Shotton Combined Heat and Power Plant. The site is within an industrial area within the Deeside Industrial Park and is bounded to the east by the North Wales Coastal Railway Line, the north west by the UPM Paper Mill and Eirgrid Converter Station, the west by the TATA steel works facility and Weighbridge Road and the south by vacant industrial land. The site covers an area of approximately 22 hectares. The site is relatively flat and, has grass and shrub/tree vegetation on it.

7.07 Principle of Development

Within the UDP the site falls under the remit of Policy EM1 (General Employment Land Allocations) which allocates the land for the following employment uses B1 (Business Use), B2 (General Industry) and B8 (Storage and distribution). The proposed development does not sit comfortably within recognised land use designations and would not per se fall within a B1, 2 or 8 use, hence it being advertised as a departure to the development plan, however, other material considerations are relevant, i.e. industrial type development in an area zoned for industry, reuses "brownfield" land, and is a nationally significant scheme that would enhance the provision of security of supply of electricity. Bearing in mind these other material considerations it is considered the proposed development is acceptable in principle.

7.08 Design and Appearance

Within the site the applicant considered four possible locations for the siting of the valve halls and electrical equipment to ascertain which would be the most favourable visually. The options were as follows,

Option 1 – North West corner of the site parallel to weighbridge Road

Option 2 – Adjacent to the south west boundary

Option 3 – Adjacent to the northern site boundary

Option 4 – Locates the building towards the south eastern site boundary

7.09 Each of the options were considered in detail in the submitted Design and Access Statement (DAS), with analysis of their relative visual impacts. The DAS concludes that Option 3 is the preferred location within the site for the following reasons:

- The building's orientation and position embraces the location of the existing CHP plant and its infrastructure whilst following the industrial grain of Deeside Industrial Park and its linear forces which are

created by the railway line to the east and Weighbridge Road to the west.

- The existing CHP plant will provide a degree of instant screening which used with the raised ground levels to the east and western boundaries will help to integrate the building into the landscape from the outset.
- As regards views/visual impacts the working façade of the valve halls would be facing to the south of the site which allows more scope to bed the infrastructure into the site.
- A significant proportion of the external electrical equipment will be screened by the building along Weighbridge Road. And allows a good buffer zone of landscaping and SUDS to be provided around the edges of the site.
- Being sited furthest away from the river Dee the proposal positions the largest built form away from the important area of nature conservation – the Dee Corridor.

7.10 The proposal has been assessed by the Council's Consultant Landscape Architect who concludes the development is appropriate in design, scale and quality for the particular location and will not cause undue or unacceptable impact upon the existing landscape and visual attributes of the site/surrounding area.

7.11 As regards the actual design of the proposed buildings it is reasonable to conclude they are functional in design and scale which are typical of buildings currently located across a wide area of Deeside Industrial Estate. The proposed metal clad buildings in addition to the electrical equipment would not look out of character with the general locality. The site will benefit from large areas of new landscape planting to its boundaries which should assist in screening views of the lower element of the development. Whilst the scale of the development means it will be seen from distant views, these views are set against, and filtered by, existing industrial development of a similar scale to that proposed. I would concur with the Council's Consultant Landscape Architect i.e. the proposal is considered acceptable in visual terms.

7.12 Effect on residential/Adjacent Amenities/Contamination

The Council's Head of Public Protection has not raised any objections to the proposed development on noise grounds subject to appropriately worded conditions. The submitted noise information indicates that through appropriate mitigation that noise generated by the proposed development would not result in a detrimental impact or harm to local sensitive receptors - the mitigation includes noise hoods, damping facades. Any grant of planning permission should include a noise attenuation scheme with such a scheme making reference to the following,

- use of acoustic hoods on converter transformer tanks and shunt reactor tank
- use of noise damping facades and the enclosing/screening of equipment

- low noise designs on cooling fans
 - staged operation of pumps and fans on cooler banks
 - insulation and sound proofing of buildings
- 7.13 Construction works and its effects whilst of a temporary nature, does have the potential to generate significant noise and vibration and therefore any grant of planning permission should include a condition referring to hours of operation.
- 7.14 Due to the site's distance from residential properties it is not considered there would be undue detriment to residential amenity, however, from a visual perspective, an appropriately worded planning condition should ensure that light spillage is minimised. The proposed development is not considered to be detrimental to adjacent residential amenities as it is distant from residential properties and, on the whole, has intervening large scale industrial development between it and residential areas, nor is the proposed development considered detrimental to the amenities of existing industrial/commercial occupiers in the locality.
- 7.15 The applicant has estimated and assessed the extent of land contamination suspected to be present e.g. slag material from the previous steel operations and asbestos. The Head of Public Protection, in regards to contamination issues, requires the following planning conditions,
- a remediation options appraisal to allow land contamination to be clearly ascertained
 - details explaining the construction, extent and purpose of capping layer required in regards to dealing with contamination
 - a health and safety management plan to address in particular asbestos and dust mitigation
 - a contamination remediation scheme and verification reports, with verification approval gained prior to use /occupation of the development
- 7.16 Ecology
The site is located in close proximity to the internationally/nationally designated sites of ecological importance i.e. the Dee Estuary SSSI/SAC/SPA/RAMSAR Site and the River Dee SAC, in addition to the Shotton Lagoons and Reedbeds SSSI. The applicant's Environmental report stated that a range of surveys were undertaken to identify habitats and establish if protected or notable plants and wildlife were present on the site and/or may be affected by the proposed development, and that overall the conservation value of habitats (mainly grassland with scattered vegetation/trees/scrub) were considered to be low and whilst habitat will be lost to the footprint of the proposed works, that some habitat creation is proposed which should provide ecological benefits and encourage greater biodiversity and greater connectivity with habitats in the wider area. The applicant was of the opinion that given the intervening distances between the designated sites and the proposed development that no direct effects were predicted, however, there may be indirect effects resulting from pollution or

lighting. The proposed construction works has the potential to affect a range of species including invertebrates, badger, bats, otters, water voles, breeding and wintering birds and reptiles, however, the applicant maintains these effects can be mitigated through, for example, appropriate timing of works. The applicant's submitted Environmental Report includes reference at Table 16-1 to ecological mitigation. The construction period will be temporary and provided those works are carried out in accordance with the mitigation measures as stated in the Environmental report and reinforced in the Council's condition then any adverse effects will be reasonably minimised. It is considered there will be no significant adverse effects during the operation of the converter station providing the stated mitigation/ measures are carried out and an appropriate planning condition attached. The Council's ecologist has not objected to the proposed development. It is reasonable to conclude that the proposal can be sufficiently conditioned to avoid any likely significant effect on the Dee Estuary SSI/SAC/SPA/Ramsar Site, nor the nearby Shotton lagoon and Reedbed SSSI and that a more detailed "Appropriate Assessment" is not required.

7.17 Highways/Drainage

Permanent access to the site would be via a new gated access off Weighbridge Road. The Head of Highways and Transportation has raised no objections to the proposed development subject to planning conditions. Welsh government Transport has directed that any permission includes a traffic management plan condition to cater for movement of abnormal indivisible loads to the site – this condition would essentially assist in the management and control of HGV construction traffic

7.18 Drainage for the proposed development will not connect into any surrounding drainage infrastructure. Surface water will discharge to infiltration systems. Foul water will be discharged to a cess tank. As regards drainage the Environment Agency have not objected to the proposal and therefore subject to the conditions proposed the proposal is considered acceptable from a drainage perspective.

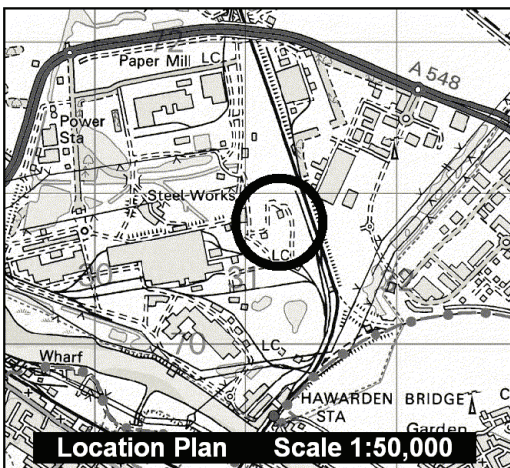
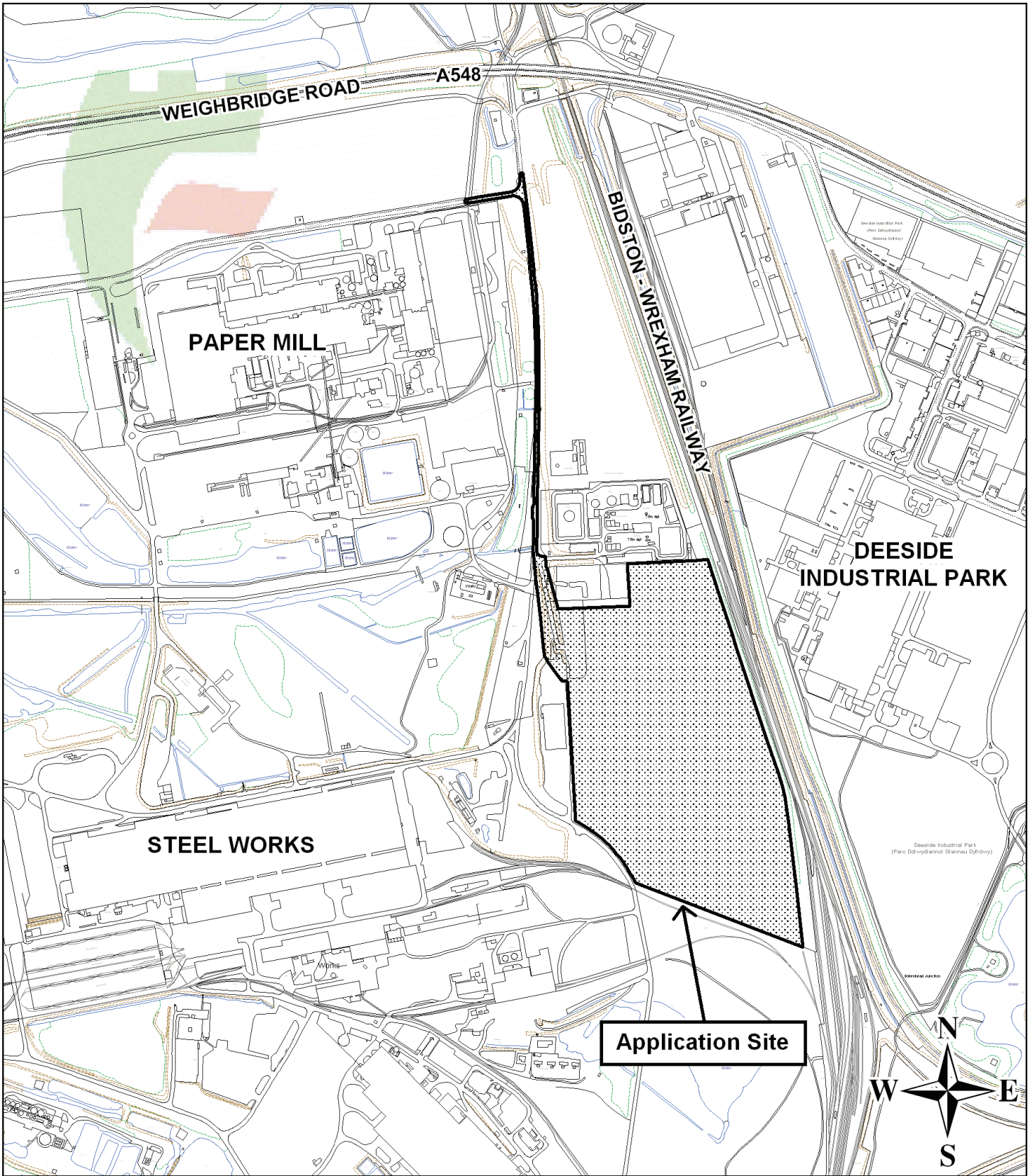
8.00 CONCLUSION

8.01 The proposal in the application is presented as an important strategic infrastructure development in national context. There is no doubting its significance in this context. The proposed development is large in scale, however, it has been carefully sited and designed to minimise its impacts and has been appropriately located to mitigate any potential adverse impacts. The development is acceptable in principle and subject to appropriately worded planning conditions is recommended for approval.

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

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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 1:10,000

OS Map ref SJ 3071

Planning Application 50340

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 20 FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL PLANNING APPLICATION FOR ALTERATIONS TO THE FASCIA/FAÇADE AT THE FORMER TOWN HALL, HIGH STREET, HOLYWELL**

APPLICATION NUMBER: **049993**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **FORMER TOWN HALL, HIGH STREET, HOLYWELL**

APPLICATION VALID DATE: **5TH NOVEMBER 2012**

LOCAL MEMBERS: **COUNCILLOR P J CURTIS**

TOWN/COMMUNITY COUNCIL: **HOLYWELL TOWN COUNCIL.**

REASON FOR COMMITTEE: **THE TOWN HALL IS A LISTED BUILDING AND AN IMPORTANT BUILDING WHICH INCORPORATES WAR MEMORIALS**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 Full Planning Application (part retrospective) for alterations to the fascia/façade to the former Town Hall in Holywell.

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

2.01 Approval subject to the following conditions

1 In accordance with the approved plans

3.00 CONSULTATIONS

3.01 Local Member
Councillor P J Curtis:
Requests the application is referred to Planning Committee

Holywell Town Council:
No objection, subject to compliance with conservation area policy including protection for the existing inscribed memorial stones

Head of Public Protection:
No adverse comments

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification
No representations received at the time of writing the report

5.00 SITE HISTORY

5.01 **049500**
Change of use at ground floor from D1 to mixed B1 and D1 including alterations to the internal and external vehicular access to the rear.
Planning permission granted 19/04/2012

044402
Listed Building Application - Replacement Advertising. Listed building consent granted 17/12/2008

043829
Reinstate two windows to the side of the property and change of widows to the front elevation (resubmission of application ref:043509)
Planning permission granted 05/12/2007

043509
Reinstatement of window to rear of property and installation of a new security roller shutter. Application withdrawn 2/08/2007

040073
Change of use from A1 retail to A3 restaurant. Planning permission granted 08/12/2005

039744
Change of use of ground floor of retail unit to internet café. Planning permission granted 17/01/2006
Change of use of ground floor into A3 licensed premises. 032291-
Planning permission refused 10/05/2001

88/608

Building up of 5 no. Windows to side and rear of unit

88/205

Advertising signs. Consent refused 27/05/1988

86/434

Listed building application - Partial demolition to lower ground floor window cills. Listed Building Consent granted 02/09/1986

86/266

Erection of shops with office suite over and attendant service area – Planning permission granted 27/5/1986

86/249

Listed building application - partial demolition to form pedestrian walkway through arches of window openings 27/06/1986

84/680

Demolition of town and market halls town hall facade to be retained. Planning permission granted 15/ 1/1985

84/538

Outline - Redevelopment of town hall, market hall, assembly hall and associated land for shopping purposes. Planning permission granted 16/11/1984

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development
Policy HE2 – Development affecting Listed Buildings and their Settings

7.00 PLANNING APPRAISAL

7.01 Introduction

The application seeks planning permission for alterations to the fascia/façade of the former Town Hall in Holywell High Street. As some works have already been carried out, this is a part retrospective application.

7.02 Site Description

The building is located to the lower end of the High Street with a public footpath to the right of the building leading to a public car park to the rear.

7.03 The façade of the building was listed in 1991 for its important contribution to the town centre and has a Grade II listing. This element of the building includes a clock tower at first floor cill level, a recessed inscribed plaque and two 1914-1919 war memorials with a

granite coat of arms of Holywell Urban District Council above, none of these features are affected by the proposed alterations.

7.04 Site History

The building has been the subject of major alterations over the years. The main change being the demolition of the majority of the building to the rear, with the façade being retained. The rear of the building was rebuilt during the 1980's in a modern style prior to the façade being listed, as noted above the façade was listed in 1991.

7.05 A change of use of the building was approved in April 2012, under reference 049500. The building now has a mix use (D1 and B1) with the ground floor used as teaching facility for Deeside College, offices, a FCC agile working area and a public one stop shop with interview/meeting rooms for use by FCC and NW police. The first floor is solely occupied by NW police

7.06 Principle of Development

This planning application has been assessed in relation to development plan policies, GEN1 and HE2, which ensure that any development in relation to a listed building protects the special historic character and appearance of the listed structure.

7.07 It should be noted that there is no statutory requirement to have regard to the provisions of the development plan when considering a listed building application. Such applications are judged on the importance of the building and effect on the special historic/archaeological interest of the building/structure.

7.08 As the façade is listed_a listed building consent application has also been submitted. However, as the application has been submitted by Flintshire County Council the application is to be determined by the Welsh Assembly Government (WAG), under Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990, under section 82 of the Act and in accordance with Welsh Office Circular 61/96, paragraph 79.

7.09 Proposed Development

The proposed alterations to the façade consist of new bi-folding timber doors, installation of a North Wales Police Lantern and yellow telephone box, new emergency lighting above the bi-folding doors and telephone box, a new North Wales police notice board and alterations to the graphics within the existing iron swing signage. The windows and doors to be repainted changing the colour from deep red to a dark stone colour.

7.10 The alterations to the main entrance, beneath the clock tower, the bi-folding doors and the North Wales police notice board. The remaining alterations as listed above are to the archway to the right of the main entrance. The lantern is to be sited to the right of the archway with

the yellow telephone box set back within the alleyway.

- 7.11 Works which have already been undertaken include the telephone box, change of graphics to the existing bracket and the painting of the windows.
- 7.12 Further alterations include removal of shutter system to be replaced with new DDA power assisted double doors with push button operation and the updating of the covered external lobby area at the front with partial changes to a separate internal external foyer. The above alterations are to the rear of the listed façade with the new doors to the side of the building accessed via the archway.
- 7.13 Negotiations with the Conservation Officer and the Town Heritage officer have been undertaken in order to achieve a scheme which preserves and enhances the historic character of the listed facade. The proposed works are necessary in order to enable access for all to this mixed use public building.

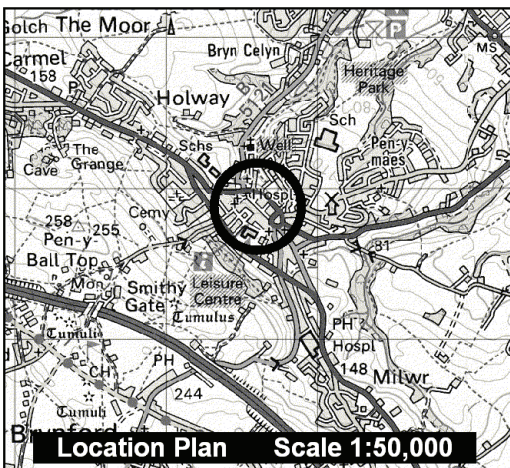
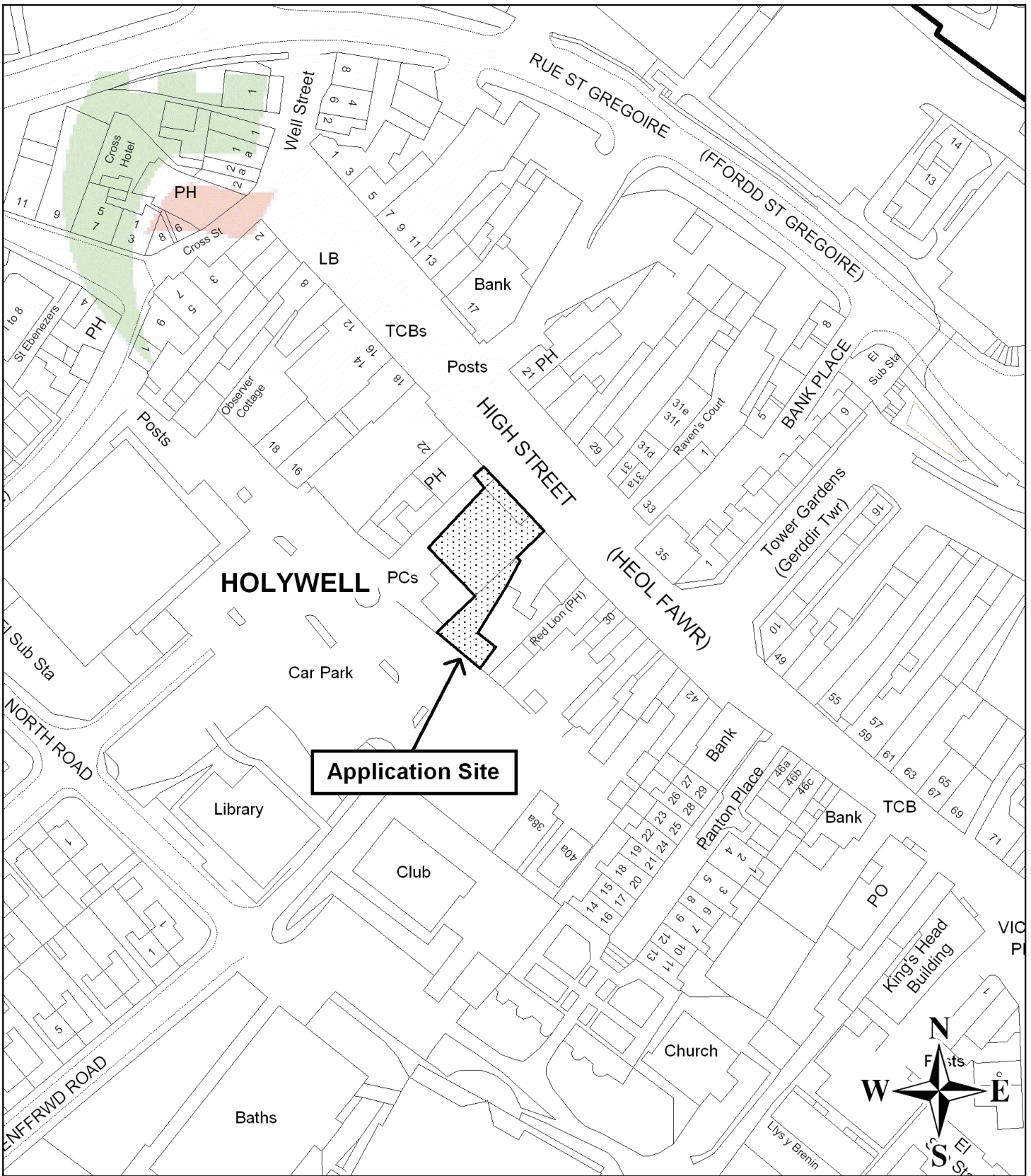
8.00 CONCLUSION

- 8.01 The proposal reinstates some of the historic interest in the building frontage with no detrimental impact on the street scene or the historic interest of the listed façade, including the war memorials.
- 8.02 The recent change of use and the proposed alterations enabling the building to be used by the public will preserve the building, in particular the historic façade, ensuring the survival of this important feature within the town centre.

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

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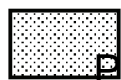


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Map Scale 1:1250

OS Map ref SJ 1875

Planning Application 49993

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 20TH FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RENEWAL OF OUTLINE PLANNING PERMISSION REF:046257 TO ALLOW THE ERECTION OF A BUNGALOW**

APPLICATION NUMBER: **050166**

APPLICANT: **MR A DISKIN**

SITE: **LAND TO THE REAR OF 8 MANCOT LANE, MANCOT, DEESIDE**

APPLICATION VALID DATE: **2ND OCTOBER 2012**

LOCAL MEMBERS: **CLLR. G. DISKIN**
CLLR. A. DISKIN

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

REASON FOR COMMITTEE: **CLLR. A. DISKIN IS THE APPLICANT**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This application seeks a renewal of the outline planning permission for the erection of a bungalow at land to the rear of 8 Mancot Lane, Mancot. The applicant is the local member Cllr. A. Diskin.

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

2.01 Planning permission should be granted subject to the following conditions:

1. Outline – Reserved Matters
2. Outline – Time Limit
3. Outline- Site Levels
4. Siting, layout and design of the means of access to be submitted and approved
5. No work to commence on access until detailed design has been submitted and approved
6. Access to have visibility of 2.4m x 20m
7. Foul/surface water discharges to be drained separately
8. No surface water to connect into public sewerage system
9. No land drainage to discharge into public sewerage system
10. No work to take place until a land contamination study has been undertaken.

3.00 CONSULTATIONS

3.01 Local Member

Councillor G. Diskin

Verbally declared an interest as they are the applicant

Hawarden Community Council

No comment as the applicant is a member of the Community Council

Head of Assets and Transportation

No objection subject to conditions

Head of Public Protection

No objection subject to condition

Dwr Cymru /Welsh Water

No objection subject to conditions

4.00 PUBLICITY

4.01 Site Notice

No comments received

5.00 SITE HISTORY

5.01 **046257**

Outline Application – Erection of a bungalow.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1- General Requirements for Development

Policy GEN2- Development Within Settlement Boundaries

Policy D1- Design Quality, Location and Layout
Policy AC13- Access and Traffic Impact
Policy HSG3- Houses on Unallocated Sites Within Settlement
Boundaries

The proposed development complies with the above policies

7.00 PLANNING APPRAISAL

7.01 Introduction

The application seeks to renew the outline planning permission (046257) for the erection of 1 no. bungalow on land to the rear of Mancot Lane, Mancot, the existing village post office. The site itself will front onto Wilton Road, Mancot.

7.02 Principle of Development

The site is located within the settlement boundary for Mancot as shown on the Deeside Settlements plan in the Emerging Flintshire Unitary Development Plan, and the Alyn and Deeside Local Plan, where there is a presumption in favour of small scale residential development where they meet the general provisions for development.

7.03 Since planning application ref: 046257 was granted, approximately 20m distance from the application site a collapse in the ground has occurred which has been attributed to a disused mineshaft. As such, should planning permission be granted for the current application a land contamination study should be undertaken prior to the commencement of works. Furthermore, the area is designated as a Coal Authority Informative Area and as such, should planning permission be granted a note will be added to the decision to inform the applicant as such.

7.04 The site is located within the settlement boundary for Mancot which is a category B settlement.

7.05 In terms of policy HSG3, its purpose is to control the expansion of settlements where planned growth is already significant and to ensure any additional new dwellings above that level are for local needs, either by being affordable or as a home for an essential worker. There is no threshold in terms of units and so a development of just one dwelling can trigger the requirement. The existing level of growth for Mancot is 6.8%.

7.06 This proposal of one dwelling will not therefore lead to a growth level of more than 15% since 2000. There is therefore no requirement for this dwelling to be justified on the grounds of housing need.

7.07 Impact on Neighbouring Amenity

The application has been submitted in outline with all matters

reserved, and as such only indicative details of the proposed dwelling have been submitted.

7.08 The dwelling being applied for is to be of a single storey construction. The dwellings within the streetscene of Wilton Road are a mixture of house types, with two storey semi-detached dwellings on the adjacent side of the road to the application site. The immediate neighbour, however, is a bungalow and a larger dwelling type would unacceptably dominate this dwelling in terms of its scale and massing. The indicative siting of the dwelling would be able to meet the interface distances between neighbouring dwellings as set out in the 'Space about Dwellings' Local Planning Guidance Note 2. The plot size would allow for sufficient amenity space to be retained for both the proposed and the existing dwelling.

7.09 The application has been amended to include an area of land to the north west of the current fence line within the application site area. The inclusion of this land increases the available rear amenity area and provides a site that is commensurate in size with other plots within the vicinity.

7.10 Landscaping and Appearance have been reserved for future consideration, and the detailed consideration of these matters will enable the Council to mitigate against any adverse impacts upon neighbouring amenity.

7.11 Impact on Streetscene
There is a change in levels from the highway to the application site, and it is proposed that there would be an element of excavation to ensure that the proposed dwelling relates well to its neighbour. In order to ensure that this is the case a condition is proposed requiring that a plan showing the finished site levels, as well as a streetscene, are submitted at the reserved matters stage.

8.00 CONCLUSION

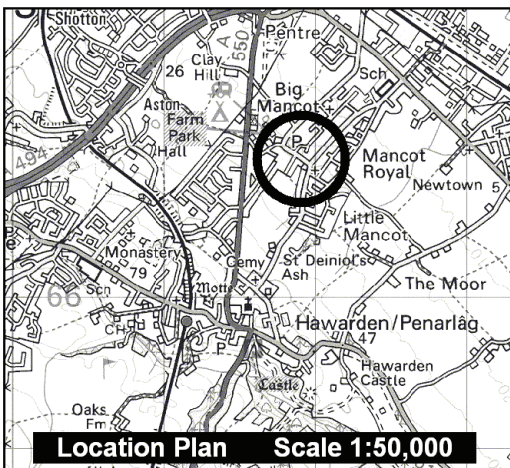
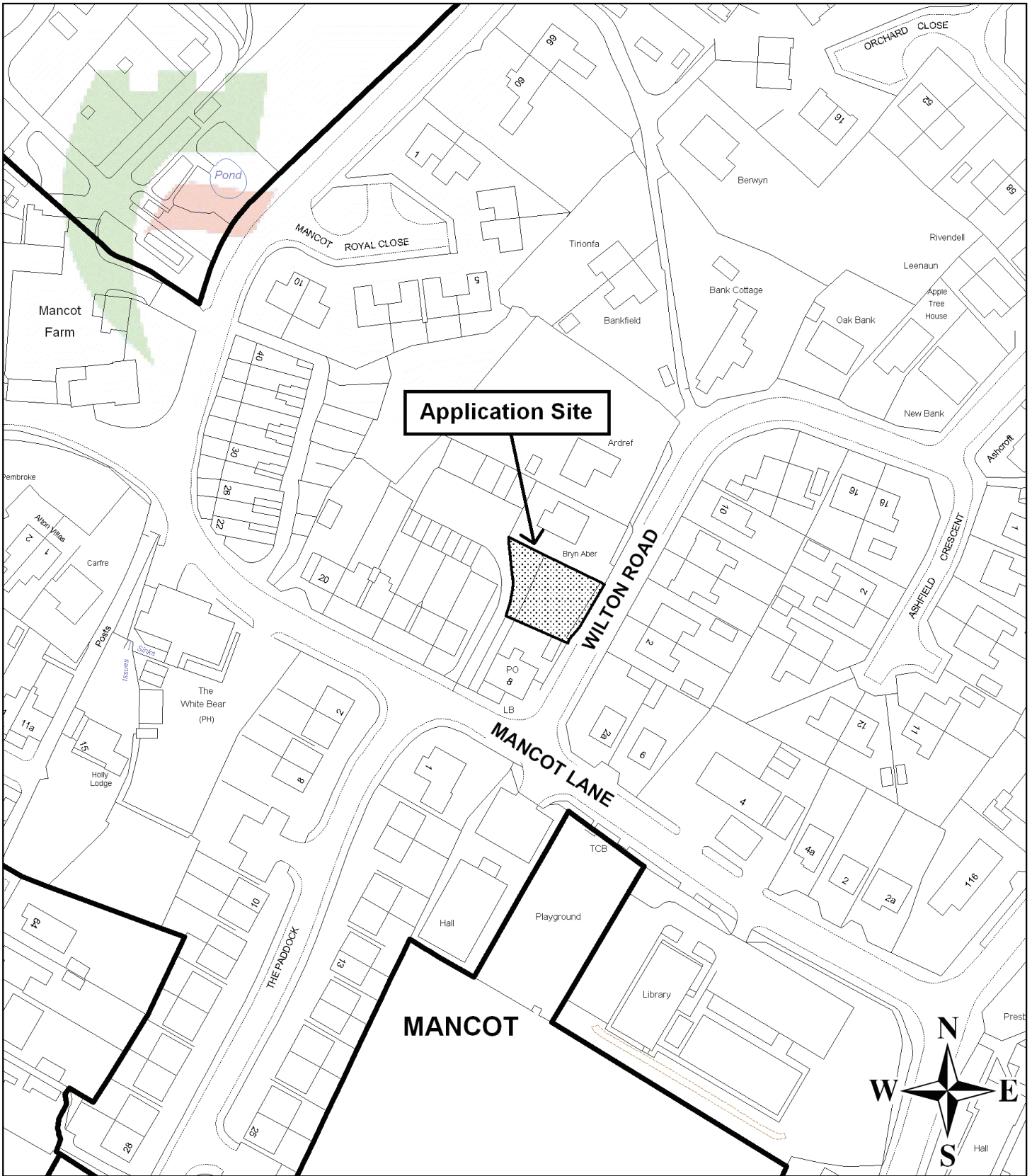
8.01 The application site is located within the settlement boundary for Mancot and is reflective of the prevailing character of development in the vicinity in terms of its plot size and density.

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

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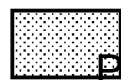


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 3166

Planning Application **50166**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 20 FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **043097 GENERAL MATTERS - DEMOLITION OF EXISTING THREE STOREY OFFICE BUILDING AND ERECTION OF A 4-STOREY APARTMENT BLOCK COMPRISING OF 34 NO. 2-BEDROOM UNITS AND DEDICATED ON-SITE PARKING AT "FLINT HOUSE", CHAPEL STREET, FLINT**

1.00 APPLICATION NUMBER

1.01 **043097**

2.00 APPLICANT

2.01 ANWYL CONSTRUCTION CO LTD

3.00 SITE

3.01 FLINT HOUSE, CHAPEL STREET, FLINT

4.00 APPLICATION VALID DATE

4.01 30/03/07

5.00 PURPOSE OF REPORT

5.01 To inform Members of changes to the nature of the proposed residential scheme to occupation by persons aged over 55, which has consequences for the requirements of the S106 agreement.

6.00 REPORT

6.01 Planning Committee resolved to grant permission for the erection of a block of 34 apartments subject to the completion of a S106 agreement on 5th March 2008. The S106 agreement covered mechanisms to secure 30% of the units as affordable, a commuted sum of £733 per

unit towards off-site open space and a contribution towards the enhancement of the public open space in front of Flint House.

- 6.02 Since the committee resolution, the S106 agreement has not been signed due to decline in market demand for the proposed units. However, the developer now wishes to proceed with the development in the form of an over 55's development. The nature of the development has therefore changed, which has implications for the requirements of the legal agreement.
- 6.03 The Head of Housing Strategy has been consulted on the proposed change to an over 55's scheme. It is considered that a requirement of 30% affordable units would not be required on the current proposal, as the age limit restriction on the properties would narrow the potential market demand for the units and therefore would make them affordable. An additional condition restricting the age of occupants would therefore be added.
- 6.04 The other contributions for open space and the enhancements to the public open space in front of Flint House would still remain relevant. It would not be pertinent to request an education contribution from this form of development as the nature of the development would not generate any children of school age.

7.00 RECOMMENDATIONS

- 7.01 That Conditional Planning permission be granted subject to the addition of an age limit condition restricting occupancy to over 55's and on completion of a Section 106 Agreement to cover the following matters:
- Enhancement of public open space in front of Flint House
 - Recreational open space contribution in lieu of on-site provision. A commuted sum of £733 per unit shall be paid to the Authority upon 50% sale or occupation of the development

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FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 9

REPORT TO: PLANNING & DEVELOPMENT CONTROL COMMITTEE

DATE : 05 MARCH 2008

REPORT BY: CHIEF PLANNING SERVICES OFFICER

SUBJECT : FULL APPLICATION - DEMOLITION OF EXISTING THREE STOREY OFFICE BUILDING AND ERECTION OF A 4-STOREY APARTMENT BLOCK COMPRISING OF 34 NO. 2-BEDROOM UNITS AND DEDICATED ON-SITE PARKING AT "FLINT HOUSE", CHAPEL STREET, FLINT, FLINTSHIRE

1.00 APPLICATION NUMBER

1.01 043097

2.00 APPLICANT

2.01 Anwyl Construction Company Ltd

3.00 SITE

3.01 Flint House,
Chapel Street,
Flint,
CH6 5AY

4.00 APPLICATION VALID DATE

4.01 30/03/2007

5.00 INTRODUCTION

5.01 This is a full application for planning permission to erect a four storey block of 36 apartments and associated parking at the site of Flint House, Flint.

6.00 CONSULTATIONS

6.01 Local Member
Councillor I B Roberts

Agrees to the determination of the application under delegated powers. No objection to the proposed development. Made the following comments;

- Sensitive civic area in a prominent position in the town centre adjacent to the cenotaphs.

- Any building should be of an appearance sympathetic to the area
- Respect should be had for the cenotaphs
- During demolition and construction the public open space should be kept tidy and public access maintained
- A S106 agreement should be entered into to improve the paved areas around the front of the building
- The developer could as a gesture repair the water feature Flint Town Council
- Building work should be suspended around Remembrance Sunday

Flint Town Council

No objections to the detail of the application but that a request be made for conditions to be applied;

- during the time of demolition and construction then due respect be paid to the war memorial site and if works are ongoing during the Remembrance Sunday period then again due consideration be taken and property arrangements to be in place to facilitate the parade thus ensuring the Remembrance Sunday Service is without interruption.
- it is essential that the developer ensures that suitable protection for the Memorials is in place during construction i.e a hoarding of the appropriate height and
- due consideration of should be given planning gain under a 106 agreement should form part of the consent and those monies should be invested in environmental improvements around the totality of the scheme and the general area in lieu of money allocated for recreational use
- due consideration should be given to the reactivating of a water feature in the proximity of the current fountain.

Chief Highways and Transportation Engineer

Adequate facilities shall be provided and retained within the site for the parking and turning of vehicles clear of the highway. Such facilities to be completed prior to the proposed development being brought into use.

Chief Environment and Resources Officer

No response received at time of writing.

Welsh Water

The flows derived from the new development do not exceed those of existing area connection to the public sewerage system. The maximum allowable discharge rate from the proposed development will be 20 l/s. The application would be required to make a formal application under section 106 of the Water Industry Act 1991.

Environment Agency

Any approval should include conditions requesting any water discharged into any watercourse, surface water sewer or soakaway system should pass through an oil interceptor.

Scottish Power

Have plant and apparatus in the area and the developer should be advised of the need to take appropriate steps to avoid any potential danger that may arise from the works.

Airbus

No comment on this development as it is below the height required for CAA consultation purposes.

Wales and West Utilities

No objections, however apparatus may be at risk during construction works.

CADW

No response received at time of writing.

7.00 PUBLICITY

7.01 Press Notice, Site Notice, Neighbour Notification

2 representations received;

- overlooking in to Abbeyfield garden area and overlooking into building
- proposal is too big for the site
- no amenity space for residents
- traffic access to the site is difficult

8.00 SITE HISTORY

8.01 **499/82**

Extension of car park. Approved 21/12/82.

591/84

Porch and siting of Presco building. Approved 25/01/84.

06/041806

Change of use of former government building (benefits agency) to class A2 (financial and property services) and class B1 (offices). Approved 09/10/06.

9.00 PLANNING POLICIES

9.01 Clwyd Structure Plan First Alteration

Policy B2 - Location of Housing Development

Policy B5 - Allocation of land for Housing Development
Policy B3 - Scale of Housing Development in Main Settlements
Policy B5 - Allocation of Land for Housing Development
Policy G4 - Development in proximity to a Conservation Area
Policy G7 - Development in close proximity to a listed building or structure

Structure Plan Second Alteration: Flintshire Edition

Policy GEN1- General Development Policies
Policy GEN2- General Development Policies
Policy GEN3- General Development Policies
Policy HSG2 - Location of Housing Development
Policy HSG3 - Scale of Housing Development in Main Settlements
Policy HSG5 - Allocation of land for Housing Development
Policy HGS13 - Affordable Housing
Policy CONS20 - Valuable Historic Buildings and Settings
Policy CONS 21 - Conservation Areas and their Settings

Delyn Local Plan

Housing Policy 1– Housing Density
Housing Policy 2 – Residential Development in main settlement and main villages
Housing Policy 11 - Affordable housing on land within settlement boundaries
Conservation Policy 2 - New development and alterations to existing buildings in or adjacent to Conservation Areas
Conservation Policy 6 -Development Affecting the Setting of a Listed Building
Development Control Policy 2 – Design and layout of residential estate development
Development Control Policy 3 - Residential Roads and Footpaths
Development Control Policy 4 - Provision of Open Space on new estates
Transportation Policy 7 - Car Parking Standards
Landscape Policy 2 - Protection of Trees and Woodland

Draft North Flintshire Local Plan

Policy d1 – Design Quality
Policy d3 – Location and Layout
Policy d4 – Building Design
Policy d5 – Landscaping
Policy d6 - Illumination
Policy ac 12 – Parking Provision
Policy h3 - Housing on Unallocated Sites
Policy he1 - Development Affecting Conservation Areas
Policy he5 - The Setting of Listed Buildings
Policy l5 - Green Spaces
Policy twh2 - Development Affecting Trees and Woodland

Emerging Flintshire Unitary Development Plan

Policy STR1 - New Development
Policy STR4 - Housing

Policy STR5 - Shopping Centres and Commercial Development
Policy STR8 - Built Environment
Policy GEN1 – General Requirements for Development
Policy GEN2 – Development inside Settlement Boundaries
Policy D1 – Design Quality
Policy D2 – Location and Layout
Policy D3 – Building Design
Policy D4 - Landscaping
Policy D5 - Outdoor Lighting
Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries
Policy HSG8 - Density of Development
Policy HSG9 – Housing Mix and Type
Policy HSG10 - Affordable Housing Within Settlement Boundaries
Policy AC13 – Access and Traffic Impacts
Policy AC18 – Parking Provision and New Development
Policy EPW2- Energy Efficiency in New Development
Policy HE1 - Development Affecting Conservation Areas
Policy L3 - Green Spaces
Policy TWH1 - Development Affecting Trees and Woodlands

The site is located within Flint Town Centre but outside the Conservation Area and Core Retail Area. The public open space in front of Flint House is allocated as a green space. The proposal is considered to be in accordance with development plan policies.

10.00 PLANNING APPRAISAL

- 10.01 The proposed development constitutes a four storey apartment block of 34 two bedroom apartments. The height of the building is staggered with the rear part of the building at 3 storeys in height. 10 of the units would be affordable, spread across the floors of the building. Vehicular access would be off Chapel Street, with 34 car parking spaces to the rear and side of the building, as per the current parking arrangements. Pedestrian access to the building would be at the front and the to the rear from the car park with a pedestrian gated entrance to the side adjacent to Church Street.
- 10.02 The site is a prominent location within Flint town centre. It is currently occupied by the post - war three storey former office block of Flint House. The site is bounded by Church Street to the north, Chapel Street to the east beyond the public open space, the magistrates court to the south and the church to the west.
- 10.03 To the frontage of the building, outside the application site is a significant public open space which accommodates the Grade II Listed war memorials, flag poles, a fountain and seating areas. This space performs an important formal role in civic ceremonies, along with its function as a public open space. The relationship the proposed building has with this open space is important. The applicant has agreed to fund the provision of landscaping enhancements to this area as part of this application.

- 10.04 The proposed building has a similar but slightly larger footprint than the existing building and would be closer to Church Street. However the relationship of the new building with the church has been taken into account and the footprint of the proposed building is further away than the existing building. The area between the building and the church boundary would be bounded by a brick wall with a timber fence above to screen the bin store and would have a landscaped area extending up to 10 metres in width to provide attractive screening from Church Street.
- 10.05 The application was accompanied by a design statement and detailed discussions have taken place with the applicant to arrive at the current design, which has changed significantly during the course of the application. While the building is four storeys in height, it is in context with the office building opposite the site on Chapel Street, and other high rise buildings in the area. The window proportions of the building have been designed to reduce the impact of the height of the building. A palette of materials has been chosen for the external finishes of the building to enhance the visual impact of the building and to complement the character of the area. These include details such as a brick plinth, cast stone bands at first, third and fourth floor, cast stone window cills, stained timber boarding to the fourth floor, off-white render central section with grey render window surrounds, different proportioned windows and a central glazed feature above the front entrance and a metal standing seam roof, fascias and gutters. It is considered that the proposed apartment building is of an appropriate scale and design which would not detract from and would enhance the overall character and appearance of the area.
- 10.06 The number of car parking spaces is below the Council's Standard's of 1.5 spaces per apartment, however it is considered that as the site is located within a town centre and is within 300 metres of existing public car parks, these standards can be relaxed in accordance with UDP policy. The proposed site is also in walking distance of local services, leisure facilities and public transport infrastructure.
- 10.07 No public open space is proposed as part of the development. Due to the type and size of the proposed development the Authority would not be seeking on site recreation provision, but will request a capital sum payment to enhance recreation facilities in the community. Also improvements to the public open space in front of Flint House are being negotiated and would be agreed as part of the Section 106 Agreement. These would include a new fountain, new planting beds, additional trees and a lighting scheme.
- 10.08 The proposal would involve the removal of existing trees in the south western boundary adjacent to Church Street, including the loss of two silver birch trees. These trees are important features in the streetscape and request was made to retain them. Consideration was given to altering the footprint of the building to retain the trees, however this would lead to the built form being closer to the adjacent church and the loss of parking spaces, which

would then reduce the overall apartment numbers. It was therefore considered that an alternative option would be to provide replacement trees within the site in a similar position on the boundary of the site within the landscaping buffer. It is considered that this is an acceptable compromise.

- 10.09 The scheme provides 10 affordable units in line with the UDP policy HSG10 which requires 30% affordable housing on sites within settlement boundaries. The affordable units would be for sale at 70% discounted market value and eligibility would be restricted to ensure it met a local need. This would be secured in perpetuity through the Section 106 Agreement.
- 10.10 The proposed scheme would redevelop a key site within Flint town centre in accordance with development plan policies. The proposed apartment building would not be out of character with the site and its surroundings and is of a modern design using quality materials which would enhance the overall appearance of the area.

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

11.00 RECOMMENDATION

- 11.01 That conditional planning permission be granted on completion of a Section 106 Agreement to cover the following matters :
- affordable housing in perpetuity and eligibility,
 - enhancement of public open space in front of Flint House
 - recreational open space contribution in lieu of on-site provision a commuted sum of £733 per unit shall be paid to the Authority upon 50% sale or occupation of the development.

Conditions

1. Time limit on commencement.
2. In accordance with plans.
3. Drainage details, including an oil interceptor.
4. Landscaping scheme to be submitted.
5. Implementation and maintenance of approved scheme.
6. Material samples.
7. Adequate parking provision within the site and completed prior to occupation.

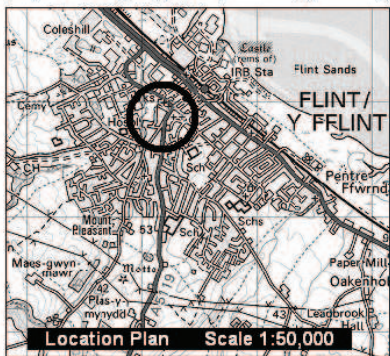
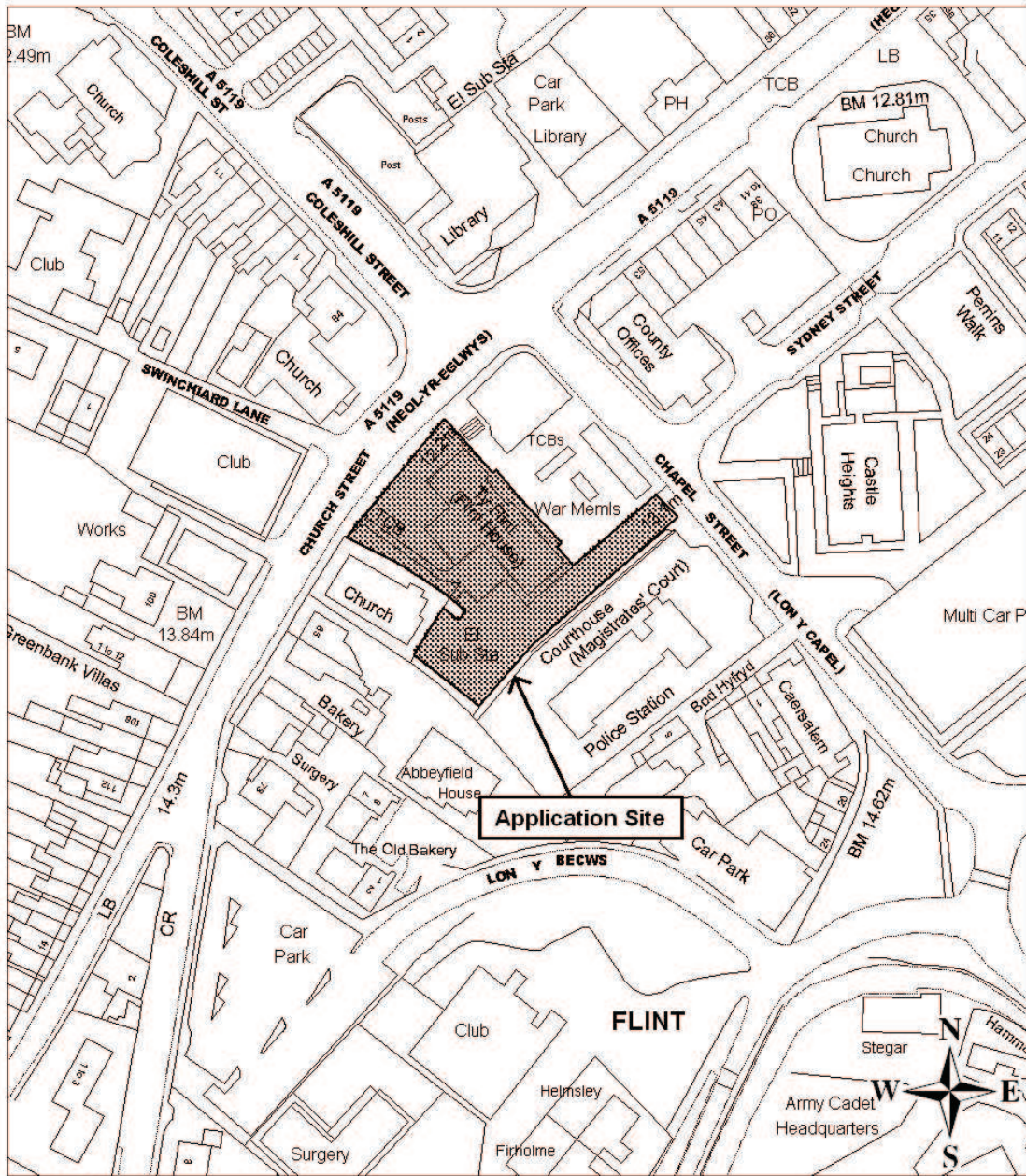
12.00 APPENDICES

12.01

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS




Planning application
Consultation replies
Representations

Contact Officer: Emma Hancock
Telephone: 01352 703254
E-Mail: emma_hancock@flintshire.gov.uk



Directorate of Environment and Regeneration,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Christopher T. Kay BSc, CEng, MICE, FIHT.

Key to Settlement Boundaries

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

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Map Scale	1:1250
Ordnance Survey Sheet	SJ 2472
Planning Application	43097

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **20TH FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION - CONSTRUCTION OF AN ANAEROBIC DIGESTION PLANT FOR THE PURPOSES OF WASTE TREATMENT AND GENERATION OF 500 KW RENEWABLE ENERGY CONSISTING OF A RECEPTION BUILDING, 2 DIGESTION TANKS, A DIGESTATE PRODUCT STORAGE TANK, 3 DELIVERY STORAGE TANKS, 2 PASTEURISERS, CHP GENERATION EQUIPMENT INCLUDING AN EXHAUST STACK, ELECTRICAL GRID CONNECTION INFRASTRUCTURE, AN AUXILIARY SHIELDED FLARE, ODOUR MANAGEMENT EQUIPMENT AND CONCRETE BUNDING WALLS AT GRASSER WORKS, FACTORY ROAD, SANDYCROFT**

APPLICATION NUMBER: **050249**

APPLICANT: **TRADE EFFLUENT SERVICES LIMITED**

SITE: **FORMER GRASSER WORKS, FACTORY ROAD, SANDYCROFT**

APPLICATION VALID DATE: **30/10/12**

LOCAL MEMBERS: **COUNCILLOR D.E. WISINGER**

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY TOWN COUNCIL**

REASON FOR COMMITTEE: **THE HEIGHT OF THE STACK EXCEEDS THE THRESHOLD OF 15M**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 The proposal is to construct an anaerobic digester plant, reception building, gas holder and electricity generating plant. The plant is to be fed using agricultural wastes, livestock slurry, poultry litter and

commercial food wastes, to produce gas used to generate electricity for sale to the local grid, and soil conditioners for agricultural uses.

The proposal is located within an area designated for employment uses and is in line with national policy objectives to reduce current reliance upon landfill and increase the generation of green energy. The applicant has an existing business which this proposal seeks to secure the future of. The principle of the proposal is in line with national and local policy and the question is therefore the suitability of the proposed location for the use.

Factory Road is located within a principal employment area, within which employment uses, including B1, B2 and B8 will be permitted subject to a number of tests to ensure the detail of the proposal is acceptable. The tests include the requirement that proposals will not have a significant adverse impact on residential amenity.

There are two remaining residential properties which are adjacent to the proposal site. The proposed development is considered akin to a B2 use. The applicant has amended the application to address concerns raised by Officers that the proposal would have a significant adverse impact on residential amenity. The layout of the scheme has been amended to address issues of overbearing and a landscaping buffer is proposed to mitigate the visual impact of the proposal on the amenity of the neighbouring residential properties.

On balance, it is considered that the impact of the proposal on residential amenity can be mitigated to an acceptable standard, in line with the requirements of policies EM3 and EWP8 of the Flintshire Unitary Development Plan. The proposal will help contribute towards the diversion of biodegradable waste from landfill and produce renewable energy, contributing towards the aims and objectives of national policy, including energy policy and waste policy.

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

- 2.01 The proposal is recommended for approval subject to no new issues being raised as a result of the current consultation on proposed landscaping, and subject to the following conditions.

Conditions

1. Time limit on commencement
2. List of plans and documents that development shall be carried out in accordance with.
3. Restriction to the anaerobic digestion of biodegradable wastes
3. Submission and approval of contaminated land scheme
4. Flood risk – finished floor levels to be set no lower than 6.33m AOD
5. Submission and approval of landscaping scheme, including long

- term maintenance
6. Condition to control noise levels at the site
 7. Condition to ensure that no waste to be accepted unless odour abatement measures are in place and effective.
 8. No storage of waste in the open air
 9. Operating hours
 10. Lighting
 11. Drainage
 12. All vehicles transporting biodegradable waste, including liquids, shall be sealed.
 13. Condition to control dust

3.00 CONSULTATIONS

3.01 Local Member

Request that the application is referred to Planning Committee as it needs a full debate at Committee. Requests a Committee site visit.

Queensferry Town Council

No comments received

Sealand Community Council

No objection

Head of Assets & Transportation

No objection. No comments on highways grounds. Drainage engineers advise that sewerage pipes running beneath the site are the responsibility of Welsh Water.

Head of Public Protection

No objection. The Contaminated Land officer advises that the information submitted to date regarding contamination on the site is not sufficient. Recommend that the necessary information is secured via condition.

The Environmental Health officer advises that background noise levels at the site are relatively high. Measures to control noise could be included to control any plant or equipment which exceeds the noise levels predicted. Notes that the facility will also be regulated by Environment Agency Wales and that any condition imposed should not conflict with the requirements of the Environmental Permit.

Emergency Planning

No objection.

Welsh Water/Dwr Cymru

No objection.

Environment Agency Wales

No objection subject to finished floor levels being no lower than 6.33m

AOD.

Airbus

No objection.

HSE

Do not advise, on safety grounds, against the granting of planning permission in this case.

Countryside Council for Wales

No objection, however, advise that any consent is subject to a condition to ensure compliant implementation of pollution prevention measures.

North Wales Fire Service

No comments received

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification
Response to publicity:

3 objections were received and the following points raised:

- Overbearing impact on the adjacent residential properties;
- Suitability of the ground for any planting;
- Anaerobic digestion plant should be at least 250m from residential properties;
- Change of use from former residential use;
- Presence of a sewer pipe within the application boundary;
- Surface water drainage;
- The area is within the flood plain and at risk of flooding;
- Loss of light;
- Proximity of the bund wall to the boundary with the residential properties and the ability to maintain it;
- A habitable room directly faces the proposed development;
- Impact of the proposed hedge on loss of light;
- Impact on the adjacent green space;
- Level of consultation undertaken prior to submission of the planning application;
- Noise;
- Odour, particularly when the system fails or during service and maintenance;
- Subsidence due to disused mines in the area;
- Risk of explosion;
- Adverse impact from odour on nearby commercial premises.

4.02 Following a re-consultation on landscaping proposals at the boundary

with neighbouring properties, the objections and comments made above remain.

- 4.03 At the time of writing the report, a minor amendment to the landscaping is being consulted upon. The recommendation above is to grant planning permission subject to no new issues being raised as a result of this consultation.

5.00 SITE HISTORY

- 5.01 **050052:** Construction of an anaerobic digestion plant for the purposes of waste treatment and generation of 500kw renewable energy. Consisting of a reception building, 2 digestion tanks, a digestate product storage tank, 3 delivery storage tanks, 2 pasteurisers, CHP generation equipment including an exhaust stack, electrical grid connection infrastructure, an auxillary shielded flare, odour management equipment and concrete bunding walls. **Withdrawn 30th October 2012**

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan

STR 1: New Development

STR 3: Employment

STR 7: Natural Environment

STR 8: Built Environment

STR 10: Resources

GEN 1: General Development Requirements

GEN 2: Development inside Settlement Boundaries

D1: Design, Quality, Location and Layout

D2: Design

D3: Landscaping

WB2: Sites of International Importance

AC13: Access and Traffic Impact

EM3: Development Zones and Principal Employment Areas

EM7: Bad Neighbour Industry

EWP1: Sustainable Energy Generation

EWP5: Other forms of Renewable Energy Generation

EWP6: Areas of Search for New Waste Management Facilities

EWP7: Managing Waste Sustainably

EWP8: Control of Waste Development and operations

EWP12: Pollution

EWP13: Nuisance

EWP14: Derelict and Contaminated Land

EWP16: Water Resources

EWP17: Flood Risk

Local Planning Guidance Note No. 3: Landscaping

National Policy and Guidance

Planning Policy Wales Edition 5

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 8: Renewable Energy

Technical Advice Note 11: Noise

Technical Advice Note 12: Design

Technical Advice Note 15: Flood Risk

Technical Advice Note 21: Waste (2001)

Towards Zero Waste (2010)

Collections Infrastructure and Markets Sector Plan (2012)

7.00 PLANNING APPRAISAL

7.01 THE PROPOSAL:

The proposal is for the construction of an anaerobic digestion facility, landscaping and associated infrastructure at the former Grasser Works, Factory Road, Sandycroft. Anaerobic digestion is a method increasingly being used to treat food waste, thereby assisting in diverting biodegradable waste from landfill. The plant is intended to treat up to 32,000 tonnes of biodegradable waste and will produce approximately 500kW of renewable energy and a bio-fertiliser which can be utilised on farms in the local area, displacing the need for fossil fuel derived fertilisers.

7.02 The applicant operates an established waste management and agricultural contracting business which currently disposes of liquid wastes by spreading, untreated, directly to agricultural land.

7.03 The site is located within Factory Road, Sandycroft which is dominated by industrial buildings and previously formed part of Graessers Salicylates. There are two residential properties within close proximity of the site, number 6 and 7 Factory Road directly abut the application boundary and a wooded area to the east of the site beyond the two dwellings.

7.04 The facility comprises a waste reception building, two digester tanks, a store, a CHP unit, stack, and biofilter. There is an existing substation on the site. The reception building is 10m to the eaves, and 12m at the highest point. The store measures 14m in height with a domed roof and is located approximately 20m from the boundary with number 6 Factory Road. The digester tanks are 7m to the eaves, and 10m at their highest point and are located approximately 12m from the boundary with number 6 Factory Road at the closest point. The reception tanks are 4.1m in height and the stack is 18m in height with a diameter of 0.75m. The substation and generator are 3.8m in height.

- 7.05 The development process is for the delivery of feedstock comprising agricultural, poultry and commercial food wastes, which would be blended and fed through a series of digester tanks holding a liquor to enable microbial activity to bio-degrade the material into gas used for generating electricity and a solid organic soil conditioner, which is removed off the site for agricultural use. The gas is stored in a holding vessel and fed to a spark /compression ignition engine to drive an electricity generating exciter set to produce a nominal 500KW output which can be fed to the local electricity grid using an existing electrical sub-station located within the site.
- 7.06 All reception process areas would drain to a sump and the material collected to be used in the digestion process as there is no access to the sewerage system. Anaerobic digestion is a sealed process with gas tight tanks and pipe work to prevent the release of gas. The majority of finished product will be in liquid form which would be transferred directly to a tanker and the remainder, a small amount of solid, would be transferred to a trailer for use off site.
- 7.07 The facility would operate 24 hours per day, although hours of operation are identified as 07:00 – 19:00 Monday to Friday, 07:00 – 17:00 Saturday and 09:00 – 16:00 Sundays and Bank Holidays.
- 7.08 It was originally proposed to plant a conifer hedge around the boundary of the residential properties at number 6 and 7 Factory Road which was to be maintained to a height of 4m. The applicant has since submitted a revised scheme which includes a 7.5m landscape buffer around the boundary of the residential properties. The landscape buffer would comprise a mixture of native shrub and tree species.
- 7.09 Office accommodation would be provided by the building permitted under application number 047475 which is within the overall site owned and operated by the applicant.
- 7.10 Vehicle movements are anticipated to be an average of 11 per day using the existing site access to the west of the proposal site. A bund gate is proposed along Factory Road which would involve realigning an existing access onto Factory Road to enable maintenance of the tanks.
- 7.11 The applicant would use the existing access to the site for the delivery of feedstock to the facility, and an existing access along Factory Road which would be moved slightly to the east to allow access to the bunded area for maintenance purposes.
- 7.12 **MAIN PLANNING CONSIDERATIONS:**
The main issues are considered to be:-
1. The Principle of the development
2. Need and BPEO

3. Contaminated Land
4. Flood Risk
5. Visual and Landscape Impact
6. Residential Amenity
7. Noise
8. Odour
9. Air Quality, including dust and bio-aerosols
10. Biodiversity Considerations
11. Environmental Impact Assessment
12. Drainage
13. Highways

7.13 Principle

The site is located within the Sandycroft settlement boundary, in accordance with GEN 2, which seeks to direct new development to within defined settlements.

- 7.14 The site is also within an existing industrial estate and is identified as a principle employment area (EM3). The purpose of policy EM3 is to direct new employment development, including B1, B2 and B8 uses, towards potentially suitable locations subject to a number of tests to ensure the scale and nature of the proposal is acceptable. Although the application is for a waste use, and is considered a “sui generis” land use, the proposal is considered akin to a B2 use.

- 7.15 Policy EM7 seeks to direct bad neighbour industry to potentially suitable sites. The policy states that the most suitable sites for bad neighbour uses are likely to be those allocated under EM1, which includes an allocation at Prince William Avenue, Sandycroft. However, it is also acknowledged that there may be other suitable sites within the County, including brownfield land and derelict, vacant and underused land including sites associated with previous mineral workings.

- 7.16 Policy EWP 6 seeks to direct new waste management facilities towards potentially suitable areas. The areas are not allocations and do not preclude the location of waste facilities on other sites. Given the size of the proposal (less than 1ha) there is no requirement for the applicant to submit an assessment identifying that the proposal site is the best option for the use proposed.

- 7.17 In principle, the proposal is considered broadly in line with policies GEN2, EM3, and EM7 of the adopted Flintshire Unitary Development Plan, subject to compliance with the detailed tests contained within policies EM3 and EM7 which are discussed in detail further down in the report.

7.18 Need and Best Practicable Environmental Option (BPEO)

Policy EWP 7 requires proposals to meet an identified need contained within the Regional Waste Plan (RWP). Since the RWP and its

successor, the North Wales Regional Waste Plan 1st Review, were published national waste policy has changed markedly, placing an even greater focus on the recovery of biodegradable waste using anaerobic digestion. The Collections, Infrastructure and Markets Sector (CIMS) Plan provides an updated position on the need for waste management facilities in Wales. Waste Hierarchy Guidance; published by the Welsh Government (January 2012), identifies anaerobic digestion as the best method of managing food and garden waste, after prevention and preparation for reuse. The CIMS Plan identifies that there is an existing capacity gap in Wales for managing food waste, which is identified as a priority material.

- 7.19 It should also be noted that the applicant currently operates a waste management business which manages biodegradable wastes. This proposal is intended to help the applicant improve the existing business by enabling compliance with PAS110 and is therefore intended to improve the method of managing waste already managed by the applicant.
- 7.20 There is a demonstrated need for the proposal, both in terms of meeting the targets and aspirations of the Welsh Government and also of ensuring the continued success and future proofing the applicant's existing business. It is considered that the proposal meets a need identified within the CIMS Plan, represents the BPEO for the waste stream concerned, and is therefore in line with criteria (a) and (e) of policy EWP7Managing Waste Sustainably.
- 7.21 Contaminated land
The site comprised part of the former Graessers Salicylates Ltd. In 1966 planning permission was granted on the wider Graessers site for a raw material dump. There is therefore the potential for contamination on the site. The applicant submitted a site investigation report which sought to identify levels of contamination on the site and identify any mitigation measures considered necessary. However, the assessment did not include a desk top study. The Contaminated Land Officer did not object to the proposed development, but requested that a condition be attached to any permission to ensure that a desk study is undertaken prior to any works on the site commencing, and the site investigation revised to take account of its findings, including the identification of any remediation that may be necessary and subsequent verification.
- 7.22 Subject to the inclusion of a condition to address the matters raised above, the proposal is considered in accordance with policy EWP14 Derelict and Contaminated Land.
- 7.23 Flood Risk
The site is located within an area known to be at risk of flooding. The ground levels within the site fall between 5.40-5.70 metres Above Ordnance Datum (AOD). The Environment Agency recommended that

they would have no objection to the development subject to the inclusion of a condition to ensure that finished floor levels are set no lower than 6.33m AOD in the western part of the site to reduce the risk of flooding to the proposed development and future occupants. The use of bunding to the eastern part of the site is considered to address issues of flood risk in this part of the site.

- 7.24 Subject to the inclusion of conditions to address the points raised above, the proposal is considered in line with Flintshire Unitary Development Plan policy EWP17 Flood Risk.
- 7.25 Visual and Landscape Impact
The proposal site is located within a predominantly industrial area, though historically this part of Factory Road had a mix of residential properties, two of which remain directly to the east of the proposal site. The applicant has submitted a Local Character Assessment and Statement of Overbearing in support of the application. These documents seek to address concerns raised previously in relation to a similar application submitted and subsequently withdrawn by the applicant on this site.
- 7.26 There are limited sensitive receptors within close vicinity of the site, which is located away from large areas of housing, and is not close to historic assets or important landscapes. The design and scale of the proposed development is not considered out of scale or character with the majority of the surrounding area, however, the site is bordered by two residential properties to the east.
- 7.27 Policy D3 of the adopted Unitary Development Plan, seeks to secure suitable landscaping, while policy L1 seeks to ensure new development is designed to maintain or enhance the landscape character. Landscaping is recognised as an effective buffer, protecting the interests of adjacent land users and softening otherwise hard edges to urban areas. The application, as originally submitted, proposed the use of a conifer hedge, maintained to a height of 4m. However, this has the potential to become intrusive and overbearing on the neighbouring residential properties and is not considered a suitable proposal in this case. In order to address this, the applicant submitted a revised scheme which incorporates native shrub and tree species for a 7.5 m strip between the site and properties on Factory Road. Due to the proximity of the proposed scheme to sensitive receptors it is important that the landscaping is maintained for the duration of the development.
- 7.28 Subject to the inclusion of a condition to secure an appropriate landscaping plan and associated maintenance, the proposal is considered to be in accordance with policies D3 and L1 of the Flintshire Unitary Development Plan.
- 7.29 Residential Amenity

The site is directly adjacent to two residential properties, numbers 6 and 7 Factory Road. It is proposed to locate the store 20m from the boundary with number 6 Factory Road, and the two digesters within 12m and 19m respectively of number 6 Factory Road, whilst locating the elements of the proposal which have the greater potential for noise and odour to the north west of the site to reduce impact on residential amenity. The layout proposed has been designed to minimise the potential for overbearing on the residential properties and replaces a previous scheme which sited the Digestate Store to the rear of numbers 6 and 7 Factory Road.

- 7.30 The applicant has submitted a 'Line of Sight' drawing to demonstrate compliance with local guidance note 2. The applicant also cited examples within the area where residential properties are located in close proximity to residential dwellings. Each proposal should be considered on its own merits against the relevant development plan policy.
- 7.31 Objections were received regarding the impact of the proposed development on the neighbouring residential properties. In particular, concerns were raised that the proposal would be overbearing and that there would be a loss of light. The tanks are located to the west and north west of the residential properties. Given their location, it is considered that there will be limited loss of light resulting from the tanks, though there is the potential for loss of light from the proposed hedge.
- 7.32 Initial concerns were raised with regard to the applicant's original proposal to screen the site with a conifer hedge, as it was not considered to be an effective visual screen for the development and is too narrow for a hedge expected to reach 4m in height. It was considered that the use of a 4m conifer hedge would cause problems with overshadowing and would itself be overbearing in appearance.
- 7.33 In order to address the concerns raised above, the applicant has proposed a 7.5m landscape buffer, comprising native shrub and tree species, between the residential properties and the tanks. The depth of planting means that sufficient variation can be achieved to adequately mitigate the visual impact of the development without itself causing a nuisance through loss of light. Careful maintenance will be required to ensure that any planting remains at an acceptable level and itself does not cause nuisance.
- 7.34 Policy D3 of the Flintshire Unitary Development Plan seeks to secure appropriate landscaping within development and policy EM3 seek to ensure that employment uses do not have a significant adverse impact on residential or other amenity, while policy EWP 8 seeks to ensure that development does not detrimentally affect the amenity of neighbouring land users.

- 7.35 It is considered that the revised scheme offers a greater level of mitigation than the proposal as originally submitted. Whilst there would still be a visual impact resulting from the proposal, the landscaping proposed would mitigate this impact to an acceptable level.
- 7.36 In addition to the objections discussed above, the following objections were raised in relation to the impact of the proposal on residential amenity, including noise, odour, subsidence, and risk of explosion. Noise and odour are discussed in detail below. Concern was raised regarding subsidence because of the presence of disused mines in the area. Given the past potentially contaminative uses on the site, a condition is proposed to require further site investigation which will enable the identification of any risk posed by disused mines. In relation to any explosion risk, the applicant has proposed a flare which is intended to burn off any excess gas and prevent explosion. It should be noted that the facility would be regulated by the Environment Agency Wales.
- 7.37 Noise
The anaerobic digestion facility would operate on a 24 hour basis, although vehicle movements and the acceptance of waste would only occur during the proposed operating hours and during an emergency. The applicant has sought to locate the noisiest elements of the proposal as far from the residential properties as possible within the confines of the site. The applicant submitted a noise assessment in support of the application. The assessment identified that background noise levels at the site are relatively high. Technical Advice Note 11: Noise, provides guidance as to when noise should be a determining factor. The noise assessment shows that noise levels would have a combined daytime noise rating level of 32.5dB LA_{,eq,1hr}, which is less than the lowest measured background noise levels at the site of 39.4dB LA₉₀ and night time noise rating level of 33.4dB LA_{,eq1hr}, which is less than the lowest measured night time background noise level of 33.7 dB LA₉₀.
- 7.38 Objections were received from the residents of the adjacent residential properties in relation to noise, particularly as the plant will operate on a 24/7 basis. Concern was raised about the assessment undertaken in support of the application and the precise location of the monitoring points.
- 7.39 Environment Agency Wales raised no objection to the proposal on the basis of noise. The Environmental Health Officer did not object to the proposal on the basis of noise and concluded that noise emissions would not impinge upon the amenity of nearby receptors. The Environmental Health Officer also advised that the assessment undertaken was in line with British Standard BS4142: 1997: Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas and was therefore sufficient to enable a decision to be made on

the planning application. The Environmental Health Officer advised that the use of an appropriate noise barrier, in excess of 2m, would help minimise any effect of noise from the plant. The use of a solid barrier in excess of 2m is considered undesirable from a visual perspective given the proximity of the residential properties. A more appropriate barrier, from a visual perspective, is considered to be a wooded wedge, comprising native shrub and tree species. Given that the noise assessment concludes noise levels would remain below background noise levels at all times, it is considered unnecessary and from a visual perspective undesirable, to require a solid barrier between the proposal and the adjacent residential properties. The use of an appropriate condition can ensure that the development does not cause nuisance because of noise. Furthermore, the facility would need to obtain an Environmental Permit in order to operate which would control noise.

7.40 Subject to a condition to address the points raised above, the proposal is considered in accordance with policy GEN1 and EWP8 of the Flintshire Unitary Development Plan.

7.41 Odour

The site is intended to accept and manage biodegradable wastes, including liquid wastes. The management of biodegradable waste has the potential to give rise to nuisance caused by malodours. Anaerobic digestion is a technology which can actually help reduce the release of odours during the management of biodegradable waste.

Nevertheless, consideration of odour is of importance given the proximity of the proposal site to sensitive receptors. There is the potential for the release of odours at the delivery stage and under abnormal operating conditions, i.e. during failure of the plant.

7.42 The applicant submitted an odour assessment in support of the application. The applicant proposes a number of measures to minimise the release of odours, including the use enclosed vehicles for the delivery of waste material to the site and restricting the deposit of waste material to within the waste reception building. The building will operate under negative pressure and a biofilter used. Measures to control odour would also be required through the Environmental Permit.

7.43 Objections were received in relation to the impact of odour on the adjacent residential properties and nearby commercial premises. Concern was raised regarding the potential for release of odours when the reception building doors are opened, during a failure of the plant and from the rainwater catchment area.

7.44 Environment Agency Wales and the Environmental Health Officer do not object to the proposal on the basis of odour. It is considered that odour is only likely to become an issue during a failure of the plant as the odour abatement measures should prevent the release of

malodours. It is considered that measures to ensure that waste management activities only take place while odour abatement measures are effective can be secured through condition which will help minimise the release of odours in the event of a failure. In addition, it is considered necessary to secure, by condition, the use of enclosed vehicles for the delivery of waste, and to prevent the storage of waste material in the open air.

- 7.45 Subject to the inclusion of conditions to address the points raised above, the proposal is considered broadly in line with policy GEN1 and EWP8 of the Flintshire UDP.
- 7.46 Air quality, including dust and bio-aerosols
The handling of biodegradable waste and treatment of such waste using microscopic organisms has the potential to produce bio-aerosols (spores, bacteria, fungi, pathogens) which, if not managed, can become airborne with a potential health risk. However, bio-aerosol risks are generally associated with processes that are open to the air and mechanically disturbed, and in this instance the proposed treatment process is fully enclosed, so that the feedstock and anaerobic digestion process are not exposed to the air to release bio-aerosols.
- 7.47 It is acknowledged that human error, leaks, or a systems failure has the potential to cause releases, but such occasions are likely to be infrequent, and of limited magnitude or duration. Further assessment of the suitability of the process at this site would be carried out by the Environment Agency Wales at the Environmental Permit application stage, but the Agency has not objected to the planning proposal. It is considered at this stage of the multi stage planning and permitting process that the low risk of releasing bio-aerosols minimises adverse health risks to an acceptable level.
- 7.48 In addition to the release of bio-aerosols, the proposed development has the potential to release gases into the atmosphere from the stack. The applicant has submitted a detailed air quality assessment in support of the application which concluded that predicted concentrations of all pollutants were below the relevant standards and impacts on sensitive receptors are not considered to be significant. In relation to ecological designations within 10km of the proposal site, relevant standards were predicted to be exceeded but are not predicted to cause significant effects at any location. It should be noted that the Environmental Permit would address air quality issues.
- 7.49 Measures to control air quality, including the release of odours, bio-aerosols and gases, would also help to reduce levels of dust within the site. The process is largely sealed and gas tight, which reduces the potential for dust to be released. The applicant proposes to control dust by spraying down vehicles entering the building and regularly cleaning areas which may give rise to dust. It should be noted that the

Environmental Permit would control dust within the site. It is therefore considered that measures to control dust will only therefore be required during the construction phase of the development.

7.50 The use of conditions to ensure that waste is not handled or stored in the open air and to ensure that vehicles delivering and removing waste are sealed will help prevent waste material becoming airborne.

7.51 Subject to the inclusion of a condition to address the points raised above, the proposal is considered in accordance with policies GEN1 and EWP8 of the Flintshire Unitary Development Plan.

7.52 Biodiversity / conservation issues

The site is located less than 500m from the River Dee within a predominantly industrial area. The applicant submitted an air quality assessment in support of the application which considered the impact of the proposal on nearby ecological receptors, including the Dee Estuary, and the River Dee and Bala Lake SAC. Dispersion modelling of a number of pollutants was undertaken and predicted concentrations of all pollutants were not predicted to cause significant impacts at any location. It is important to note that the detailed modelling undertaken will be considered in detail as part of the Environmental Permitting application. No objections were received from statutory consultees with respect to the impact on biodiversity or sites of nature conservation value. An Assessment of Likely Significant Effect on a European Site was undertaken and the conclusion drawn that the proposal would not have a significant impact on a European site as it would be regulated by the Environment Agency via an Environmental Permit which would ensure the proposal does not have a detrimental impact on European site.

7.53 Environmental Impact Assessment

The proposal has been screened for the need to prepare an EIA. The proposed development falls within Schedule 2, however, the volume of waste material to be dealt with on an annual basis falls below the threshold identified within Circular 11/99 of 50,000 tonnes per annum and the nature of the surrounding area, which is predominantly industrial. There is a low potential to generate significant off-site emissions to air or water, together with a low probability of consequential impact on any environmentally sensitive areas. The effects of the project are considered to be low magnitude and localised in nature, reversible and subject to a high degree of control.

7.54 Drainage

In response to the publicity on this application it was brought to the attention of the local planning authority that there are foul sewers which cross the application site which serve numbers 6 and 7 Factory Road. Since a change in legislation, the sewers are now the responsibility of Welsh Water. At the time of writing this report, Welsh Water is in the process of ascertaining the precise location of the

pipes. Where pipes are present it will be necessary to ensure they can be accessed at all times, or where this is not possible, diverted and the cost borne by the developer.

7.55 It is considered probable that the sewerage pipes can be diverted if Welsh Water considers it necessary to do so. In order to ensure that any pipes within the site are given adequate protection it is considered necessary to include a condition securing their protection.

7.56 Highways

Factory Road is an unclassified road which serves the wider industrial estate. The road is accessed via Station Road to the east and Chemistry Lane to the north west, although the access from Chemistry Lane is restricted by a height limit which prevents access via Heavy Goods Vehicles. The main access to the site will be via the existing access to the western part of the site. An access gate within the bunding to the eastern part of the site is proposed to allow maintenance vehicles to access the tanks. In order to accommodate the additional landscaping between the residential properties and the proposal site the applicant has proposed to move the bund gate to the west. At the time of writing the report, feedback had not been received from the highways officer regarding the revisions to the scheme. Subject to no objection from the highways officer in relation to the revised maintenance access, the proposal is considered acceptable and in accordance with policy AC13 of the Flintshire Unitary Development Plan.

8.00 CONCLUSION

8.01 The proposal is located within an area designated for employment uses and is in line with nation policy objectives to reduce current reliance upon landfill and the generation of green energy. The applicant has an existing business which this proposal seeks to secure the future of. The principle of the proposal is in line with national and local policy and the question is therefore the suitability of the proposed location for the use.

8.02 Factory Road is located within a principal employment area, within which employment uses, including B1, B2 and B8 will be permitted subject to a number of tests to ensure the detail of the proposal is acceptable.

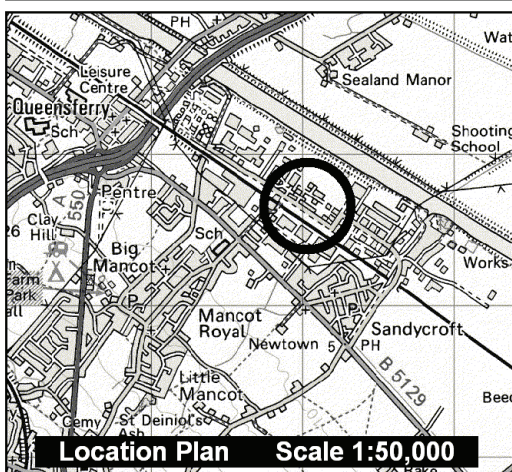
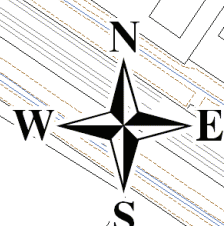
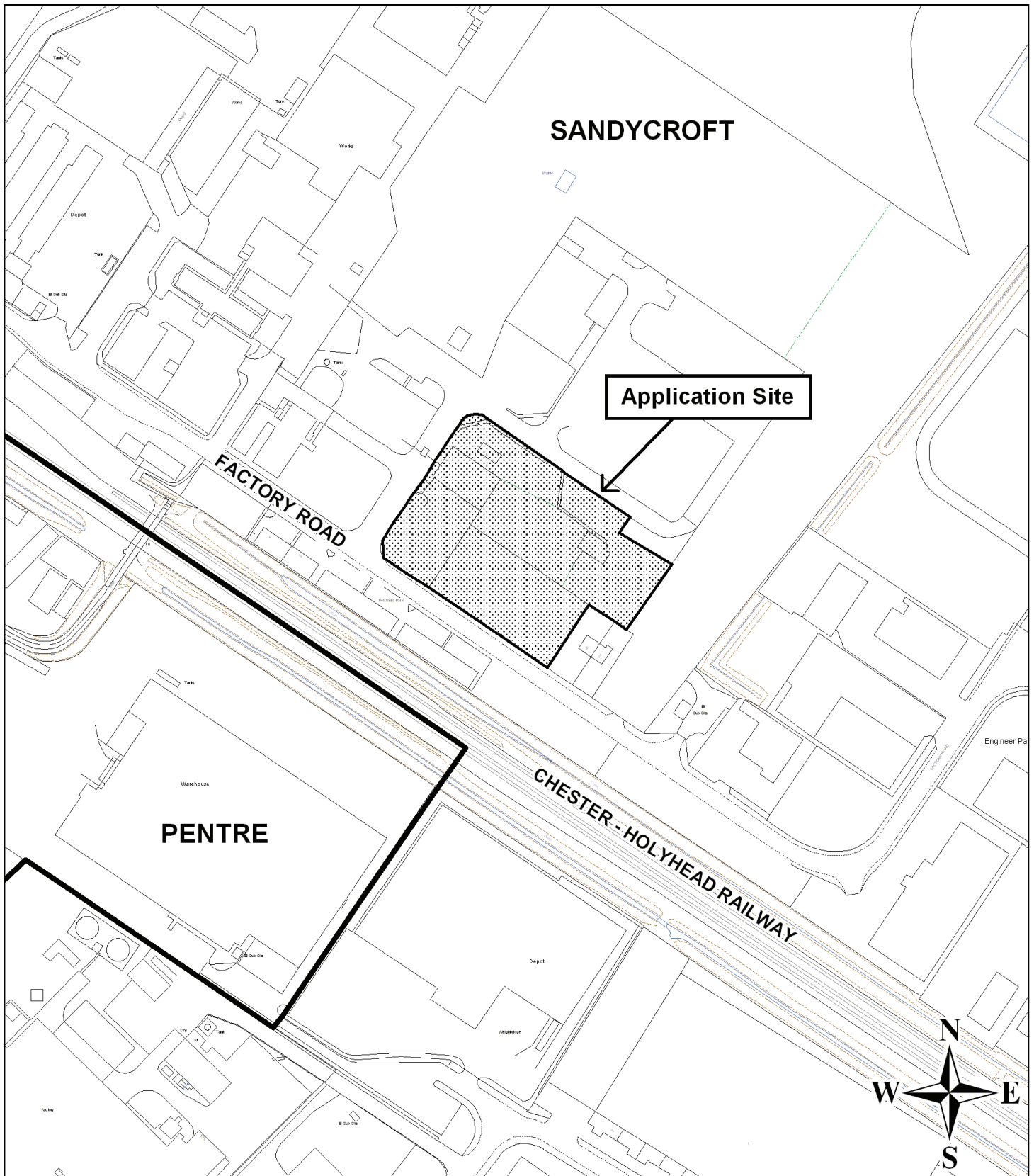
8.03 There are two residential properties, numbers 6 and 7 Factory Road, directly adjacent to the proposal site and the suitability of the proposal has been carefully considered in relation to these properties. The proposal has the potential to have a detrimental impact on residential amenity which the applicant has sought to mitigate through the layout, landscaping and odour and noise abatement measures. On balance, whilst there will be residual impacts on residential amenity, these can

be mitigated to an acceptable level by the imposition of appropriate conditions. Taking into account the designation of the site for employment uses, and the national support for anaerobic digestion as both a method of diverting biodegradable waste from landfill and for generating renewable energy.

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

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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 **50249**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 20TH FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – ERECTION OF A 3 CAR GARAGE WITH STORE ROOM ABOVE AND CONVERSION OF EXISTING GARAGE INTO GAMES ROOM AT “WHITE HOUSE”, SEALAND ROAD, SEALAND, FLINTSHIRE**

APPLICATION NUMBER: **050339**

APPLICANT: **MR RICHARD GRACE**

SITE: **“WHITE HOUSE”, SEALAND ROAD, SEALAND, FLINTSHIRE**

APPLICATION VALID DATE: **6/12/12**

LOCAL MEMBERS: **COUNCILLOR C M JONES**

TOWN/COMMUNITY COUNCIL: **SEALAND COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SO MEMBERS WILL BE MADE AWARE OF THE SITE LOCATION IN THAT THE PROPOSAL MAY BE OVER DEVELOPMENT AND CONCERNS ABOUT ACCESS.**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This application seeks full planning permission for the erection of a 3 car garage with store room above and conversion of existing garage into games room at “White House”, Sealand Road, Sealand, Flintshire.

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

2.01 Conditions

1. Time limit on commencement to 5 years
2. In accordance with approved plans

3. No openings to be constructed in the gable end of the building
4. The use to be ancillary to the existing dwelling.

3.00 CONSULTATIONS

3.01 Local Member

Cllr. C M Jones – Requests Committee determination and committee site visit so members will be made aware of the site location as she considers the proposal may be over development and has concerns about access.

Sealand Community Council

Supports the proposal

Head of Assets and Transportation

No objection to the proposal

Head of Public Protection

No adverse comments to Make

Environment Agency

Notes that the site is in a C1 flood zone area. However, given the scale of the proposed development they considered the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood proofing measures as part of the development.

Scottish Power

No objection to the planning proposal

National Grid

No response at time of writing report

4.00 PUBLICITY

4.01 The application was advertised by way of a Site Notice and Neighbour Notification letters.

One letter of objection received from the neighbouring property - have concerns regarding storage area above, size of the garage and proximity to the boundary.

5.00 SITE HISTORY

5.01 035184

Outline – Erection of a dwelling - Permitted 20/5/03

038633

Erection of a dwelling - Refused 18/4/05

040016

Erection of a dwelling - Withdrawn 18/10/05

040424

Reserved Matters – Erection of a dwelling - Permitted 15/06/06

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 - General requirements for development

Policy GEN4 - Green Barrier

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy HSG12 - House Extensions and Alterations

Policy EM1 - Mineral Safeguarding

Policy EWP17 - Flood Risk

Local Planning Guidance Note

LPGN No.1 - Extensions and Alterations to Dwellings

LPGN No.2 - Space Around Dwellings.

7.00 PLANNING APPRAISAL

7.01 Site Description

The site is located outside any defined settlement boundary and is therefore classed as being in open countryside. The dwelling was erected following the granting of outline and reserved matters applications under the policies of the former Alyn and Deeside Local plan when the site area was within a defined settlement.

7.02 The existing dwelling is located on a narrow strip of land located directly to the north of the county highway, Sealand Road. The site is flat but located at a level markedly lower than the adjacent road. To the east is "Hen Dee" a two storey dwelling which is separated from the application site by a wooden boundary fence and a mixed broad leaf and non broad leaf hedge. The western boundary also has a wooden fence and an indigenous hedgerow marks the southerly limits of the site with open countryside located within the green barrier beyond.

7.03 Proposed Development

The plans submitted as part of this application propose the erection of a 3 car garage with storage room above and conversion of the existing garage to a games room. The construction of the proposal will use materials to match the existing dwelling being tile and white render.

7.04 Principle of Development and Effect on Adjacent Residential Amenity.

The dwelling is located outside any settlement boundary as defined by Flintshire Unitary Development Plan therefore it is in open

countryside. The garage and store room as proposed will be approximately 10m in length, 6.5m in depth and 5.5m to ridge height. The combined floor area of the garage and store room above would be 108 square metres. The existing dwelling has a floor area of approximately 257 square metres. The proposed floor space increase would not exceed the general guidance within policy HSG12 that states that "house extensions should not be more than 50% of the original floor space".

- 7.05 In Local Planning Guidance Note (LPGN) No.1 - Extensions and Alterations to Dwellings reference is made to the 45 degree codes which in summary relates to a 45 degree line being drawn from the midpoint/centre-line of a sill of a window in a habitable room of an adjacent house. In this case these guidelines were applied and it was considered that the proposed extension is acceptable in this respect. The proposal would also retain a private amenity area to the west of the dwelling of approximately 196 square metres therefore complying with LPGN No 2.
- 7.06 There has been one objection from the neighboring property "Hen Dee" in relation to the proposed height, width and proximity of the proposed extension. As detailed above the proposal complies with the Local Planning Authorities guidance notes. In terms of policy HSG12 States that house extensions and alterations will be permitted if the proposal "is subsidiary in scale and form to the existing dwelling, and does not represent an overdevelopment of the site: it respects the design and the setting of the existing dwelling and surrounding area; and will not have an unacceptable impact on people living nearby".
- 7.07 The proposal is considered to comply with this criteria as the roof height is approximately 2.9 metres lower than the dwelling, its siting is set back in the site therefore gives a break in the frontage in the street scene. The design is of a single storey with a room in the roof space, the window openings have been designed as roof lights with no openings to the gable elevation that faces the neighboring property. The materials to be used will be the same as the existing dwelling being a tiled roof and rendered walls.
- 7.08 The proposal will be within 600mm of the boundary but this boundary is well screened by existing hedging in the control of the neighboring property. There are no windows proposed to the gable elevation and to be sure this remains the case a condition can be imposed to restrict any opening in this elevation.
- 7.09 In relation to concerns regarding the access issues the Head of Assets and Transportation has no objection to the proposal and has confirmed that they do not intend to make a recommendation on highway grounds. There is no proposed increase in vehicular movement to the site and the site is accessed via a private 'no through road' with the application site being the last residential

property off the private road. It is therefore considered that the proposal would generally comply with the above policies.

7.10 Other issues

The site is identified as being within zone C1 which confirms the site to be at risk from flooding the Environment Agency has been consulted and relevant advisory notes would be added to a consent granted.

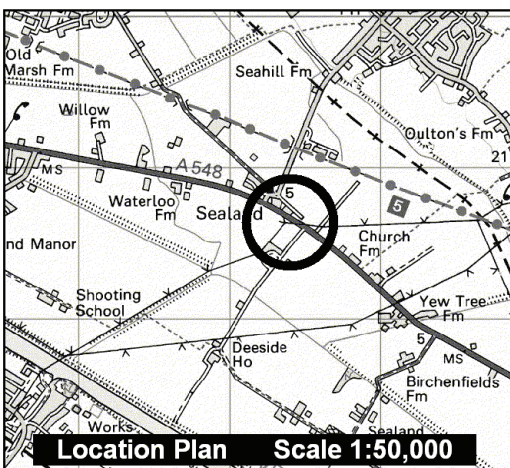
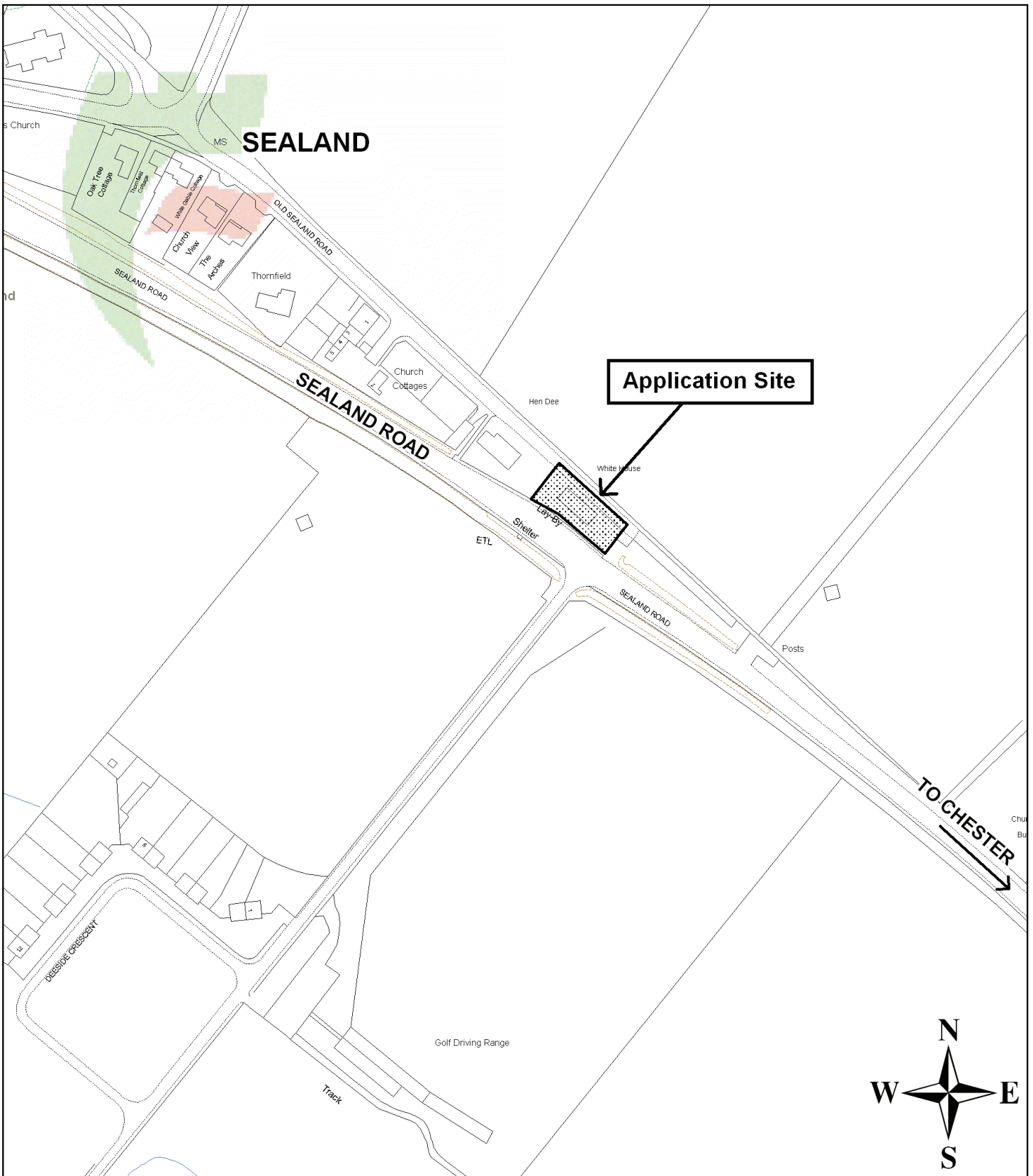
8.00 CONCLUSION

8.01 All issues have been considered and addressed. The proposal as submitted is considered acceptable in matters of both principal and detail. In general terms the proposal as submitted complies with the relevant development plan policies and is therefore recommended that it is given conditional approval.

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

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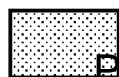


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Planning Application 50339

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **20th FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR STEPHEN BAILEY AGAINST THE DECISIONS OF FLINTSHIRE COUNTY COUNCIL TO REFUSE A CERTIFICATE OF LAWFUL USE OR DEVELOPMENT FOR THE SITING OF A MOBILE LOG CABIN ON THE LAND FOR USE AS ANCILLARY RESIDENTIAL ACCOMMODATION WITHIN THE CURTILAGE OF PENTRE BACH FARM, FFORDD PENTRE BACH, NERCWYS, MOLD, CH7 4EG.**

1.00 APPLICATION NUMBER

1.01 **048799**

2.00 APPLICANT

2.01 **MR AND MRS S BAILEY**

3.00 SITE

3.01 **PENTRE BACH FARM, FFORDD PENTRE BACH, NERCWYS, MOLD, CH7 4EG**

4.00 APPLICATION VALID DATE

4.01 **08.07.2012**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision, following the refusal under officer delegated powers of a Lawful Development Certificate for a proposed use or development - Siting of a mobile log cabin on the land for use as ancillary residential accommodation at Pentre Bach Farm, Ffordd Pentre Bach, Nercwys, Mold, CH7 4EG. The appeal was considered by way of an exchange of written representations and was

DISMISSED.

6.00 REPORT

- 6.01 The Inspector considered the main issue in this case, was the siting of a mobile cabin as ancillary accommodation within the residential planning unit of Pentre Bach Farm lawful or would it require planning permission ? He considered that the case depends on the interpretation of whether the structure is a caravan or a building. If the former, it is accepted that no material change of use would be involved, and if the latter, it is not disputed that the building would not benefit from permitted development rights and therefore would require planning permission.
- 6.02 It was the Inspector opinion that the Council's decision not to issue a certificate was well founded in relation to the interpretation of these points.
- 6.03 Pentre Bach Farm includes the dwelling house as extended, a range of outbuildings and a defined residential garden. Planning permission was granted in 1977 for alterations and extension to the dwelling and in 2008, for the conversion and alteration of an existing cowshed attached to the house and incorporated to provide domestic accommodation.
- 6.04 The inspector noted that the Appellants description of the application as a mobile log cabin and as a twin unit caravan in their supporting documents. The proposed use was to provide seasonal additional accommodation for the Appellants' elderly parents. The floor plan of the unit shows a bedroom, bathroom, study, hall, sitting room and a corridor. There would be no kitchen area as the parents would use the facilities of the main house and share the infrastructure provided, such as the water supply, electricity, septic tank, drive and parking area.
- 6.05 The Council's main contention was that the proposed structure cannot be a twin unit caravan as statutorily defined, unless, when assembled, it is physically capable of being moved and having regard to its size, construction, appearance, intended lifespan, the operations involved in assembling the structure and its lack of mobility, that it amounts to a building operation requiring planning permission.
- 6.06 The Appellants indicated that the transportation of the cabin would be in two units with two lorries required to transport them and to unload and to manoeuvre the units onto a pre-prepared base. The units would be fully fitted in the manufacturer's workshop and only the bolting together of the units and weatherproofing and connections to the utilities are needed to complete the installation.
- 6.07 The inspector was of the opinion that none of the statements confirm that the assembled structure was physically capable of being moved

by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), as set out in the Caravan Sites Act 1968. Based on the available evidence it had not been shown that the unit when assembled falls within the twin-unit caravan definition of the Caravan Sites Act 1968.

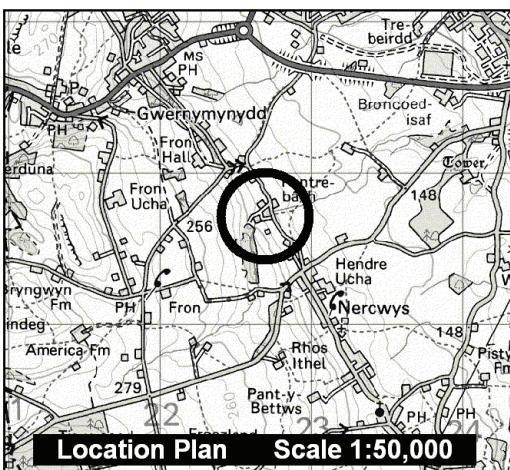
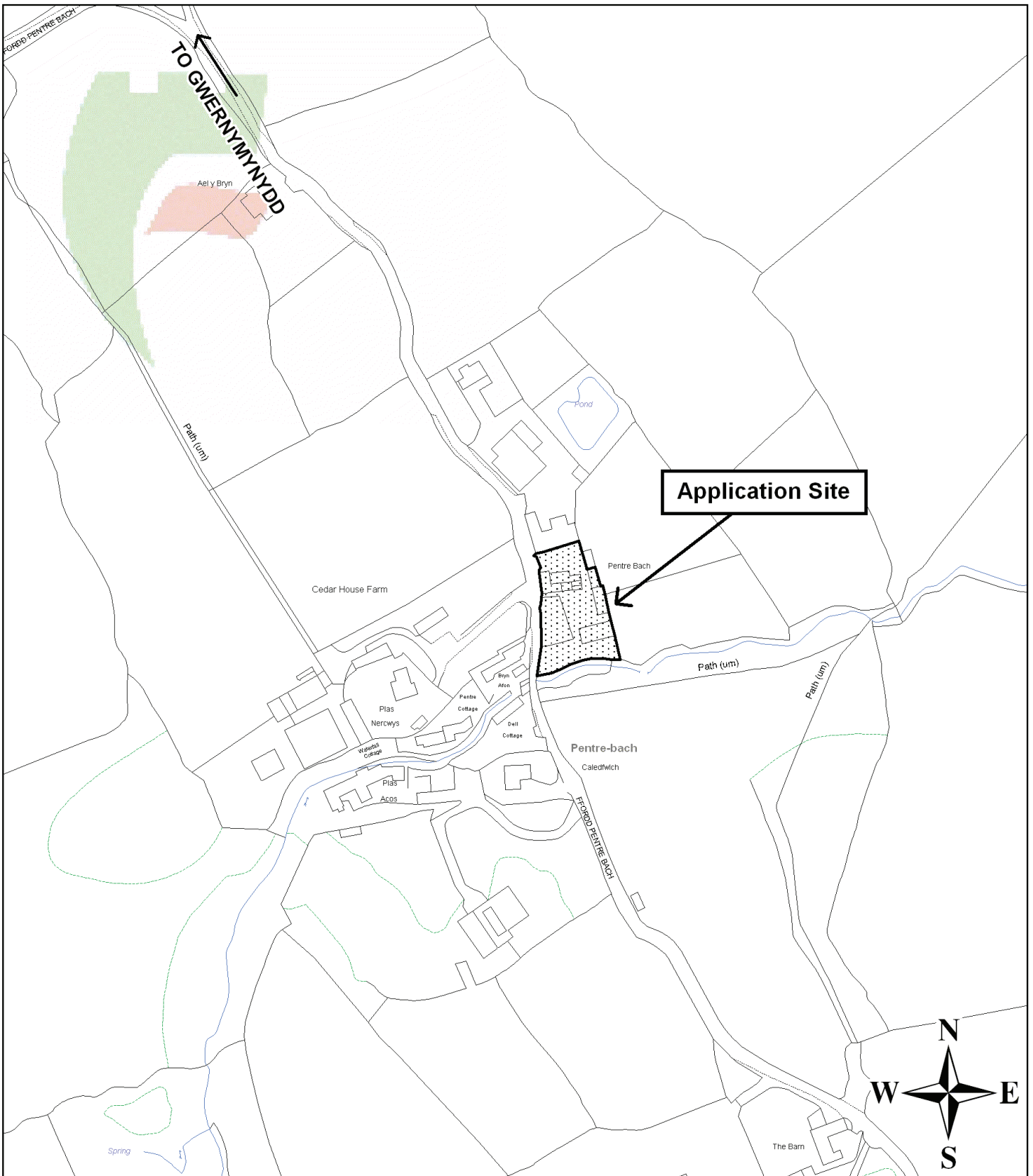
- 6.08 Having concluded that the structure is not a caravan as statutorily defined, the issue was then whether it was a building. A building is defined as including any structure or erection and any part of a building, but not plant or machinery comprised within a building. Three primary factors are identified as decisive of what is a building, (a) that it is of a size to be constructed on site, as opposed to being brought on to the site, (b) permanence, and (c) physical attachment. No one factor being decisive.
- 6.09 It was not clear how the unit would be supported on the land. The Appellants only indicate that it would not be permanently attached to the ground in any way. If the unit rests on the concrete base through its own weight then affixation by this means together with the resultant physical change to the characteristics of the land is sufficient, when taking into account all other factors of size and permanence, to conclude as a matter of fact and degree that it would be a building. The inspector noted the arguments put forward in relation to the construction of a hard surface to form a base for the unit, but this matter did not affect his consideration of whether the proposed unit could lawfully be placed there.

7.00 CONCLUSION

- 7.01 The Inspector concluded that the siting of a mobile cabin as ancillary accommodation within the residential planning unit of Pentre Bach Farm would not be lawful and would require planning permission.
- 7.02 For the reasons given above He concluded, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the mobile log cabin was well-founded and that the appeal should be dismissed.

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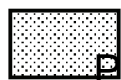


Environment Directorate,
 Flintshire County Council, County Hall,
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Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Planning Application 48799

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 20TH FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR & MRS S A WRIGHT AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE RETROSPECTIVE PLANNING PERMISSION FOR A TEMPORARY CHANGE OF USE OF LAND FOR THE SITING OF TWO STATIC CARAVANS ON LAND ADJACENT TO WOOD VIEW, LLYN HELYG, LLOC**

1.00 APPLICATION NUMBER

1.01 **048922**

2.00 APPLICANT

2.01 **MR & MRS S A WRIGHT**

3.00 SITE

3.01 **LAND ADJACENT TO WOOD VIEW, LLYN HELYG, LLOC**

4.00 APPLICATION VALID DATE

4.01 **06/10/2011**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal against refusal of retrospective planning permission under delegated powers for a temporary change of use of land for the siting of two static caravans on land adjacent to Wood View, Llyn Helyg, Lloc. The appeal was considered by Informal Hearing and was ALLOWED

6.00 REPORT

- 6.01 The Inspector noted that the development had already been carried out and proceeded on that basis. He also acknowledged that the appeal relates to the two static caravans, associated decking and small storage sheds.
- 6.02 The Inspector considered the main issue to be the effect of the proposal on policies designed to control the provision of housing and protect the countryside. He noted the criteria contained in TAN 6 for new dwellings for new enterprises and the planning history for the site. The history includes an Enforcement Notice and subsequent appeal, which was dismissed and the notice upheld. The Inspector also noted that no claim was made during the Enforcement Notice appeal that the caravans were required as temporary accommodation for an agricultural worker.
- 6.03 The appellants argued that the needs of the enterprise demand a full time worker to be present on site in order to ensure the welfare of stock and security of the enterprise and therefore the caravans were necessary to house a temporary worker. The Inspector recognised that the enterprise consists mainly of young stock requiring particular needs and demands, including intensive feeding and monitoring.
- 6.04 In his report the Inspector states that the appellants have shown there to be a substantial investment in the enterprise and it has operated at a profit for the last two years and supports a full time worker. He concluded that there is sufficient land with adequate security of tenure to sustain the enterprise. The Inspector expressed concern about the lack of a business plan and proper financial forecasts, however, he considers there to be a clear commitment and ability to grow the business. He noted that there has not been a good deal of development or growth over the last few years, which causes some concern, but accepted that the uncertainty over the grant of planning permission may have contributed to this.
- 6.05 The site is in an isolated location and the Inspector noted that it may be difficult for a worker to respond to the needs of the enterprise away from site. Although it was agreed that there were properties in the locality, they are at least 3 miles away which would not satisfy the needs of the stock or holding and for that reason the Inspector considers there are no other dwellings in the vicinity that could provide alternative accommodation. The Inspector also considers that the presence of at least one worker on site is necessary, particularly at night.
- 6.06 The Inspector concludes that there would be little impact on the area as a result of the development and considers the occupation of the caravans as a dwelling can be tied to the operation of the enterprise and that the financial and other tests set out in TAN6 have been met. However, he has concerns about the financial basis of the enterprise and future development. TAN6 states that where a case has not been

completely proven the evidence could be tested by the grant of a temporary permission. In the case of this application for a temporary period.

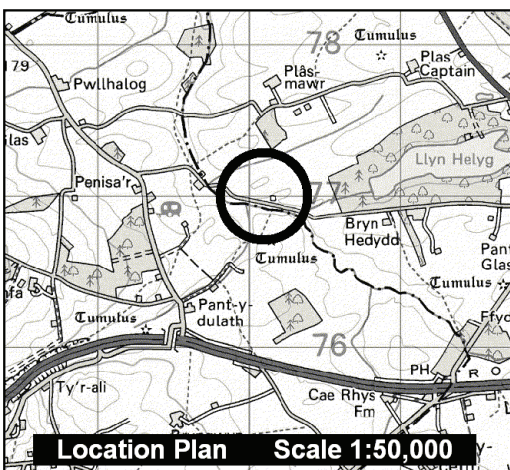
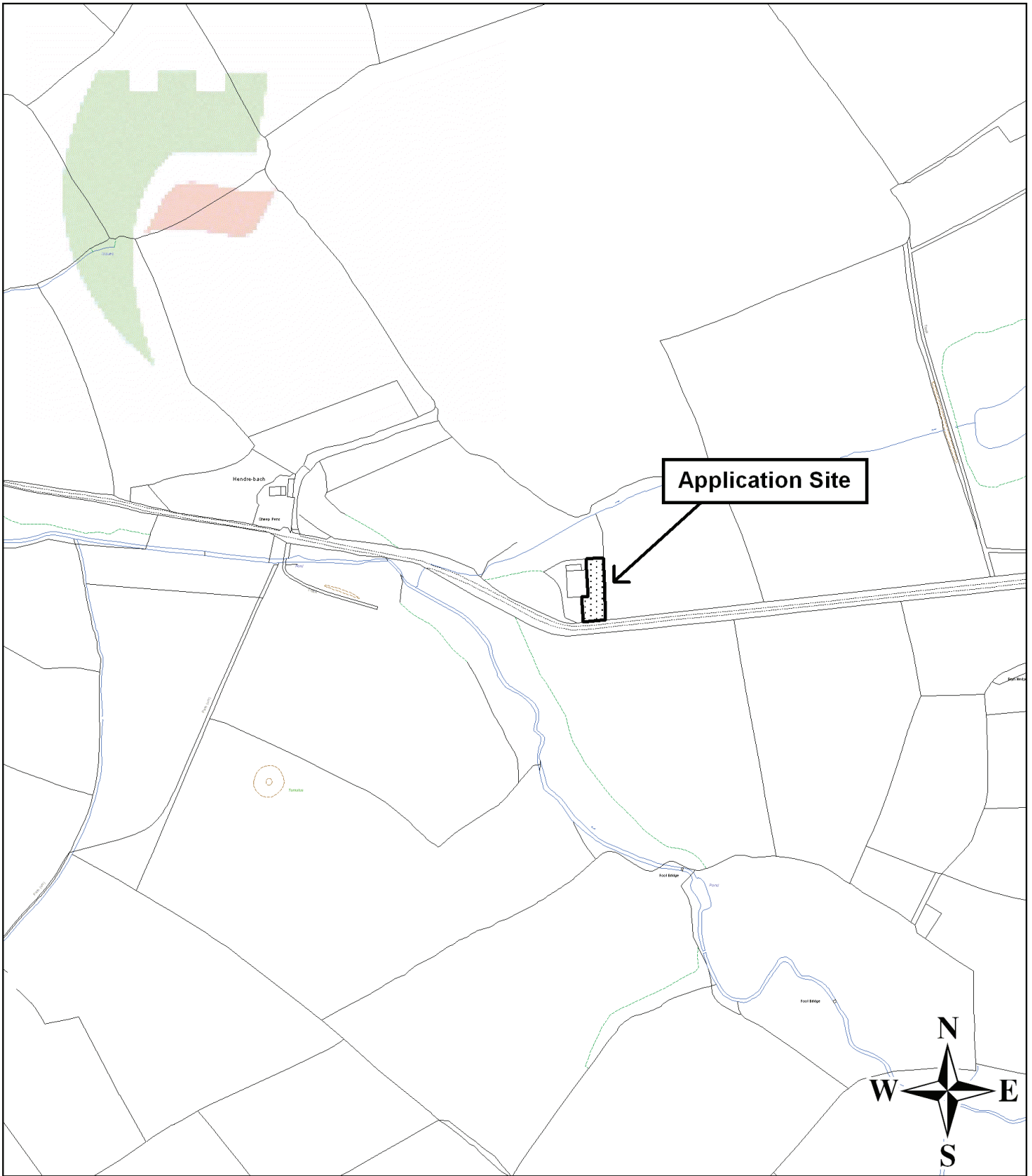
- 6.07 The Inspector has concerns in relation to the future development of the business and acknowledges that the business has already been operating for a number of years. The Inspector considers there to be sufficient evidence to justify a temporary permission to allow the appellant time to develop a more coherent strategy for the development of the business and demonstrate its development in line with that strategy. As such the Inspector includes a condition limiting the time of the permission and requirement for the removal of the development at the end of that period. Any subsequent application for a permanent dwelling would have to fully satisfy the tests set out in TAN6.
- 6.08 The Inspector understands the Council's concerns in regard to possible abuses of the system, but concluded that the evidence points toward a legitimate enterprise that satisfied the functional requirement for a dwelling and has shown clear intention to develop the business further.

7.00 CONCLUSION

- 7.01 Having considered the all matters raised the Inspector allowed the appeal.

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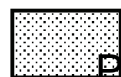


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **20TH FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR. G. AMES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 10NO. 2 BEDROOMED APARTMENTS AT 'RISBORO', NANT MAWR ROAD, BUCKLEY, FLINTSHIRE.**

1.00 APPLICATION NUMBER

1.01 **049451**

2.00 APPLICANT

2.01 **MR. G. AMES**

3.00 SITE

3.01 **'RISBORO', NANT MAWR ROAD, BUCKLEY, FLINTSHIRE.**

4.00 APPLICATION VALID DATE

4.01 **13TH FEBRUARY 2012**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision, following the refusal of planning permission by Committee on 22nd June 2012 for the erection of 10 No. two bedroom apartments at 'Risboro', Nant Mawr Road, Buckley, Flintshire. The appeal was considered by way of an informal hearing held on the 11th December 2012 and was ALLOWED.

5.02 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 issues to be the impact of the proposals upon the living conditions of the occupiers of nearby dwellings having particular regard to loss of privacy and overbearing

impact, the character and appearance of the area of Nant Mawr Road and the area generally, and whether the proposal would create a precedent for further similar forms of development in the area which would result in harm.

6.02 Loss of Privacy

In respect of the issue of the perceived loss of privacy arising from the proposals, the Inspector noted that the present configuration of 'Risboro' and adjacent dwellings was such that clear and unobstructed views into the private areas of adjacent properties existed. He noted however that the proposals would result in the apartment building being located a greater distance away from the adjacent properties and was satisfied that any overlooking still occasioned following the development was acceptable and represented an improvement upon the current situation.

6.03 He also noted that there was no overlooking of 1 Dawn Close and that any overlooking from the stairway landings could be addressed via the imposition of conditions requiring obscure glazing. He concluded therefore, that the proposals would not result in a loss of privacy.

6.04 Overbearing Impact

In examining of the issue of perceived overbearing impact, the Inspector considered that the proposals represented a significant improvement upon the current arrangement. He noted that adequate levels of separation were achieved. He also noted that whilst a bigger building in terms of footprint, the proposed building would be no higher than the current building and, when coupled with its proposed positioning, actually reduced the level of impact upon adjacent properties. He therefore concluded the proposals would not result in unacceptable harm to the living conditions of nearby residents.

6.05 Character and Appearance

Turning to the issue of the impact of the proposals upon the character and appearance of the area, the Inspector noted the mixed character of residential built form in the area and noted that acceptable positioning, both within the plot and relative to surrounding developments, was such that the proposals did not unacceptably detract from the character or appearance of the area. In coming to this view, he noted specifically, the existence of a similar form of development at Llys-y-Nant, Nant Mawr Road, Buckley and noted that this had not adversely affected the character or appearance of the area.

6.06 He also dismissed claims that the proposals were sited too prominently in the street scene, were excessive by virtue of height or created a terracing effect within the street scene.

6.07 Precedent

The Inspector noted the concerns expressed that the proposals would establish a precedent for the demolition of large houses in spacious grounds for the purpose of redevelopment of small housing developments. However, he noted in dismissing the claim that any such application submitted would have to be considered upon its own merits, and as with the appeal proposals, satisfy the applicable planning policy requirements.

6.08 Other Matters

The Inspector considered representations made at the Hearing in relation to adverse amenity impacts arising from vehicle noise and headlights. He concluded that the proposals would not give rise to such impacts as he considered the proposed screen fencing and vegetation would manage these impacts. He also noted that the Head of Public Protection had not raised objection upon this basis.

6.09 The contention was put to the Inspector that proposals were an over dense over development of the site. The Inspector considered the advice contained within the UDP both in relation to density of development of dwellings but also the need to use land as efficiently as possible.

6.10 He noted that these figures applied to conventional housing, he considered it was inevitable in considering apartment proposals that the density would be higher as higher numbers of dwellings can be achieved. He considered the salient point to be whether a density of 83 dwellings per hectare caused a material harm, and was satisfied upon the basis of the evidence before him, that it did not.

6.11 Concerns were voiced in relation to adverse impacts upon highway safety occasioned by access position, visibility and insufficient parking. He noted that The Local Highway Authority had raised no objection and considered that no evidence had been placed before him to contradict that professional view. He therefore concluded that the proposals would not give rise to adverse impacts upon highway safety.

6.12 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.

6.13 The Inspector noted the Rebuttal of the costs application and concurred with the substance of the rebuttal. He 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. He considered that the stance adopted by the Council in relation to the application, whilst not ultimately agreeing with it in his determination, represented a detailed

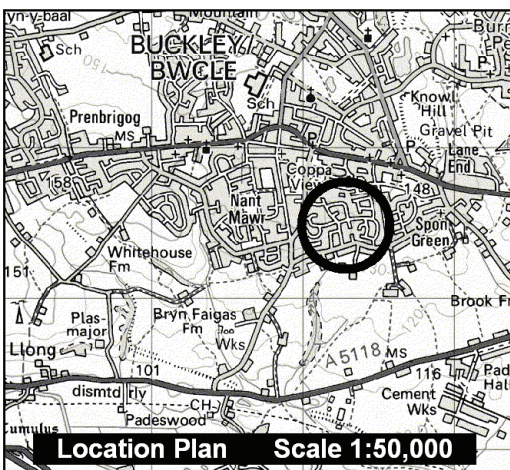
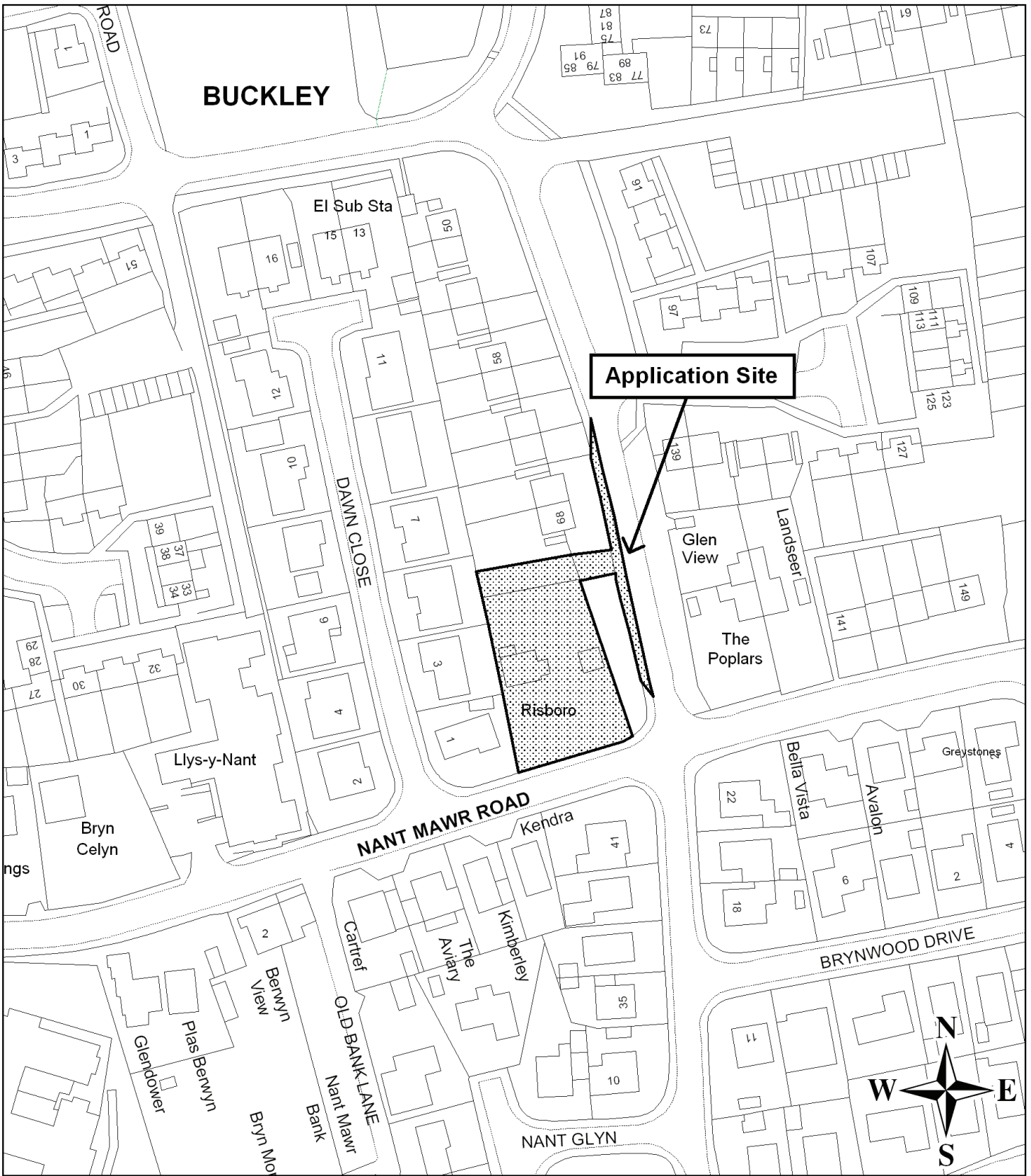
and thorough evaluation of the site, proposals and its perceived impact upon the area. He noted that the Council's case was presented by a highly qualified agent and that Councillors were in attendance at the hearing and gave evidence to the same effect. He therefore concluded that this amounted to substantial evidence to support the stance adopted.

- 6.14 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. He 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.
- 6.15 The Inspector noted that the application had been the subject of significant local opposition. He noted however that there was no evidence to suggest that unreasonable weight had been attached to this local representation by the Council in determining the application and concluded that the application had been properly determined upon its merits.
- 6.16 The Inspector therefore concluded that unreasonable behaviour, as defined within the circular, could not be demonstrated and **DISMISSED** the application for costs.

7.00 CONCLUSION

- 7.01 The Inspector concluded that the proposal was not unacceptable in the terms presented and was not therefore contrary to the applicable policies and therefore the appeal was **ALLOWED**.

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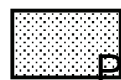


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **20/02/2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL MADE BY MISS L MCFARLANE UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AGAINST A FAILURE TO GIVE NOTICE WITHIN THE PRESCRIBED PERIOD OF A DECISION ON AN APPLICATION FOR PLANNING PERMISSION AT 15 HAWARDEN DRIVE, BUCKLEY**

1.00 APPLICATION NUMBER

1.01 **049623**

2.00 APPLICANT

2.01 **MISS L MCFARLANE**

3.00 SITE

3.01 **15 HAWARDEN DRIVE, BUCKELY**

4.00 APPLICATION VALID DATE

4.01 **02/04/2012**

5.00 PURPOSE OF REPORT

5.01 To inform members of the appeal decision, following the failure of Flintshire County Council to determine within the prescribed period an application for planning permission for proposed demolition of existing single storey rear extension and erection of new single storey rear extension at 15 Hawarden Drive.

Had the council determined the application within the prescribed period Committee resolved that it would have refused planning permission on the basis that the proposal would harm the character and appearance of the dwelling and area, and that it would harm living

conditions.

The appeal was considered by way of the Hearing procedure and has been ALLOWED with conditions.

6.00 REPORT

6.01 The inspector considered the main issues to be as follows:
the effect of the proposal on character and appearance of the dwelling and the surrounding area, and the effect of the proposal on the living conditions of occupiers of nos. 13 and 17 Hawarden Drive in relation to outlook.

6.02 Character and Appearance

The inspector considered that the view of the proposal in the street scene would be limited. There are several examples of extensions projecting from the side or rear of surrounding properties which indicates that there is nothing unique about the existing roof configuration of the semi-detached pair or the context in which they are situated.

6.03 The Inspector did not accept that the proposal would impact significantly on the character of the street scene because it encloses the gap between properties. He noted that there were several garages opposite the site effectively closing the gap between properties and which were set back from the street to a similar extent as the proposed extension.

6.04 In respect of scale the inspector states that the scale of the proposal is diminished by its limited visibility, its set-back and by the existing boarded gates located on the drive. Additionally, the proposal would appear more subordinate in terms of its bulk than the roof of the adjoining property's extension.

6.05 The inspector did not consider the size of the extension to be an issue. He had calculated the percentage increase in floor space to be 78%, but felt that whilst this is above the policy guideline of 50%, the development would not impact adversely upon the character of the dwelling and streetscene, and so the lack of strict accord with the policy interpretation does not in itself result in an unacceptable development.

6.06 It is not considered by the Inspector that the proposal would harm the character of the dwelling; it would be sympathetic to it and preferable to what currently exists on site. There would be sufficient space remaining post development which accords with policy in respect of overdevelopment. The layout of the garden would be as such that it would provide an improved living environment for the occupiers of the development.

- 6.07 Having seen the appeal site from the adjoining properties, the Inspector does not consider that the outlook from these properties would be significantly harmed by the development. The projection of the proposed extension beyond that of the wall of the extension at no. 17 does not significantly impinge on outlook or the garden space of this property, due to the main aspect of the extension being on the east side.
- 6.08 The proposal would project some 1.7m in front of the conservatory at no. 13, however the conservatory has a side wall and high level obscure window and the proposed roof of the extension would span away from the conservatory. As a result the inspector does not consider that the proposal would impact detrimentally on the living conditions of the occupier.

7.00 CONCLUSION

- 7.01 The Inspector does not consider the proposal would conflict with UDP policies GEN 1, D1, D2 and HSG 12 in relation to the issue of living conditions.

The Inspector also concludes that the proposal would not harm the living conditions of the occupiers of No.s 13 and 17 Hawarden Drive in relation to outlook.

The appeal is therefore allowed.

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