

# Public Document Pack

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Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr David Wisinger (Chairman)

CS/NG

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

11 June 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, 19TH JUNE, 2013** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **AGENDA**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 1 - 10)

To confirm as a correct record the minutes of the meeting on 15 May 2013.

- 5 **ITEMS TO BE DEFERRED**

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

6 **REPORTS OF HEAD OF PLANNING**

The report of the Head of Planning is enclosed.

**REPORT OF HEAD OF PLANNING**  
**TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 19 JUNE 2013**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
6.1	050258	Full Application - Proposed House Type Substitutions and Amendments to Plots 62-99, 105-107, 110-118 and associated works at Croes Atti, Chester Road, Oakenholt (050258) (Pages 11 - 20)
6.2	050634 - A	Full Application - Demolition of public house and erection of up to 9 No. dwellings and associated works at Calcot Arms, Milwr Road, Holywell (050634) (Pages 21 - 32)
6.3	050264 - A	Full Application - Conversion of West Wing into 11 No. Self Contained Apartments at Westbury Castle, Abbey Drive, Upper Gronant (Partly Retrospective) (050264) (Pages 33 - 42)
6.4	050265 - A	Listed Building Application - Conversion of West Wing into 11 No. Apartments at Westbury Castle, Abbey Drive, Gronant (050265) (Pages 43 - 50)
6.5	050508 - A	Full Application - Change of use of upper parts of vacant retail unit to create 6 No. self contained flats (2 x studio, 3 x 1 bed 1 x 2 bed) at 57 Chester Road West, Shotton, Deeside, Flintshire (050508) (Pages 51 - 58)
6.6	050698 - A	Full Application - Change of use from shop to a dwelling including minor alterations at 98 Chester Road West, Shotton, Deeside, Flintshire (050698) (Pages 59 - 66)
6.7	050154 - A	Retrospective Application - Erection of a garden wall and fence at "Cwm y Graig", Rhewl, Holywell (050154) (Pages 67 - 72)
6.8	050804 - A	Full Application - Erection of 10 No. houses, associated access and parking on land side of 53 Brunswick Road, Buckley (050804) (Pages 73 - 82)
6.9	050730 - A	Full Application - Engineering works to provide flood defence strengthening along 1.5 km of the River Dee embankment to include sheet piling to a maximum depth below ground of 12m and a minimum height of 7.2m AOD and a proposed temporary access route and site compound at RAF Sealand South Camp, Welsh Road, Sealand, Deeside (050730) (Pages 83 - 98)
6.10	050661 - A	Full Application - Realignment of part of the internal estate road to allow for amendment to the location and siting of on-site public open space on land at (Res. Dev. - Alltami Heath), Field Farm Lane, Buckley (050661) (Pages 99 - 106)
6.11	050545 - A	Full Application - Erection of a 3 bedroom detached dwelling with garage (for disabled person) on land adj. 45 Broughton Hall Road, Broughton, Chester (050545) (Pages 107 - 114)



## **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**15 MAY 2013**

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Wednesday, 15th May, 2013

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

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

### **SUBSTITUTIONS:**

Councillor: Marion Bateman for Carol Ellis, Mike Lowe for David Evans and Haydn Bateman for Rita Johnson

### **APOLOGY:**

Councillor Richard Jones

### **ALSO PRESENT:**

Councillor David Mackie attended as local Member for agenda item 6.1

The following Councillors attended as observers:-

Councillors: Bernie Attridge, Clive Carver and Adele Davies-Cooke

### **IN ATTENDANCE:**

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

## 1. **ANNOUNCEMENT BY PRINCIPAL SOLICITOR**

The Principal Solicitor explained that following the Annual County Council meeting held on 14 May 2013, the membership of the Committee had changed; he read out the list of Members on the Committee. He also explained that Councillor D.E. Wisinger had been re-appointed as Chairman for the Committee but that the appointment of a Vice-Chairman was required.

## 2. **APPOINTMENT OF VICE-CHAIRMAN**

The Chairman sought nominations for the appointment of Vice-Chairman. Councillor R.C. Bithell nominated Councillor A.I. Dunbar and this was duly seconded. Councillor R. Hughes nominated Councillor P.G. Heesom and this was also duly seconded.

On being put to the vote, Councillor Dunbar was appointed Vice-Chairman of the Committee.

### **RESOLVED:**

That Councillor Dunbar be Vice-Chairman for the Planning and Development Control Committee for the ensuing year.

### 3. **DECLARATIONS OF INTEREST**

Councillors A.I. Dunbar, W. Mullin and M.J. Peers declared a personal and prejudicial interest in the following application and Councillors D. Butler, M. Lowe and W.O. Thomas declared a personal interest in the following application:-

**Agenda item 6.3 - Full application – Construction and operation of the Beluga Line Station and associated development (including preparatory earthworks) at British Aerospace Ltd, Chester Road, Broughton (050597)**

Councillor D.E. Wisinger declared a personal interest in the following application:-

**Agenda item 6.6 – Full application – Erection of a car garage with store room above and conversion of existing garage into games room at White House, Sealand Road, Sealand (050339)**

In relation to those Members who had declared interests in relation to the Airbus site in Broughton which was the subject of application number 050597, the Principal Solicitor invited them to consider whether or not it might be appropriate to seek a dispensation from the Standards Committee to enable them to speak and vote on future applications at the site.

### 4. **LATE OBSERVATIONS**

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

### 5. **VARIATION IN ORDER OF BUSINESS**

The Chairman explained that there would be a slight change in the order of business to bring forward agenda items 6.7 to 6.10 (the appeal decisions). As he had declared an interest in agenda item 6.6, he would be vacating the chair and leaving the Chamber for the consideration of the item.

### 6. **MINUTES**

The draft minutes of the meeting of the Committee held on 17 April 2013 had been circulated to Members with the agenda.

Councillor M.J. Peers referred to the fifth line of the third paragraph on minute number 196 and suggested that the words 'vehicular traffic' be added before the words 'movement between'. He also suggested that the word 'specification' be added after the word 'standard' in the third line on the second paragraph on page 11 and that the word 'equivalent' be added before the word 'properties' in the fourth line of the paragraph.

### **RESOLVED:**

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

7. **ITEMS TO BE DEFERRED**

The Head of Planning advised that none of the items on the agenda were recommended for deferral by officers.

Councillor W.O. Thomas proposed that the following application be deferred to undertake discussions with the applicant about the roofline:-

**Agenda item 6.2 - Full application – Extension to the first floor above existing single storey flat roofed rear extension at Foel Awel, 2 Ffordd y Llan, Cilcain (050620)**

On being put to the vote, the application was deferred.

**RESOLVED:**

That application 6.2 be deferred.

8. **FULL APPLICATION - CHANGE OF USE/CONVERSION - USE OF LAND FOR THE STATIONING OF CARAVANS FOR THE RESIDENTIAL PURPOSE FOR 5 NO. GYPSY PITCHES TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDING AND UTILITY/DAYROOMS ANCILLARY TO THAT USE AND RETAINING EXISTING STABLES ON LAND SIDE OF EWLOE BARN WOOD, MAGAZINE LANE, EWLOE (050463)**

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 13 May 2013. The usual consultations had been undertaken and the responses received detailed in the report. Corrections to two paragraphs of the report were circulated at the meeting.

The officer detailed the background to the report explaining that this was a resubmission of application 049152 which had been dismissed on appeal following a public inquiry. She advised that the main issue to consider was whether this application addressed all of the issues raised by the Inspector, which were summarised on page 32 of the report. The Inspector had considered that the development would constitute inappropriate development in the green barrier and its open character and appearance would be harmed, but as very exceptional circumstances had been demonstrated, that harm was outweighed by the need for gypsy and traveller sites.

However, the Inspector was concerned that, due to the site's location adjacent to the A55, this might give rise to unacceptable living conditions for the site occupants with regard to the effects of noise and air pollution and he had no evidence before him to decide otherwise. The Inspector had therefore concluded that planning permission should not yet be granted due to the unsatisfactory living conditions which the site might provide because of traffic noise and pollution. He had referred to advice in Planning Policy Wales about noise levels and to Technical Advice Note (TAN) 11 Noise which pointed out that the weight to be given to such matters might be affected by other considerations, such as the need for the proposed development.

Turning to the current application, the officer advised that the Head of Public Protection had considered that the noise levels which had been measured in a one day exercise on behalf of the applicants did not provide sufficient data. She added that the barrier which was proposed would not reduce the noise and could move the level into category C or D (shown in the table on page 40 of the report) rather than in level B which had been indicated in the application.

An Air Quality Assessment had been submitted with the application. There was insufficient evidence to demonstrate that any pollutants on the site would not lead to unacceptable living conditions which could adversely affect the health of the site occupants, which would be contrary to Policy EWP12 of the Flintshire Unitary Development Plan. The site was crossed by a 33,000 volt overhead line and Scottish Power were concerned that any structure or bund under the line would reduce the required clearance of 5.8 metres for road and 5.2 metres for other locations and increase the potential for persons to come into contact with, or be close to, the line as this was likely to result in serious injury or death.

Independent advice had been sought about the impact on the green barrier. On the basis of that advice, it was considered that the proposal would have an adverse impact on the landscape, would be contrary to Policy GEN4, L1 and HSG14 c), and would harm the open character and appearance of the green barrier.

In assessing this application, the officer had also considered a recommendation of temporary permission but the unacceptable living conditions by virtue of noise and air pollution would not favour this. In conclusion, the officer said that the evidence that had been put forward indicated that living conditions were unacceptable and could not be addressed by conditions.

Mrs. P. Williams spoke against the application. She considered that the development would have a greater impact upon the green barrier than that proposed by the previous application. She endorsed the views of the independent landscape architect and felt that the screening proposed would be insubstantial from Magazine Lane. There would be a substantial effect upon the landscape character and visual impact arising from the development and that it would lead to the coalescence of settlements. She referred to the overhead power cables which posed the risk identified by Scottish Power, adding that the adjacent land owner had indicated that he would not permit the diversion of the power lines onto his land. She referred to the recent Bangor University study which had been undertaken on the need for gypsy and traveller sites and said that a greater number of pitches had been provided in Flintshire than any other county in North Wales. There was no rationale for any need in Flintshire. Mrs. Williams felt that the noise levels on the site would harm the residents, in particular children, and added that the A55 was one of the noisiest roads in North Wales. The noise report submitted by the applicant did not take into account traffic density. She felt that air pollution would also be a problem and spoke of ongoing research in Munich about the harm to children by air pollution. The proposed screening bund and fence would be inadequate to protect against noise and air pollution.



Mr. M. Green, the agent for the applicant, spoke in support of the application. He said that the previous application which had been refused by the Committee had been won on appeal with an award of costs against the Council. He felt that the same would apply if this application was also refused by Members. On the issues of noise and pollution, he referred to comments of the Inspector that the application should be permitted and said that the studies which had been undertaken on behalf of the applicant were to a level required by Government, but had not been accepted by officers. He said that the clearance distances from the power lines would not be an issue as the residents would need to stand on top of a fence to be within these distances. He added that the power lines did not need to be diverted but could be raised.. On the issue of visual amenity he said that what was being requested was an extension of the bund which the Inspector had indicated was visually acceptable. He said that he felt that Members were determined to refuse the application but that if they did so, it would cost the taxpayers money and he suggested that independent legal advice be sought before making a decision.

Councillor D.I. Mackie, one of the local members, spoke against the application. He commented on TAN 11 and said that the site was clearly unsuitable for the purpose proposed in the application. He spoke of studies undertaken which identified health concerns that children exposed to pollutants could develop diabetes; he felt that this was not a place to raise children. Councillor Mackie said that he had been contacted by a significant number of local people who had concerns about the proposals, in particular its adverse effect upon the green barrier. He added that the officer recommendation of refusal was correct. He then left the meeting prior to the debate.

Councillor A.M. Halford, the other local Member, proposed the recommendation for refusal which was duly seconded. She welcomed the strong report which contained compelling reasons for refusal. She referred to the previous application where Mr. Green had also attacked the officer recommendation on that occasion. She said that she had given evidence at the hearing and had informed the Inspector of problems that had been experienced by residents from houses in her ward of the noise from the surface on the A55 and the requirement for an acoustic fence to try to reduce the noise levels. She said that if an acoustic fence was needed for houses, then the problem would be worse for caravans. She said that it was unfair to inflict the noise levels on the children who would be living on the site.

Councillor M.J. Peers said that he was not present to be lectured to by anybody or to be threatened with costs and that he would deal with the application before him. He welcomed the excellent report which he said was based on evidence and said that the main issue was about the location of the site. It was clear from the comment of the Inspector on page 33 that he had considered that the living conditions on the site would be detrimental to the occupiers through the impact of noise from the A55 and possibly because of air quality. It was an inappropriate development in the green barrier the proposed mitigation was inappropriate. Based on what was in the report, he would support refusal of the application.

Councillor D. Butler commented on problems of noise from the A55 in Broughton and the noise abatement fencing which had been erected but which

did not reduce the levels. Trees which were in place had been removed to erect the fence and this created pollution which had previously been absorbed by the trees. He said that this site was below the A55 and was not the place to raise children. He felt that reducing the speed limit on the A55 would be better than any noise abatement.

Councillor W. Mullin said that any fencing would not reduce the pollution from vehicles on the A55 and that it would have a detrimental effect on the people who would live there. Councillor A.I. Dunbar concurred, remarking that, on the site visit, it had been difficult to hear anyone talk. It was a dangerous environment for children, especially having regard to the power cables. He concluded that the application should be refused for the reasons set out in the report.

Councillor W.O. Thomas said that he would make his decision based on the report and the site visit, not on threats from the agent. Councillor H.G. Roberts felt that the applicants had a weak case and he accused Mr. Green of trying to provoke members. He welcomed the comprehensive report and said that the recommendation of refusal was correct due to the potential harm to the children who would live on the site. Councillor R.C. Bithell referred to the noise experienced on the previous site visit and said that it was inappropriate to put caravans on the site even with a bund and screening. He said that to approve the application in the green barrier would set a precedent. In the context of need, and with particular reference to the Riverside Park site at Queensferry, he felt that Flintshire had done more than any authority in North Wales to provide gypsy and traveller sites. He referred to the lack of sites provided by other authorities in North Wales apart from Flintshire and Wrexham, and considered that pressure should be put on those authorities to provide pitches. He said that there was no need for an additional site in Flintshire and that he supported the recommendation of refusal.

In summing up, Councillor Halford thanked Members for their contributions particularly about problems experienced with acoustic fencing. She said that the report was evidence based and added that there was no reason to put a site so close to one of the noisiest roads in North Wales, accusing Mr. Green of taking risks with the lives of children to protect his own reputation.

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

**RESOLVED:**

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

9. **FULL APPLICATION - CONSTRUCTION AND OPERATION OF THE BELUGA LINE STATION AND ASSOCIATED DEVELOPMENT (INCLUDING PREPARATORY EARTHWORKS) AT BRITISH AEROSPACE LTD., CHESTER ROAD, BROUGHTON (050597)**

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. Councillors A.I. Dunbar, W. Mullin, M.J. Peers and W.O. Thomas, having earlier declared an interest in the application, left the meeting prior to its discussion.

Councillor A.M. Halford proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

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

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

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

The Development Manager detailed the background to the report and explained that the Committee had considered a feasibility study on 23 May 2012 (not 18 April 2012 as reported) to justify the demolition of the Custom House Lane Junior CP School, including the historic former Northop Board School building. Members had then resolved not to accept the development brief believing that further consideration needed to be given to socio-economic factors in relation to future uses of the historic part of the school building. A further feasibility study had since been submitted, where nine alternative uses had been considered but none of these were found to be viable. Paragraph 6.04 of the report stated that the building had suffered from water ingress and the ongoing security and maintenance costs amounted to £14,000 per annum.

The Development Manager advised that the condition on the original planning permission for the new school had been satisfied through the submission of the feasibility study and any decision as to the retention or otherwise of the former Northop Board School building lay outside any planning control. Nevertheless, he added that the information in the feasibility study strengthened the case for demolition of the building.

Councillor A.I. Dunbar proposed the recommendation to note the submission, content and conclusions of the feasibility study regarding the intended demolition of the Custom House Lane CP school. He said that every effort had been made to find an alternative use for the building but this had not been forthcoming. Councillor R.C. Bithell said that it had been the intention of the Committee to explore further uses for the building and as the feasibility study had not identified viable uses, demolition was the correct decision.

Councillor P.G. Heesom said that it was a fact that an alternative use could not be found and that the funds to maintain the building were not available but asked if work could be undertaken to catalogue old buildings such as this and protect or retain some part of them.

**RESOLVED:**

- (a) That the submission, content and conclusions of the feasibility study regarding the intended demolition of the Custom House Lane CP school be noted; and
- (b) That a photographic record/ catalogue of the historic part of the building be undertaken prior to its demolition.

11. **GENERAL MATTERS - OUTLINE APPLICATION - RAF SEALAND SOUTH CAMP, WELSH ROAD, SEALAND (050125)**

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

The officer explained that the report was to seek authority for the holding of a special Planning & Development Control Committee to determine planning application 050125 which was the redevelopment of a strategic brownfield site for an employment-led mixed-use development (the second part of the Northern Gateway site).

Councillor R.C. Bithell proposed the recommendation to convene a Special Planning and Development Control Committee meeting to determine the application, which was duly seconded.

Councillor M.J. Peers queried whether there would be a need to convene a further special meeting to consider the reserved matters as this application was for outline permission. In response to a further question from Councillor Peers, the officer explained that the application had been accompanied by a Masterplan which gave an indication of different uses for the site.

The Planning Strategy Manager explained that the application for the other part of the Northern Gateway had been dealt with in a similar way so a special meeting had been requested for consistency. If the application was approved, a reserved matters application would then be submitted.

Councillor W.O. Thomas asked whether the site was part of the Deeside Enterprise Zone. Councillor P.G. Heesom raised issues which had taken place recently which included the establishment of the Enterprise Zone and the Deeside Partnership. He raised concern about the infrastructure, highlighting the A55 in particular. He asked that the evidence of these issues be provided when the report was submitted to Committee.

Councillor A.M. Halford said that the other part of the site was discussed at a special meeting of the Committee and it was appropriate that a special meeting also be held for this application.

The local Member, Councillor C.M. Jones, said that Members had asked to be included in the applications and this was a way of doing so. She concurred that a special meeting was the way forward.

The Head of Planning said that the impact on the infrastructure was not ready to bring to Committee yet but would be presented when it was available.

**RESOLVED:**

That a Special Planning & Development Control Committee be convened to determine application 050125.

12. **APPEAL BY T. ANWYL & SONS LTD AGAINST THE NON-DETERMINATION BY FLINTSHIRE COUNTY COUNCIL FOR RESIDENTIAL DEVELOPMENT CONSISTING OF 51 NO. DWELLINGS, NEW ROAD AND CREATION OF MITIGATION LAND IN RELATION TO ECOLOGY AT CAE EITHIN, VILLAGE ROAD, NORTHOP HALL. (048855)**

**RESOLVED:**

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

13. **APPEAL BY MR. S. CANTY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE RETENTION OF A 7 M HIGH CCTV CAMERA POLE AT WILLOW FARM, SEALAND ROAD, SEALAND - DISMISSED (049311)**

**RESOLVED:**

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

14. **APPEAL BY MR B. SIMON AGAINST FLINTSHIRE COUNTY COUNCIL FOR THE REFUSAL OF A RETROSPECTIVE APPLICATION FOR THE ERECTION OF AN ANCILLARY BUILDING AT "AEL Y BRYN", BABELL, HOLYWELL. (049899)**

**RESOLVED:**

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

15. **APPEAL BY MR. JOHN HENRY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR APPLICATION FOR REMOVAL OR VARIATION OF CONDITION NO. 3 OF PLANNING PERMISSION REF: 048059 TO VARY MATERIALS TO BE USED IN THE DEVELOPMENT AT CHERRY TREE COTTAGE, HAFOD ROAD, GWERNAFFIELD - DISMISSED (050053)**

**RESOLVED:**

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

The Chairman, Councillor D.E. Wisinger, having earlier declared an interest in the following application, left the meeting prior to its discussion. The Vice-Chairman chaired the remainder of the meeting.

16. **FULL APPLICATION - ERECTION OF A CAR GARAGE WITH STORE ROOM ABOVE AND CONVERSION OF EXISTING GARAGE INTO GAMES ROOM AT WHITE HOUSE, SEALAND ROAD, SEALAND (050339)**

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

The officer explained that the application had been deferred from the meeting on 20 February 2013 to allow reconsultation on amended plans to be carried out and the neighbour objection had now been withdrawn. The report had been updated accordingly. He also referred to the late observations where the comments of Dŵ Cymru/Welsh Water were reported.

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

In response to a question from Councillor W.O. Thomas, the Development Manager said that any use of the site not ancillary to the existing dwelling would be monitored. Councillor R. Lloyd pointed out that paragraph 7.02 of the report mistakenly referred to 'east' in place of 'west'

The local Member, Councillor C.M. Jones, thanked the case officer for her work in resolving the issues and welcomed the monitoring of the site for business use.

**RESOLVED:**

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

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

There were 28 members of the public and 4 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 2.26 pm)

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**Chairman**

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 19<sup>TH</sup> JUNE 2013**

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

**SUBJECT:** **FULL APPLICATION - PROPOSED HOUSE TYPE SUBSTITUTIONS AND AMENDMENTS TO PLOTS 62-99, 105-107, 110-118 AND ASSCOATED WORKS AT "CROES ATTI", CHESTER ROAD, OAKENHOLT, FLINTSHIRE**

**APPLICATION NUMBER:** **050258**

**APPLICANT:** **ANWYL CONSTRUCTION CO LTD**

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

**APPLICATION VALID DATE:** **22/11/2012**

**LOCAL MEMBERS:** **COUNCILLOR. RITA JOHNSON**

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

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT AND LOCAL MEMBER REQUESTS COMMITTEE DETERMINATION TO RELAY LOCAL RESIDENTS CONCERNS ABOUT THE IMPACT AND DISAMENITY OF THE PROPOSALS.**

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

### **1.00 SUMMARY**

- 1.01 This full application as originally submitted proposed 52 No. dwellings, and associated works on land at Croes Atti, Chester Road, Oakenholt. Following negotiations with officers the layout has been amended to allow for 50 No. dwellings. The site 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 current application site forms part of the first phase of development which already has reserved matters approval for 189 no. dwellings. The previously granted outline scheme/reserved matters applications have been subject to extensive negotiations between the applicant and the Council. The design concept for the site is that of providing modern residential neighbourhoods which have a strong local identity and encourage a sense of community. The current application seeks to amend the house types of 50 of the previously permitted plots and in broad terms replaces 3 storey and 2 1/2 storey houses with 2 storey houses which vary in design from terraces to semi-detached and detached.

1.02 The issues for consideration are the principle of development, design/appearance, visual/residential impacts, highway impacts and flooding/drainage.

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

2.01 That conditional planning permission be granted subject to conditions and subject to the applicant entering into a section 106 obligation/Unilateral Undertaking to re-impose all the requirements of the original legal agreement attached to the outline planning permission i.e.

- scheme to be in general conformity with the Revised Development Brief,
- construct or to reimburse the Council for the reasonable cost of a footpath/cycleway linking the site with Leadbrook Drive,
- phasing/occupation of housing,
- setting aside of 1.5 hectares of land and its transfer for a school site and an extension to the school site of not less than 1.0 hectare,
- setting aside of land for a shop site,
- setting aside of a site of 0.45 hectares for a health centre,
- setting aside of a site of 0.25 hectares for a community centre and its transfer
- provision of 4.5 hectares of open space including an enclosed equipped children's play area, a landscape strategy, a management strategy for open space areas including establishment of a management company
- Provide for a maximum of 10% of number of dwellings for affordable use

**Conditions**

1. In accordance with approved plans.
2. Notwithstanding the submitted details, a schedule of materials to be submitted to and approved prior to being used, unless otherwise agreed in writing with the Local Planning Authority.



3. Submission of landscaping scheme for approval.
4. Implementation of submitted landscape plan.
5. Submission and approval of a scheme for foul, surface water and land drainage.
6. Foul/surface water drained separately and to relate to the newly constructed sewers on Chester Road.
7. Land drainage not permitted to public sewerage system.
8. No buildings along line of public sewer.
9. Code 3 for sustainable homes compliance.

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to **REFUSE** the application.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

##### Councillor Rita Johnson

Requests Committee determination to relay local residents concerns about impact and disamenity of the proposals.

##### Adjacent Ward Members

##### Councillor. D. Cox

Agrees to determination of application under delegated powers.

##### Councillor. A. Aldridge

Agrees to determination of application under delegated powers.

##### Councillor. E.F. Evans

Agrees to determination of application under delegated powers.

##### Councillor. I.B. Roberts

No response at time of writing report.

##### Councillor. A.T. Howorth

No response at time of writing.

##### Flint Town Council

No response at time of writing report

##### Head of Assets and Transportation

No objection

##### Environment Directorate (Rights of Way)

The plots are not affected by any recorded public rights of way.

##### Clwyd Powys Archaeological Trust

The changes affect the housing block to the south of the known Roman archaeology and there would be no impact to recorded

archaeological features from these proposals.

Head of Public Protection

No adverse comments.

Welsh Government Transport

Does not wish to issue a direction.

Ramblers Association

Public rights of way should be safeguarded as part of any total development.

**4.00 PUBLICITY**

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

The proposed development has been the subject of a wide level of consultation. Three letters of objection have been received which are summarised as follows,

1. The proposed changes in design of the house types are not compliant with those originally permitted dwellings and the massive change in house types with its visual impacts should be left to the Planning Committee to decide.
2. Number of properties with associated vehicles will be detrimental to highway safety and increase existing congestion as it would access the busy A548 in an area where there have been at least 2 fatal road accidents. It would be unreasonable and irresponsible to allow the development before the routing of traffic onto the A55 and a Flint by-pass has been resolved.
3. The site acts as a soakaway during heavy rain and developing the site would exacerbate existing flooding in the area.
4. The local services cannot cope with the additional population numbers generated by the development.

**5.00 SITE HISTORY**

**5.01 98/17/1308**

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

**035575**

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

**044035**

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

**044033**

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

**046562**

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

**046595**

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

**049312**

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

**049154**

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted granted on appeal on 10<sup>th</sup> October 2012.

**049425**

Variation of condition no.15 attached to planning permission ref:046595 at Croes Atti, Chester Road, Oakenholt – granted on appeal on 15<sup>th</sup> March 2013.

**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 – withdrawn.

**050300**

Reserved matters application for erection of 312 residential dwellings and associated works at Croes Atti – granted on 3/4/2013.

## **6.00 PLANNING POLICIES**

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

The FUDP shows the land as a housing commitment and outline planning permission has now been issued in addition to reserved matters approvals. In the context of the development as a whole a large number of the policies of the plan are relevant but the most significant policy is Policy HSG2 - Housing at Croes Atti, Flint. Other relevant policies include D1-D4 which refer to design/location/layout/landscaping and Policy GEN1 (General Requirements for Development). The proposal is considered to accord with the aims of the relevant development plan policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Proposed Development/Principle of Development**

The site 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 scheme and reserved matters applications have established the principle of residential development on the site. The design concept for the site is that of providing modern residential neighbourhoods which have a strong local identity and encourage a sense of community.

7.02 In design terms the current application site forms part of the first phase of development which already has reserved matters approval for 189 no. dwellings. The previously granted outline scheme/reserved matters applications have been subject to extensive negotiations between the applicant and the Council. The current application seeks to amend the house types of 50 of the previously permitted plots and in broad terms replaces 3 storey and 2 1/2 storey houses with 2 storey houses which vary in design from terraces to semi-detached and detached dwellings.

### **7.03 Design and appearance**

The proposed scheme is designed to link into the proposed new distributor road which is to serve the overall site. The density and character of proposed properties within the site vary in design from two storey terraces, semi-detached and detached dwellings. Generally densities across the site do not vary greatly and are considered to be reflective of that previously permitted for the overall site.

7.04 The road serving the site has been designed where the building blocks are relatively close to the road which assists in creating a sense of enclosure and active frontage. Visually the observer's eye should be drawn down the road to properties of interest. The retention

of existing field boundaries/trees reflects the historical rural character of the land.

- 7.05 The proposed dwellings as amended are considered sympathetic to existing development where the vernacular is Victorian but where more recent development is of modern designs dating from the 1950's onwards. The proposed designs include simple pitched roofs, detailed brick band courses, variations to head/cill treatments, contrasting ridge tiles, and a unifying palette of materials including brick and render.
- 7.06 Effect on adjacent/future residential amenities  
The proposed development is bordered on all sides by either existing open countryside or previously permitted parcels of land which will have either housing or open space. The proposed dwellings are considered to be located at some distance away from existing residential properties and therefore are not detrimental to their amenities by way of overlooking or physical proximity.
- 7.07 As regards future residential amenities, the proposed dwellings are 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.
- 7.08 Provision of Public Open Space  
The site would benefit from the previously approved formally laid out "village green" which would include a mini soccer pitch, a junior play area, a toddlers/picnic area, a Multi Use Games Area (MUGA) which forms part of the wider open space allocation for the overall site. The proposed public open space across the site is generally well overlooked as regards passive surveillance from nearby dwellings, and also benefits from active frontages which assist in providing safer environments.
- 7.09 Affordable Housing  
The original outline planning permission for the overall site required that if justified, up to 10% of dwellings on the site should be social/affordable and was secured via a Section 106 legal agreement. The exact number/location of affordable units within the overall development has yet to be determined, however, the final figure will have to be in accordance with the terms of the Section 106 legal agreement.
- 7.10 Flooding/Drainage Issues  
Whilst the representations regarding flooding in the locality are noted, however it should be noted that approx. £2.1 million has been spent for the off-site sewer works and these works include improvements to a pumping station which in addition to catering for the Croes Atti development will also generally improve drainage in the area.

7.11 Highways

The proposed development will have its principal access point into the previously permitted “spine” road for the site which in turn will ultimately feed into other points of access at the A548 Chester Road, Prince of Wales Avenue and Coed Onn Road.

7.12 Over the course of the overall development, the access component of the Croes Atti development has been the subject of extensive negotiations with the applicant. Due to highway concerns raised as part of the public consultation process in a previous reserved matters application, the applicant was requested to submit an updated Transport Assessment’s modelling analysis which identified that the proposed A548 Chester Road Roundabout has adequate capacity to accommodate the expected traffic flows from the 683 dwellings. Traffic flows on the existing routes (A548, Prince of Wales Avenue, Albert Avenue and Coed Onn Road) were considered to be within theoretical capacities. Public transport links will be extended into the proposed development, subject to reaching agreement with local bus companies.

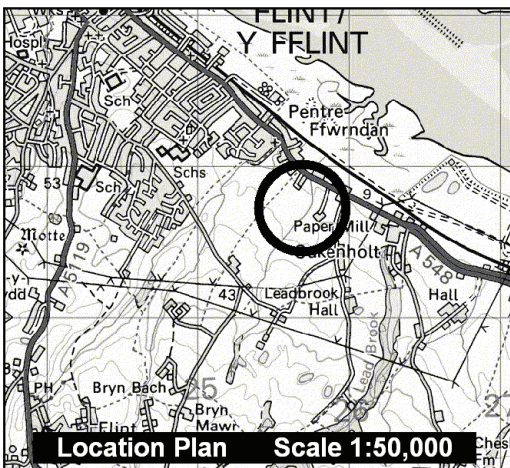
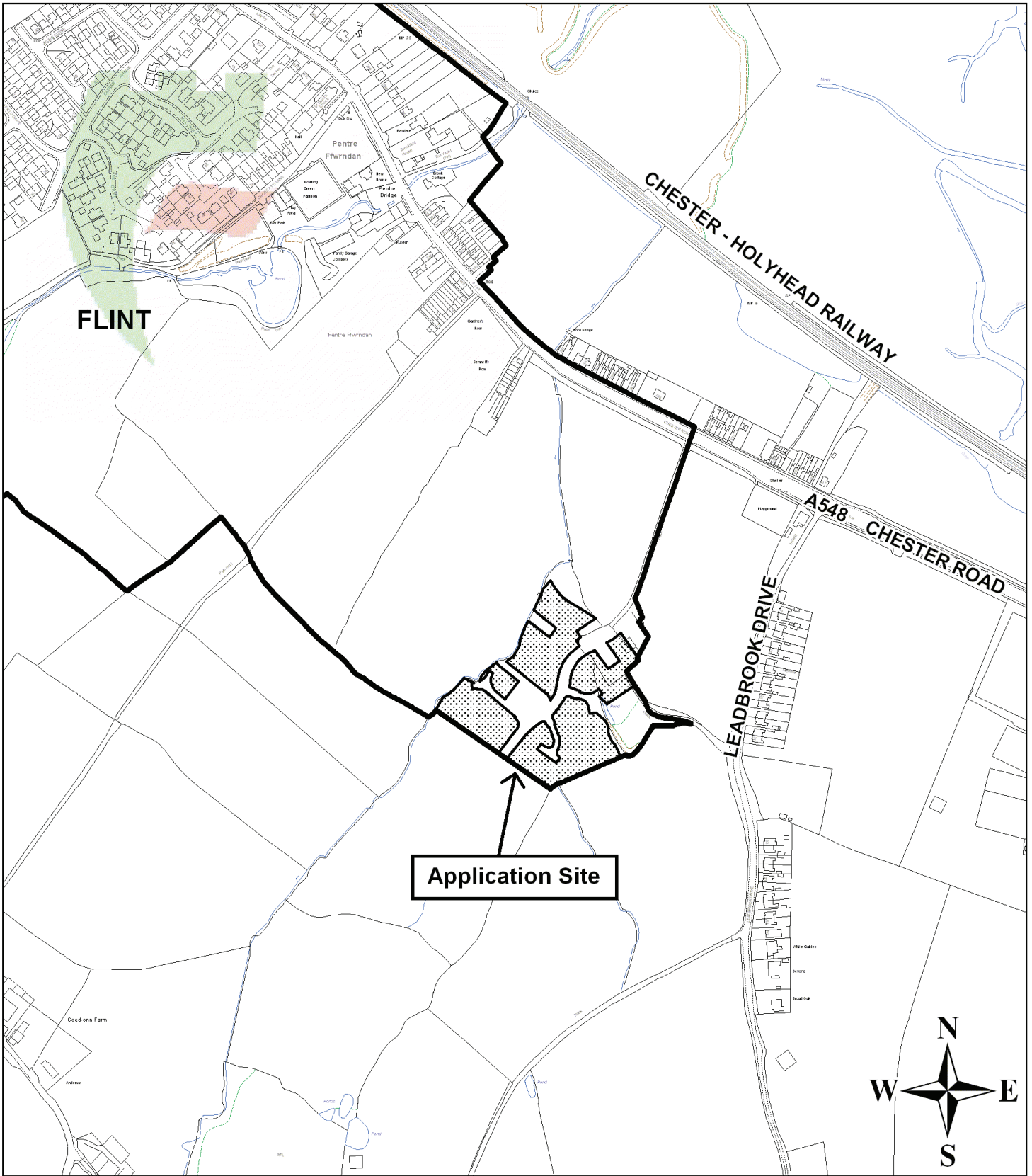
7.13 Concern has been raised regarding the level of future vehicular traffic generated by the proposed development and its detrimental impact on the A548 which objectors insist is already overloaded and where there is a history of fatalities locally. The objectors’ points are noted, however, this part of the site already benefits from planning approvals for the number of dwellings which are the subject of this application. The relatively recently updated TA and appeal decision have reinforced the use of the proposed accesses for the overall site whether that be via the A548, Prince of Wales Avenue or Coed Onn Road. As part of the consultation process for this application the Council’s Head of Assets and Transportation raised no objections to the proposed development.

**8.00 CONCLUSION**

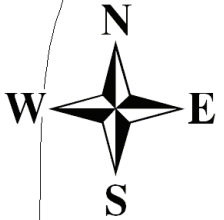
8.01 The proposed development in broad terms would allow for the replacement of existing permitted dwellings with amended house styles and is therefore acceptable in principle and design.

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

**Contact Officer:** Declan Beggan  
**Telephone:** 3250  
**Email:** [declan\\_beggan@flintshire.gov.uk](mailto:declan_beggan@flintshire.gov.uk)



**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 1:5000

OS Map ref SJ 2571

Planning Application **50258**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **19<sup>TH</sup> JUNE 2013**

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

**SUBJECT:** **FULL APPLICATION – DEMOLITION OF EXISTING PUBLIC HOUSE, ERECTION OF 9 NO. APARTMENTS AND ASSOCIATED WORKS AT “CALCOT ARMS”, MILWR ROAD, HOLYWELL**

**APPLICATION NUMBER:** **050634**

**APPLICANT:** **BROOMCO 3857 LIMITED**

**SITE:** **“CALCOT ARMS”, MILWR ROAD, HOLYWELL**

**APPLICATION VALID DATE:** **19<sup>TH</sup> MARCH 2013**

**LOCAL MEMBERS:** **COUNCILLOR H G ROBERTS**

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

**REASON FOR COMMITTEE:** **SECTION 106 AGREEMENT**

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

### **1.00 SUMMARY**

- 1.01 This application is for the demolition of the existing Calcot Arms Public House building, erection of 9 apartments and junction and access improvements.
- 1.02 The issues for consideration are the principle of development in planning policy terms, the highway implications, the effects upon the visual appearance of the area, drainage and the effects upon the amenities of adjoining residents in terms of loss of light, obtrusiveness, privacy etc.
- 1.03 It is considered that in principle, the demolition of the public house, loss of its community use and it being replaced by residential development is acceptable in planning policy terms given that the

building is not of sufficient local character or historical interest, alternative facilities are in close proximity to the site and that it is located within a Category A Settlement limit. As the proposals involve highway improvements and sufficient numbers of off road parking spaces, from a highway perspective, this aspect is also considered acceptable. It is considered that the contemporary design of the apartment blocks and use of materials will not have a significant detrimental impact upon the area. Dwr Cymru Welsh Water do not raise objections to the drainage of the scheme and due to the position of the proposed apartments, their height, the level of existing screening and the position of windows on the proposed and existing dwellings, it is considered that there will be no significant detrimental impact upon the amenities of adjoining residents.

1.04 Both the Public Open Spaces Manager and Director of Lifelong Learning have requested contributions in relation to public open space and education.

1.05 Given the above, I recommend accordingly.

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

2.01 That subject to the applicants entering into a Section 106 Agreement, providing a unilateral undertaking, or otherwise making payment in respect of:

- The sum of £733 per dwelling in lieu of on site open space towards the upgrading of existing play facilities within the locality
- The sum of £24,514 for the additional capacity at Perth y Terfyn Infants School.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to **REFUSE** the application.

**Conditions**

1. Time limit on commencement
2. Samples of all external materials of buildings to be submitted and agreed
3. In accordance with approved plans
4. No works to commence until detailed scheme for the junction improvements at Milw Road and Halkyn Road has been submitted to and approved by the Local Planning Authority
5. No works shall commence unless and until all the works specified in Condition No. 4 have been completed
6. No works shall commence unless and until full design and construction details of any structural retaining walls proposed

adjacent to the highway have been submitted to and approved by the Local Planning Authority

7. Proposed access shall be a minimum of 5.0m in width at the brick edge of footway and set out in accordance with either one of the attached structural details
8. The highway boundary means of enclosure adjacent to Milw Road shall not exceed 1.0m above the nearside channel level.
9. Existing vehicular footway crossing serving the car park shall be reinstated to full kerb height once the new access has been brought into use.
10. Facilities shall be provided and retained within the site for the parking and turning of vehicles. Facilities completed prior to the proposed development being brought into use.
11. Land drainage run off not permitted to discharge, directly or indirectly into the public sewerage system
12. No surface water to connect to the public sewerage system
13. Foul and surface water discharges drained separately.
14. Suitable scheme of enhanced double/secondary glazing to be submitted and approved prior to their installation
15. Code for Sustainable Homes Level 3 – Minimum Requirement
16. Code for Sustainable Homes – Design Stage Assessment.
17. Code for Sustainable Homes – Post Construction Stage Assessment.
18. Boundary treatments to be submitted and approved prior to commencement of development.
19. Existing and proposed levels including finished floor levels to be submitted and approved prior to commencement of development.
20. Prior to commencement of demolition, photographic survey of the existing building to be submitted and approved.

### **3.00 CONSULTATIONS**

- 3.01 Local Member:  
Councillor H.G. Roberts  
No response received to date.

#### Holywell Town Council

Maintains its objection to the proposed development notwithstanding earlier planning approval subject to conditions and to the applicant's response to design concerns raised previously, also the remedial works undertaken by Welsh Water area of crossroads. The reasons are:

- Inadequate car parking provision and measures to ensure access/highway safety in relation to the site, and
- The compounding of drainage flooding projects in the local area due to lack of capacity of the existing sewerage system.

Head of Assets and Transportation

Recommends that any permission includes suggested conditions.

Head of Public Protection

No objection in principle to the application. However site is on the junction with Milwr Road and the busy Holywell Road. Specific measures are necessary to protect amenities of further residents. Suggests a suggested condition be placed upon any planning permission.

Director of Lifelong Learning

Holywell High School has more than 50% surplus spaces, so a Section 106 contribution is not required for that school. However, the impact on pupil numbers that this proposed development will have, and others in the area indicate that Perth.y Terfyn Infants School will have the greatest need for additional capacity. Therefore the financial contribution requested is £24,514 at that school.

Public Open Spaces Manager

Based upon the information received and in accordance with Planning Guidance Note No. 13 – Public Open Space Provision, the authority should be seeking a capital sum payment of £733 per unit in lieu of on site provision. The receipt would be used to enable relocation provision in the community.

Welsh Water/Dwr Cymru

Requests if minded to grant planning consent, that suggested conditions and notes are attached.

Clwyd-Powys Archaeological Trust

Requests photographic survey of existing building as a condition attached to any planning permission granted.

SP Powersystems

Have plant and apparatus in the area. Developer advised need to take appropriate steps to avoid any potential danger during any works.

**4.00 PUBLICITY**

4.01 Site Notice, Neighbour Notification

61 letters of objection received. The grounds of objection being:

- Inappropriate development to the area
- Density too great
- Milwr Road unsuitable for access and egress to the development, already too much traffic and road too narrow.
- Hazardous on road parking
- Development of a further 9 properties will put a further strain on services
- Loss of light, privacy, aspect upon adjoining residents.

- Insufficient number of parking spaces.

## **5.00 SITE HISTORY**

### **5.01 49092**

Renewal of planning permission Ref. 040770 for the demolition of existing public house and erection of 8 No. apartments with associated road junction improvements – awaiting signing of Section 106 Agreement.

### **048575**

Demolition of existing public house, erection of 9 No. apartments in two blocks, construction of new vehicular access and associated parking. Refused 29<sup>th</sup> July 2011.

### **046999**

Demolition of public house, erection of 9 No. apartments and construction of new vehicular access. Refused 20<sup>th</sup> August 2010.

### **040770**

Demolition of existing public house and erection of 8 No. apartments with associated road junction improvements. Refused 9<sup>th</sup> June 2006 and allowed on appeal 20<sup>th</sup> December 2006.

### **040370**

Demolition of existing public house and erection of 10 No. dwellings consisting of 5 x 2 semi detached dwelling. Withdrawn 5<sup>th</sup> December 2005.

## **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 D1 – Design Quality

Policy D2 – Location and Layout

Policy D3 – Landscaping

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries

Policy AC13 – Access and Traffic Impact

Policy CF1 – Retention of Existing Facilities

The site lies within the development boundaries for Holywell which is also classed as a Category A Settlement within the Flintshire Unitary Development Plan where there are alternative facilities in close proximity to the site. Therefore, the principle of a loss of a community use with it being replaced by residential development is acceptable on the site in planning policy terms.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description and Proposals**

The site comprises of the former Calcot Arms Public House and its car park. It is roughly triangular in shape and lies at the junction of Halkyn Road and Milwr Road. The public house buildings are located at the junction of the two roads on the narrowest part of the site and the land to the south formed the car park. A domestic garage is sited on the southern boundary. The height of the public house building measures approximately 8m at its highest, to the ridge. The chimneys upon this ridge take it up to 10m in height.

7.02 The area to the south and east of the site is predominantly residential to the north and east, on the opposite side of Halkyn Road, is a working farm and the agricultural land associated with it.

7.03 Halkyn Road and Milwr Road run downhill in a generally south to north direction. The Calcot Arms is sited on the lowest part of the site. The adjacent single storey dwellings on Stamford Way, to the south, are on slightly higher ground whereas the properties located off The Beeches and Pistyll, to the west of the site, are considerably higher than the site.

7.04 The proposals involve demolishing the former public house buildings and erection of up to 9 No. apartments with associated road junction improvements and formation of a new access onto Milwr Road. The apartments will be constructed in two blocks, one three storey with the other being two storey. The three storey block will be sited within the south western corner of the site nearest No. 1 Stamford Way and will measure approximately 13m x 13m x 10m (height to ridge) with the two storey block being sited within the north western corner of the site and will measure approximately 13m x 11m x 9m (height to ridge). Both blocks will be constructed with rendered walls and slate roofs.

7.05 The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms, the highway implications, the effects upon the visual appearance of the area, drainage and the effects upon the amenities of the adjoining residents.

### **7.06 Background**

Members will be aware that a previous application (040770) for demolition of the existing public house and the erection of 8 No. apartments with associated road junction improvements was refused under delegated powers due to the overdevelopment of the site and its impact upon the amenities of adjoining residents, that the existing building of the Calcot Arms was considered of sufficient local character to warrant its retention and that inadequate details were submitted in respect of the proposed improvements to the existing Milwr Road/Halkyn Road junction. It was subsequently allowed on

appear on 20<sup>th</sup> December 2006. This application was subsequently renewed under 049092 and is currently waiting completion of a Section 106 Agreement.

7.07 Subsequent to 040770, two applications were submitted under 046999 and 048575 for 9 apartments, again arranged in two blocks but sited differently and were of a more modern design which were refused by the Planning and Development Control Committee on the grounds of overdevelopment of the site and its impact upon the amenities of adjoining residents.

7.08 Principle of Development

The site lies within the development boundary for Holywell which is also classed as Category A Settlement. Therefore, the principle of residential development is considered acceptable.

7.09 The Inspector at appeal considered the retention of the building in terms of whether or not it was of sufficient local character and historical interest. However, it was considered that given the building had been extensively altered, these had eroded its character to such an extent, that its contribution to the area no longer merited its retention. In addition, there was no compelling evidence of its historical connections or information on whether the building had been designed by a notable architect.

7.10 With regard to the loss of the use of a community facility, this has also been accepted, given that alternative facilities are in close proximity to the site.

7.11 Therefore, given the above, the principle of demolition of the public house, loss of its community use with it being replaced by residential development remains acceptable on the site in planning policy terms.

7.12 Highways

The junction of Milwr Road with Halkyn Road is severely restricted, due to the angle of the approach, the steep downward gradient and the confined turning radius. The visibility at the junction is restricted due to the alignment of the boundary walls and the position of the public house building. Milwr Road near to the point of the proposed access is narrow but widens near the junction of Halkyn Road.

7.13 These proposals do enhance visibility and makes to and from the junction safer.

7.14 The development also involves the blocking off of the access through the former car park from Milwr Road to Halkyn Road.

7.15 Given the above improvements, it is therefore considered that the various highway alterations are acceptable in principle.

- 7.16 With regard to on-site parking provision, 11 parking spaces will serve the 9 apartments. Given the site is in a sustainable location near to public transport choices, this number is considered acceptable.
- 7.17 Appearance and Character  
The scheme which gained a resolution to grant planning permission subject to a Section 106 Agreement by Committee (049092) for the renewal of planning permission 040770 was for two detached buildings forming a terrace of properties that would be constructed within rendered cavity blockwork walls with tiled roofs. The dwellings were also to be of two storey, approximately 8m in height with dormers at first floor level at the rear. The design being very simple, plain and traditional.
- 7.18 This current scheme also involves the erection of two buildings but with one being 3 storey, the other being 2 storey. They measure approximately 9.5m and 8m in height respectively and will be constructed within rendered walls with slate roofs. The design is contemporary, sustainable, modest and innovative. They also make the best of the views of the estuary by having the majority of the principal rooms of the apartments orientated this way. The scale and massing of both buildings is greater than those under 049092 but this is broken up to a large extent by the different types and heights of the roofs.
- 7.19 Therefore, given the contemporary design, better use of materials and greater separation between the two proposed buildings, these proposals, it is considered, will have no increased detrimental impact upon the appearance of the area compared to those which have been the subject of a resolution to grant planning permission.
- 7.20 Drainage  
Dwr Cymru Welsh Water do not object to the development provided suggested conditions regarding that surface and foul waters are drained separately from the site etc are placed upon any grant of planning permission. Members will note that these are condition No's 11, 12 and 13 listed within the recommendation.
- 7.21 Effect Upon the Amenities of Adjoining Occupiers  
It is considered that the effects of the development upon the amenities of the adjoining residents is the main issue for consideration.
- 7.22 Members may recall that the likely detrimental impact of the development upon the amenities of the adjoining residents were the main reasons for refusal on the previous applications 048575 and 046999. It was considered that those adjoining occupiers most affected by the developments were No's 1 and 3 Stamford Way together with Ness View. This current application shows Block A (3 Storey) being now sited within the south west corner of the site nearest No. 1 Stamford Way. The highest part of this block will be



9.6m. This block will be sited away from the main living accommodation of No 1 and along the southern boundary which is the part most well screened by trees, shrubs, hedges etc. Therefore it is considered that there will be no significant detrimental impact upon the amenities of the nearest adjoining occupiers of No. 1 Stamford Way. Block B is now wholly 2 storey and will be sited largely on the site of the Calcot Arms building. This proposed block is slightly further towards the road junction than the existing building and is approximately 1.3m higher also.

- 7.23 It is considered that the adjoining resident most affected now by this development and particularly by Block B is that of Ness View, whose property is located upon the other side of Milwr Road to the west. This property is also located at a higher level with its rear windows and conservatory looking down onto the site. This adjoining resident from the conservatory will look out onto Block B (2 storey). This block measures approximately 8.5m in height and will be approximately 18.5m away from the conservatory of Ness View. This is below the maximum guideline separation distance between dwellings of 22m. However, the majority of the aspect from the conservatory will be the gap of the proposed entrance and parking area between the two blocks. Given the above, together with the increase in height over the existing building by the proposed building is only 1.3m, it is considered that there will not be a significant increased detrimental impact upon the amenities of Ness View in terms of loss of light or obtrusiveness. In terms of any possible overlooking onto the property of Ness View, all of the proposed windows upon Block B facing this property will be from non habitable rooms.

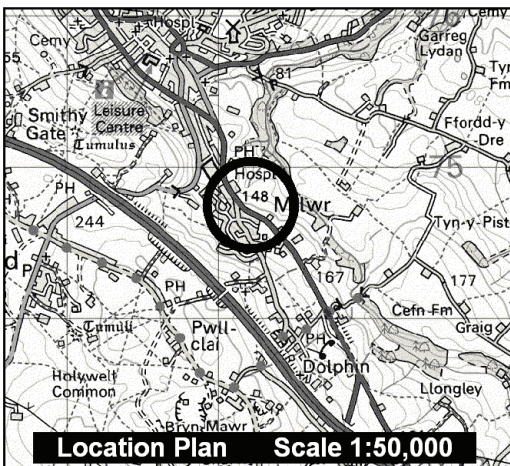
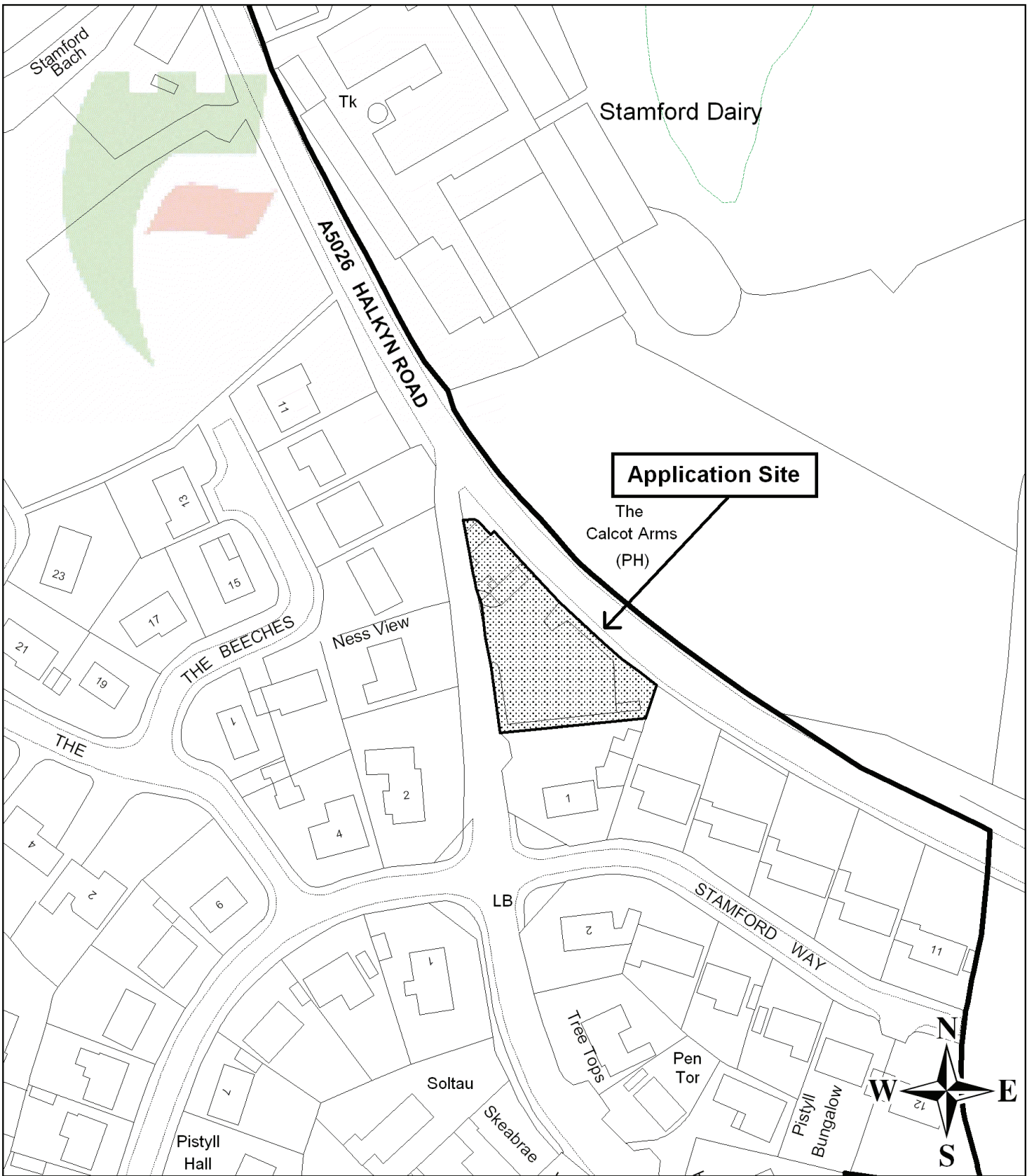
## **8.00 CONCLUSION**

- 8.01 It is considered that given the above, the scheme is acceptable in planning terms.

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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Planning Application 50634

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **19<sup>TH</sup> JUNE 2013**

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

**SUBJECT:** **FULL APPLICATION – CONVERSION OF WEST WING INTO 11 NO. SELF CONTAINED APARTMENTS AT WESTBURY CASTLE, ABBEY DRIVE, UPPER GRONANT (PARTLY RETROSPECTIVE)**

**APPLICATION NUMBER:** **050264**

**APPLICANT:** **MR. I. RINGWOOD**

**SITE:** **WESTBURY CASTLE, ABBEY DRIVE, UPPER GRONANT**

**APPLICATION VALID DATE:** **5<sup>TH</sup> NOVEMBER 2012**

**LOCAL MEMBERS:** **COUNCILLOR S. WILLIAMS**

**TOWN/COMMUNITY COUNCIL:** **LLANASA COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST IN ORDER TO ASSESS IMPACT OF DEVELOPMENT ON THE BUILDINGS LISTED CHARACTER AND ADEQUACY OF HIGHWAYS TO SERVE THE DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This full application (which is partly retrospective) proposes the conversion of the west wing of Westbury Castle, a Grade II Listed Building located off Abbey Drive, Upper Gronant into 11 No. self-contained apartments. The application is to be read in conjunction with the following Listed Building application on the agenda submitted under Code No. 050265.

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

2.01 That subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £733 per unit in lieu of on site play provision that planning permission be granted subject to the following conditions:-

1. Time limit on commencement.
2. In accordance with approved plans and conservation survey.
3. Photographic survey to be undertaken prior to the commencement of further development.
4. Scheme for parking of vehicles to be submitted and approved.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to **REFUSE** the application.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor S. Williams

Request site visit and planning committee determination in order to assess impact of development on the buildings listed character and the adequacy of highways to serve the development.

Llanasa Community Council

The Council objects strongly to the proposed development on the following grounds:-

1. It is not considered to be suitable development for the grade 11\* listed building.
2. There will be a considerable increase in the number of vehicles using Abbey Drive, which at one point is single lane, and will create additional danger to other road users, especially pedestrians.
3. Any further access onto the A548 should be strongly resisted especially as the County Council has drawn up a scheme to improve the accident black spot.

Head of Assets and Transportation

No objection and do not intend to make a recommendation on highway grounds.

Head of Public Protection

No adverse comments.

Welsh Water/Dwr Cymru

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Public Open Spaces Manager

Request the payment of £733 per unit in lieu of on-site open space provision.

Clwyd Powys Archaeological Trust

Recommend a photographic record of the building is undertaken in order to record the architectural style.

**4.00 PUBLICITY**

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

3 letters of objection received, the main concerns of which relate to the inadequacy of access to serve the development from Abbey Drive which it is considered would conflict with existing vehicular and pedestrian movements.

Letter of objection with accompanying petition signed by 54 signatories received from Mr. D. Hanson, MP which express concern about the adequacy of the existing access from Abbey Drive, to serve further development at this location.

**5.00 SITE HISTORY**

**5.01 1019/89**

Listed Building Application – Part demolition, alterations and extensions to form hotel.

Permitted 20<sup>th</sup> March 1990

**1050/89**

Alterations and extensions to form hotel.

Refused 10<sup>th</sup> June 1993

**267/92**

Change of use to antiques, arts and crafts centre.

Refused 10<sup>th</sup> June 1993

**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 HE2 – Development Affecting Listed Buildings and their Settings.

Policy HSG15 – Re-use/Conversion of Large Houses/Formal Residential Institutional Buildings Outside Settlement Boundaries.

Additional Guidance

Local Planning Guidance Note 2 – Space About Dwellings.

**7.00 PLANNING APPRAISAL**

7.01 Introduction

Westbury Castle a Grade II Listed Building is located within the open countryside and a conservation area approximately 0.3 km to the north-east of the settlement boundary of Gronant. Vehicular access to the site is obtained from Abbey Drive and a section of a private driveway from the junction with Llanasa Road, Upper Gronant.

7.02 The property was originally built as a family residence in 1829 and was later converted into a convent for a closed order of Benedictine nuns in 1929.

7.03 The main body of the building which is formally known as ‘Talacre Hall’ is in occupancy as a single residence. The annexe which is physically attached to the main residence and known as the west wing is the subject of this application. This section of the building is thought to be the former service wing associated with the convent and is currently vacant.

7.04 Background / Planning History

For Member’s information, there is a previous background of planning history relating to development at this location which is referred to in paragraph 5.00 of this report. In summary planning permission was refused for the change of use of Westbury Castle into (a) a hotel and (b) an antiques, arts and crafts centre under code No’s 1050/89 and 267/92 respectively on 10<sup>th</sup> June 1993. The principal reason for refusal in respect of both application was based on the unacceptability of the formation of a new vehicular access to serve the development from the A548 – Flint – Prestatyn Road, to the north, given concerns on highway safety grounds.

7.05 Proposed Development

This application which is partly retrospective proposes the conversion of the west wing into 11 No. one and two bed apartments. The accommodation is proposed over four floors including a basement level opening out onto an enclosed courtyard.

7.06 For Members information conversion work has been carried out by the previous owner on the creation of 3 No. apartments which has included the redecoration and the fitting out of kitchen and bathroom spaces. These apartments whilst they may have previously been occupied are currently vacant.



- 7.07 This application seeks to regularise this situation and also proposes the conversion of the remainder of the west wing into a further 8 apartments providing for 11 No. units in total. Vehicular access to serve the development is proposed from Abbey Drive and a section of private driveway from the junction with Llanasa Road, Upper Gronant.
- 7.08 Main Planning Issues  
It is considered that the main planning issues can be summarised as follows:-
- a. Principle of development having regard to the planning policy framework.
  - b. Impact of development on the character of the Grade II Listed Building.
  - c. Scale of development proposed.
  - d. Adequacy of access to serve the scale of development proposed and impact on privacy/amenity.
- 7.09 Principle of Development  
Policy HSG15 of the adopted Flintshire Unitary Development Plan allows consideration to be given of the reuse/conversion of large houses/former residential institutional buildings outside settlement boundaries into dwellings subject to compliance with specific criteria. This principally requires the need to ensure that (i) any development retains any architectural/historic merit associated with the building (ii) the proposal does not represent overdevelopment of the site, and (iii) the proposal safeguards the privacy/amenity of occupiers living in proximity to the site. This policy context therefore provides the framework against which this application is to be assessed with each of these issues being addressed in detail below.
- 7.10 Impact on the Character of the Grade II Listed Building  
It is of particular importance to ensure that in consideration of this application, that the scheme of conversion retains/enhances the buildings inherent architectural and historic character. The wing of the building is fairly extensive comprising accommodation over four floors with the impact of both internal/external changes being carefully considered as part of this application and the following Listed Building application on the agenda (050265).
- 7.11 Scale of Development  
As indicated the west wing of the building extends over four floors, its scale/form being reflective of the buildings previous historic usage as a convent/service wing. In order to secure the retention of this important Grade II listed building it is necessary to seek to secure a use that is acceptable in planning land use terms. It is also important that any development is of an appropriate scale to facilitate the buildings retention, whilst at the same time recognising the need to safeguard the privacy/amenity of residents on Abbey Drive by virtue of associated vehicular movements to and from the site.

7.12 While there may be other suitable uses of the building which may be considered to be acceptable e.g. hotel, tourist accommodation, conference facilities, the use of the site access is of importance as such uses may result in the generation of additional movements to and from the site over and above that which may be expected as part of this application for residential development. It is my view that given the scale/form of the existing building, that its conversion into 11 No. units is an acceptable balance in these circumstances and would help to secure the buildings retention.

7.13 Adequacy of Access

The proposed access to the site as outlined is proposed from Abbey Drive, at its junction with Llanasa Road, Upper Gronant. The volume of objections received from residents and the community council to the use of this access are duly noted, although there is no objection to the use of Abbey Drive to serve 11 No. self-contained apartments at this location from the Head of Assets & Transportation.

7.14 In taking into account the objections raised regarding the use of Abbey Drive, the applicant/agent in conjunction with the Head of Assets and Transportation have explored the possibility of forming a second access to serve the development. This would involve the reopening a former access road into the site which opens onto a dual carriageway section of the A548 Flint – Prestatyn Road to the north.

7.15 In further consideration of this matter however and whilst future road improvements to this section of the A548 are planned, the Head of Assets & Transportation is of the view that the reopening of the access point directly onto this section of the A548 would introduce conflict of traffic movements close to both the Tyn y Morfa junction and the access leading to The Bells of St. Mary's Public House. In this context the formation of a second access into the site would not be supported by the Head of Assets & Transportation. On the basis of this conclusion, the original proposal to access the site from Abbey Drive has been confirmed by the applicant and the Head of Assets and Transportation supports this access arrangement to serve the development as previously referred to in paragraph 7.12 of this report.

**8.00 CONCLUSION**

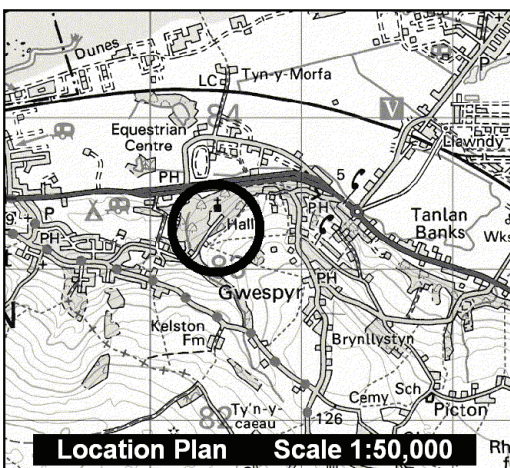
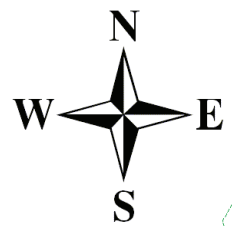
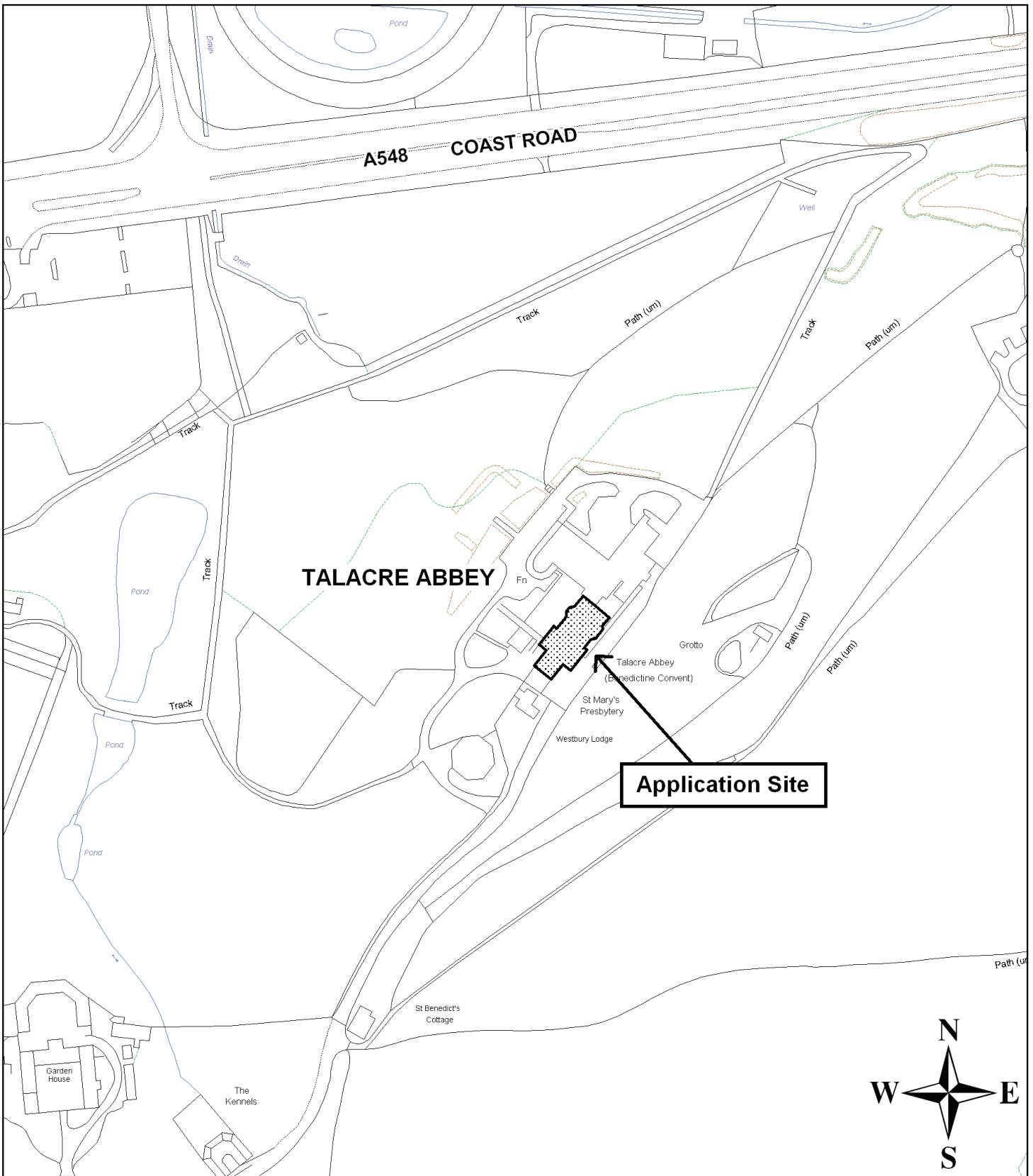
8.01 In conclusion, it is my view that the principle of the conversion of the west wing known as Westbury Castle, into self-contained apartments is acceptable having regard to the criteria listed in Policy HSG15 of the Flintshire Unitary Development Plan. Whilst the concerns relating to the adequacy of the access from Abbey Drive to serve the scale of development are duly noted, this has been assessed in considerable detail by the Head of Assets and Transportation, with it being confirmed that the use of Abbey Drive is acceptable on highway grounds. It is considered that the scale of development provides an

acceptable balance in this context, recognising the need to safeguard the privacy/amenity of the occupiers of existing properties whilst securing the retention of an important listed building which is currently vacant. It is considered that provided that the scheme retains the architectural/historic character of the building in accordance with the details contained in the following Listed Building application on the agenda, that the use proposed is acceptable at this location. I therefore recommend accordingly.

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  
**Telephone:** (01352) 703269  
**Email:** [Mark.Harris@flintshire.gov.uk](mailto:Mark.Harris@flintshire.gov.uk)

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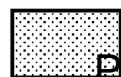


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application 50264

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **19<sup>TH</sup> JUNE 2013**

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

**SUBJECT:** **LISTED BUILDING APPLICATION – CONVERSION OF WEST WING INTO 11 NO. APARTMENTS AT WESTBURY CASTLE, ABBEY DRIVE, GRONANT (PARTLY RETROSPECTIVE)**

**APPLICATION NUMBER:** **050265**

**APPLICANT:** **MR. I. RINGWOOD**

**SITE:** **WESTBURY CASTLE, ABBEY DRIVE, UPPER GRONANT.**

**APPLICATION VALID DATE:** **5<sup>TH</sup> NOVEMBER 2012**

**LOCAL MEMBERS:** **COUNCILLOR S. WILLIAMS**

**TOWN/COMMUNITY COUNCIL:** **LLANASA COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST IN ORDER TO ASSESS THE IMPACT OF DEVELOPMENT ON THE BUILDINGS LISTED CHARACTER**

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

### **1.00 SUMMARY**

This Listed Building application is to be read in conjunction with the previous planning application on the agenda submitted under Code No. 050264. The application seeks consent for internal/external works at Westbury Castle a Grade II Listed Building located off Abbey rive, Upper Gronant, in connection with the conversion of the west wing into 11 No. self contained apartments. Once committee have resolved to make a recommendation on the application, then this is forwarded to Cadw for their formal consideration and determination. For Member's information the decision certificate can not be issued until this exercise has been completed.

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

### **2.01 Conditions**

1. Time limit on commencement.
2. In accordance with approved details and conservation survey.
3. Repairs to roof to be undertaken using natural mineral slate prior to any other repairs being carried out.
4. Treatment to stone flooring on lower ground floor to be carried out in accordance with method statement approved as part of this permission.
5. Samples of replacement rainwater goods to be submitted and approved.
6. Re-pointing to be undertaken in lime mortar.
7. Details of internal and external ironmongery including soil pipes, boiler flues and television aerials / satellite dishes to be submitted and approved.
8. Samples of all internal plaster to be submitted and approved.
9. No damp proof course or insulated plasterboard to be used.
10. Photographic Survey to be undertaken prior to commencement of further development.

## **3.00 CONSULTATIONS**

### **3.01 Local Member**

#### **Councillor S. Williams**

Request site visit and planning committee determination in order to assess impact of development on the buildings listed character.

#### **Llanasa Community Council**

The Council objects strongly to the proposed development on the following grounds:-

1. It is not considered to be suitable development for the grade 11\* listed building.
2. There will be a considerable increase in the number of vehicles using Abbey Drive, which at one point is single lane, and will create additional danger to other road users, especially pedestrians.
3. Any further access onto the A548 should be strongly resisted especially as the County Council has drawn up a scheme to improve the accident black spot.

#### **The Georgian Group**

No objection to the principle of conversion subject to control over the use of materials and use of appropriate building techniques.



Clwyd-Powys Archaeological Trust

Recommend that a photographic record of the building is undertaken in order to record the architectural style.

The Victorian Society

No response received.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

4 letters of objection received, the main concerns of which relate to:-

- Inadequacy of access from Abbey Drive to serve the proposed development
- Partly retrospective nature of the conversion of the building into residential accommodation

**5.00 SITE HISTORY**

5.01 **1019/89**

Listed Building Application – Part demolition, alterations and extensions to form hotel.

Permitted 20<sup>th</sup> March 1990

**1050/89**

Alterations and extensions to form hotel.

Refused 10<sup>th</sup> June 1993

**267/92**

Change of use to antiques, arts and crafts centre.

Refused 10<sup>th</sup> June 1993

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy HE1 – Development Affecting Conservation Areas.

Policy HE2 – Development Affecting Listed Buildings & Their Settings.

Policy HE8 – Recording of Historic Features.

Additional Guidance

Welsh Office Circular 61/96 – Historic Buildings & Conservation Areas.

**7.00 PLANNING APPRAISAL**

7.01 Introduction

Westbury Castle a Grade II Listed Building is located within the open countryside and a conservation area approximately 0.3 km to the

north-east of the settlement boundary of Upper Gronant.

- 7.02 The property was originally built as a family residence in 1829 and was later converted into a convent building for a closed Order of Benedictine nuns in 1921.
- 7.03 The main body of the building which is formally known as 'Talacre Hall' is in occupancy as a single residence. The annexe which is physically attached to the main residence and known as the west wing is the subject of this application. This section of the building is thought to be the former service wing associated with the convent and is currently vacant.
- 7.04 Proposed Development  
This application which is partly retrospective proposes the conversion of the west wing into 11 No. one and two bed apartments. The accommodation is proposed over four floors including a basement level opening out onto an enclosed courtyard.
- 7.05 For Members information conversion work has been carried out by the previous owner on the creation of 3 No. apartments which has included the redecoration and the fitting out of kitchen and bathroom spaces. These apartments whilst they may have previously been occupied are currently vacant
- 7.06 This application seeks to regularise this situation and also proposes the conversion of the remainder of the west wing into a further 8 apartments providing for 11 No. units in total.
- 7.07 The proposed works involve adaptation of the building to allow the flats to be created and where alterations to the buildings fabric is proposed, ensuring that these are carried out sympathetically to ensure that the blocking up of any internal openings, retains the aspect of their former positions and appearance.
- 7.08 It is also proposed to retain where possible and match where required original features such as skirting boards, architraving, fireplaces, stone flooring and windows/doors. The external appearance of the building will not be altered save for the replacement of window frames in accordance with an agreed historic form and pattern where required due to their physical deterioration.
- 7.09 Special Architectural or Historic Character and Appearance  
It is considered that the main issue to be taken into account in determination of this application focuses on whether the proposed internal/external works and alterations have an adverse effect on the buildings special architectural or historic appearance.
- 7.10 To this effect, the applicant's agent has been in detailed discussions/negotiations with the officers, in order to ensure that the works required to facilitate the conversion of the building into

residential use will not have an adverse impact on the special architectural and historic character and appearance of the building. These specific details are now considered acceptable, subject to the imposition of conditions to control specific aspects of design in the scheme of conversion and adaptation.

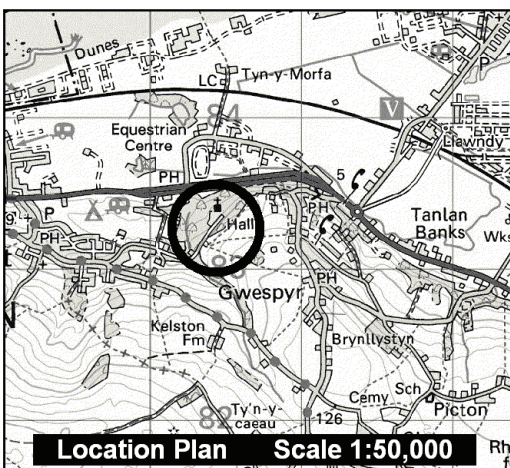
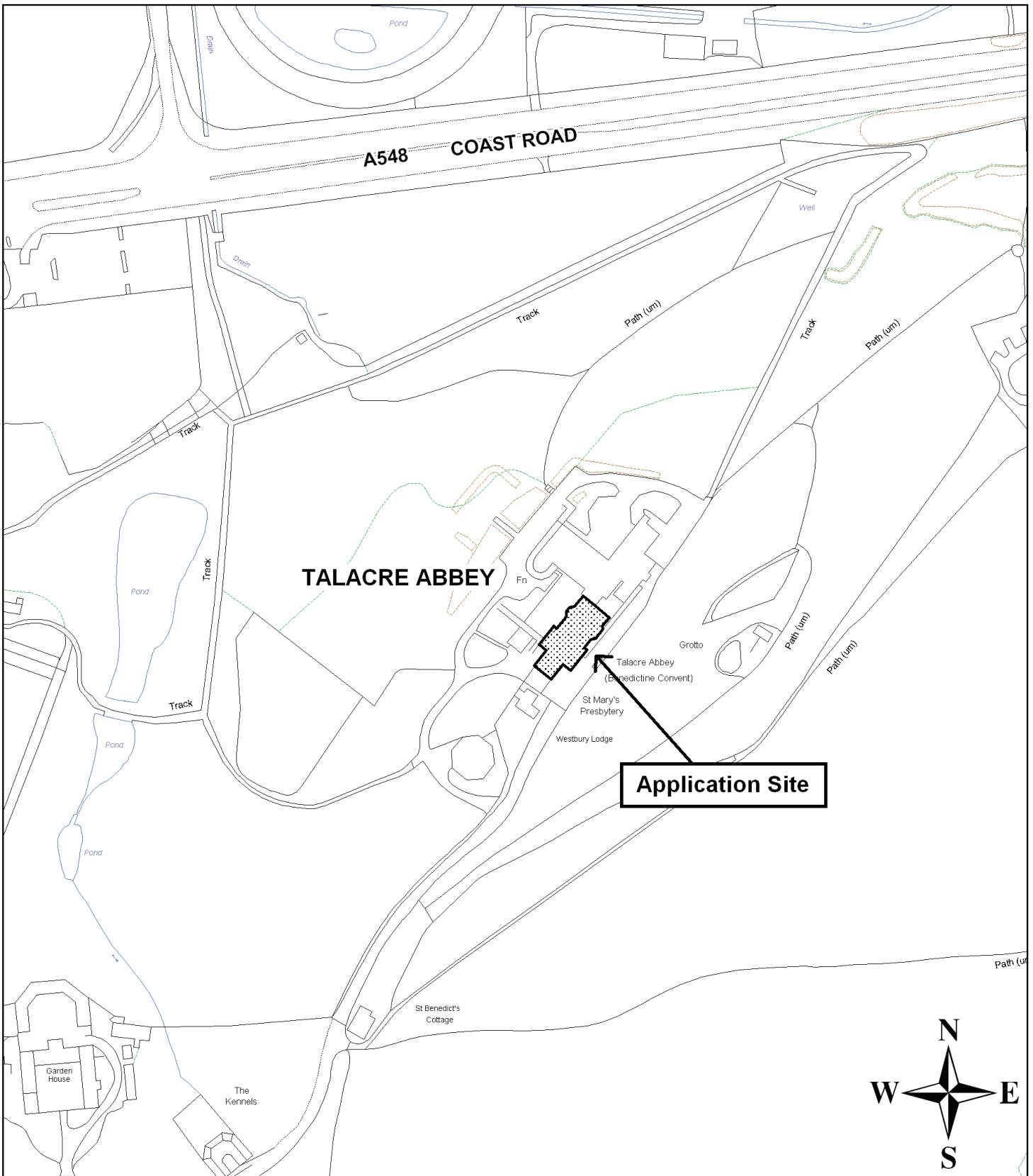
## **8.00 CONCLUSION**

8.01 In conclusion it is considered that the proposals will not have a detrimental impact on the character and appearance of this listed building. Detailed discussions and negotiations have taken place with the applicant's agent in progression of this application to ensure that any development retains and enhances the buildings special architectural and historic character. I therefore recommend accordingly.

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  
**Telephone:** (01352) 703269  
**Email:** Robert.mark.harris@flintshire.gov.uk

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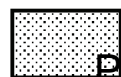


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application	<b>50265</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **19<sup>TH</sup> JUNE 2013**

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

**SUBJECT:** **FULL APPLICATION – CHANGE OF USE OF UPPER FLOOR OF VACANT RETAIL UNIT TO CREATE 6 NO. SELF-CONTAINED FLATS AT 57 CHESTER ROAD WEST, SHOTTON**

**APPLICATION NUMBER:** **050508**

**APPLICANT:** **MR. A ISMAIL**

**SITE:** **57 CHESTER ROAD WEST, SHOTTON CH5 1SU**

**APPLICATION VALID DATE:** **14<sup>TH</sup> FEBRUARY 2013**

**LOCAL MEMBERS:** **COUNCILLOR MRS. A. MINSHULL**

**TOWN/COMMUNITY COUNCIL:** **SHOTTON TOWN COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST GIVEN CONCERNS ABOUT CONFLICT WITH VEHICULAR MOVEMENTS TO EXISTING RETAIL PREMISES, OVERDEVELOPMENT AND LACK OF PARKING**

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

### **1.00 SUMMARY**

1.01 This full application proposes the change of use of the first floor of an existing building at 57 Chester Road West into 6 No self-contained flats. It is also proposed to form a new access door within the front elevation to serve the units and introduce 4 new window openings into the rear elevation.

### **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 or advance payment of a commuted sum of £733 per flat towards the improvement of existing recreational facilities in the community.

Conditions

1. Time limit on commencement
2. In accordance with approved details
3. No surface water to connect into public sewerage system
4. No land drainage to discharge into public sewerage system
5. Foul and surface water to discharge separately from the site.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to **REFUSE** the application.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Mrs. A. Minshull

Request site visit and Planning Committee determination given concerns about conflict with vehicular movements to existing retail premises, overdevelopment and lack of parking

Shotton Town Council

The Council's County Councillor has requested site visit on this application and objects on the following grounds, safety issues, delivery/home delivery services, parking, over density, extra volume sewage into system, overdevelopment of multiple occupation properties in the area.

Public Open Spaces Manager

Request the payment of a commuted sum of £733 per unit towards the improvement/enhancement of recreational facilities in the community.

Head of Assets and Transportation

No objections as the proposal is within a town centre location.

Head of Public Protection

Awaiting response at time of preparing report.

Welsh Water/Dwr Cymru

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



#### **4.00 PUBLICITY**

- 4.01 Press Notice, Site Notice, Neighbour Notification  
No responses received.

#### **5.00 SITE HISTORY**

- 5.01 None relevant.

#### **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy STR4 – Housing  
Policy GEN1 – General Requirements for Development  
Policy GEN2 – Development Inside Settlement Boundaries  
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 S10 – Conversion of Upper Floors

##### Additional Guidance

- Local Planning Guidance Note 2 – Space Around Dwellings  
Local Planning Guidance Note 11 – Parking Standards

#### **7.00 PLANNING APPRAISAL**

- 7.01 The building the subject of this application is located on the southern side of Chester Road West, Shotton on the corner of the junction with Victoria Road..
- 7.02 The ground floor of the building is currently vacant but was formerly used as a retail unit. It is located within the settlement and town centre boundaries of Shotton as defined in the adopted Flintshire Unitary Development Plan.
- 7.03 Proposed Development  
The plans submitted as part of this application propose the conversion of the first floor of the building at 57 Chester Road West into 6 No. self-contained flats comprising 2 x studios, 3 x 1 bed flats and 1 x 2 bed flat. It is proposed to form a new separate access door on the front elevation of the building to serve the first floor flats and introduce 4 new first floor windows into the rear elevation.
- 7.04 Main Planning Issues  
It is considered that the main planning issues can be summarised as follows:-

- a) principle of development
- b) impact on character of site and surroundings
- c) adequacy of parking
- d) impact of development on existing retail premises at this location

7.05 Principle of Conversion

The principle of the conversion of the upper floor of a building into apartments/flats within a settlement boundary and town centre location is considered to be acceptable in accordance with the planning policy framework subject to the safeguarding of relevant amenity and design considerations. Policy S10 permits the conversion of upper floors subject to i) satisfactory on site or off site public car parking be available ii) the operation of the ground floor use not being adversely affected and iii) in the case of residential conversions, adequate residential amenity can be assured.

7.06 Impact on Character of Site and Surroundings

The proposed introduction of a new access door on the front elevation and 4 new windows within the rear elevation of the building would not have a detrimental appearance on the character of the building or street scene at this location.

7.07 Access and Parking

Given the existing pattern of development at this location, there are no parking facilities available within the site curtilage to serve the proposed development. In support of the application the applicant considers that the "site lies in a highly sustainable location, where there are alternative modes of transport to the private car." Consultation on this aspect of the development has been undertaken with the Head of Assets and Transportation who raises no objection to the development given the site's location within the town centre and proximity to existing car parking facilities/alternative modes of transport.

7.08 Impact on Existing Retail Premises

Whilst the concerns relating to the impact of the proposed development on existing retail premises are duly noted, the site is located within a town centre location where there is a mix in the type and size of retail outlets. The use and servicing of these units is currently undertaken along side the occupation of existing residential properties in the locality. It is considered that the scale of development proposed would not cause detriment to the vehicular movements associated with deliveries to these premises.

7.09 Other Considerations

The conversion of the upper floor into self-contained apartments is not considered likely to adversely affect the use of the ground floor retail unit. As a general principle, the introduction of residential accommodation into town centres can assist in promoting their vitality, particularly in the evening. It is considered that the proposed self

contained apartments will enjoy adequate levels of amenity in line with policy requirements.

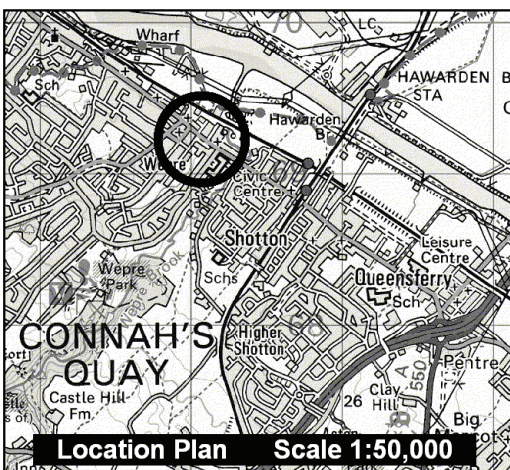
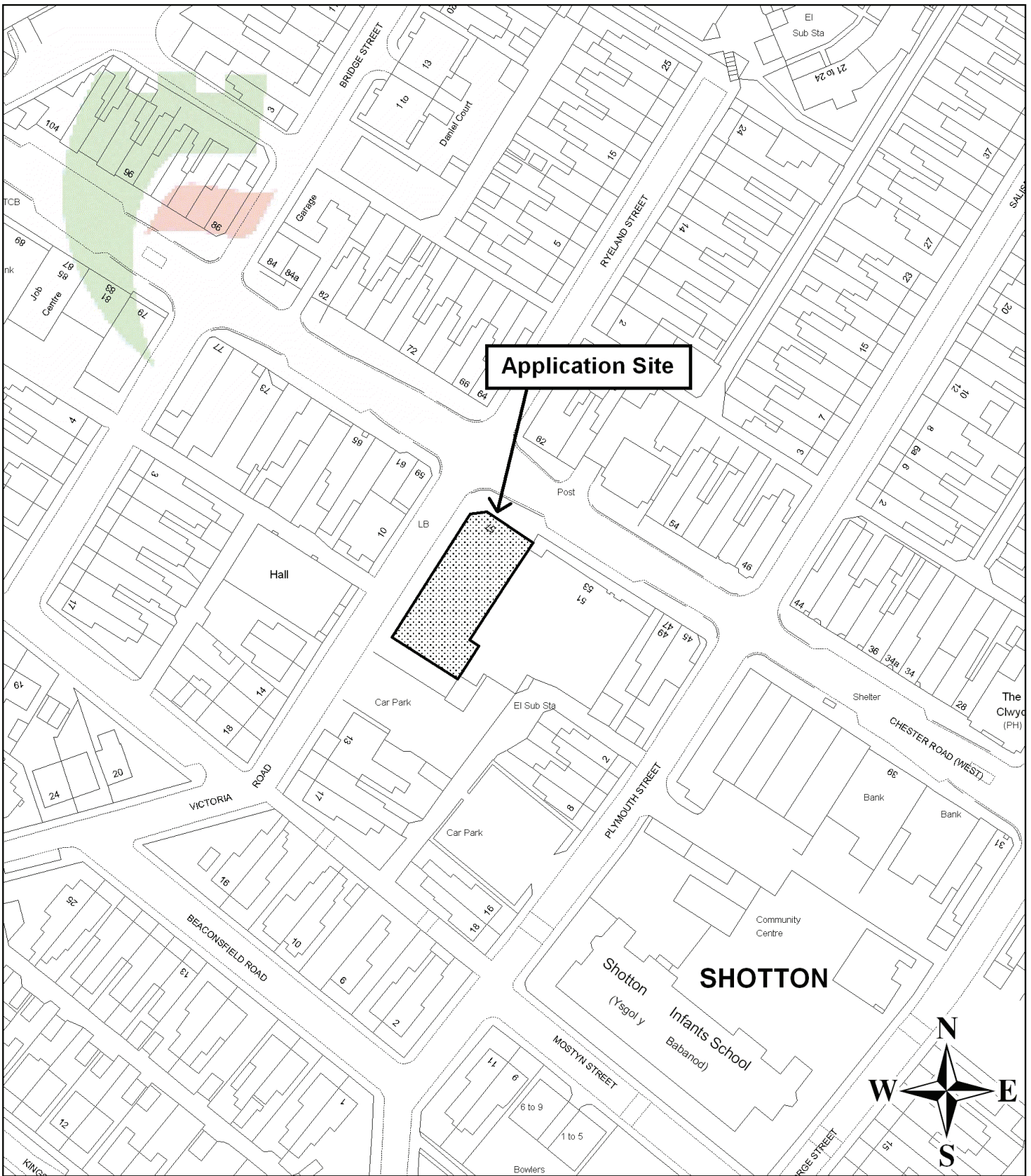
## **8.00 CONCLUSION**

- 8.01 It is considered that the principle of the conversion of the first floor of the building into 6 No. apartments is acceptable at this location providing an alternative use for the building which has remained vacant for a period of time. The additional use of the first floor would not preclude the ground floor being used for further commercial use at a later date. The external alterations would improve the visual appearance of the building within the street scene and the Head of Assets and Transportation considers the proposal to be acceptable given the town centre location and relationship to existing car parking facilities and alternative modes of transport. I therefore recommend accordingly.

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  
**Telephone:** 01352 703269  
**Email:** robert.m.harris@flintshire.gov.uk

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

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 3068

Planning Application **50508**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **19<sup>TH</sup> JUNE 2013**

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

**SUBJECT:** **FULL APPLICATION – CHANGE OF USE FROM SHOP TO A DWELLING INCLUDING MINOR ALTERATIONS AT 98 CHESTER ROAD WEST, SHOTTON, DEESIDE**

**APPLICATION NUMBER:** **050698**

**APPLICANT:** **MRS. VIRGINIA HAMMOND**

**SITE:** **98 CHESTER ROAD WEST, SHOTTON, DEESIDE**

**APPLICATION VALID DATE:** **22<sup>ND</sup> APRIL 2013**

**LOCAL MEMBERS:** **COUNCILLOR MRS A. MINSHULL**

**TOWN/COMMUNITY COUNCIL:** **SHOTTON TOWN COUNCIL**

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

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

### **1.00 SUMMARY**

- 1.01 This application is for change of use of the ground floor from a shop to a dwelling including both minor external and internal alterations at 98 Chester Road West, Shotton, Deeside.
- 1.02 The main issues for consideration are the principle of the development in planning policy terms, the highway implications, and the effects upon the amenities of adjoining residents. The premises is located outside of the core retail area, has sufficient off street car parking, will match the external appearance of the dwelling next door and will not detrimentally affect the amenities of the adjoining occupiers.

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

2.01 That planning permission be granted subject to conditions.

Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Suitable scheme of enhanced double / secondary glazing for living / bedrooms submitted to and agreed in writing by the Local Planning Authority prior to commencement.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Mrs. A. Minshull

Requests Committee determination due to the loss of existing traders for over 30 years on main shopping high street of Shotton. Also Flintshire County Council are trying to get businesses into the town. Requests a site visit for Members to look at the number of vacant shops in the area.

Shotton Town Council

Fully support Councillor Minshulls objections of loss of amenities, the site is in the middle of a row of shops and high street position.

Head of Assets and Transportation

No response received to date.

Head of Public Protection

Site is immediately adjacent to the busy Chester Road West. Specific measures are necessary to protect the amenity of future residents. Suggests a condition requiring scheme of enhanced double/ secondary glazing the living/bed rooms overlooking Chester Road West be submitted prior to their installation.

Head of Regeneration

Whilst it is essential that the core retail areas in towns are safeguarded to maintain their viability through a critical mass of footfall – generating uses, the conversion of outlying areas to non-retail uses is inevitably. Do not wish to oppose the application. Important to have an attractive frontage as it sits in a very prominent position.

**4.00 PUBLICITY**

4.01 Site, Notice, Neighbour Notification

No responses received to date.



## **5.00 SITE HISTORY**

### **5.01 4/1/5005**

Erection of internally illuminated shop sign – consent 2<sup>nd</sup> May 1978.

#### **Adj Site – 100 Chester Road**

96/10/00083 – Change of use of hairdressing salon – granted 19<sup>th</sup> June 1996.

## **6.00 PLANNING POLICIES**

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

Policy STR1 – New Development

Policy STR4 – Housing

Policy STR5 – Shopping Centres and Commercial Development

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside

Policy D1 – Design Quality, Location and Layout

Policy D2 - Design and Access Statement

Policy AC13 – Access and Traffic Impact

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries

The premises lies outside of the Town Centre Core Retail Area, therefore, in planning policy terms, there is no need to retain this retail unit. It is also located within the boundary of Shotton which is classed as a 'Category A' settlement and therefore the change of use to a residential unit is also considered acceptable in relation to HSG3 of the Flintshire Unitary Development Plan.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description**

The site comprises of the vacant Owens Travel Agency. It forms a row of late Victorian properties which have been converted to a mix of uses including residential, offices, insurance brokers, takeaway and a hairdressers. It is located upon the northern side of Chester Road West in-between a residential property and shoe repair and key cutting unit. It is also located to the west of the main High Street of Shotton. At the rear is a road which is located off Bridge Street.

7.02 The proposal involves change of use of the ground floor from A1 (retail) to D1 (residential). It also involves both internal and external alterations. The external works involve the removal of shop signage and metal roller shutters to be replaced with a render finish to match the adjacent residential unit at the front, replacement of the existing from UPVC door with a new slightly smaller door at the front and the reinstatement of a window to the rear.

- 7.03 Issues  
The main issues to consider within the determination of this planning application are the principle of the development in planning policy terms, the highway implications, the effects upon the visual appearance and character of the area and the effects upon the amenities of adjoining occupiers.
- 7.04 Principle of Development  
The site lies approximately 50m from the western edge of the town centre core retail area and therefore in planning policy terms, there is no need to retain this unit for retail purposes. The premises immediately to the west is a residential unit with other no retail uses as well within this row.
- 7.05 Whilst the town centres in Flintshire have to some extent fared better than their comparators in the UK with lower vacancy rates, there is a national decline in retailing in lower order town centres. Changing consumer behaviour in favour of supermarkets, out of town retail parks and the internet is dramatically changing the face of town centres.
- 7.06 The challenge for each town is that they are left with a far larger stock of retail properties than can be sustainably supported in the future. Whilst it is essential that the core retail areas in the towns are safeguarded to maintain their viability through a critical mass of footfall – generating uses, the conversion of outlying areas to non-retail uses is inevitable.
- 7.07 The site is also located within the settlement boundary of Shotton which is classed as a 'Category A' settlement and therefore the change of use to a residential unit is also considered acceptable in relation to HSG3 of the Flintshire Unitary Development Plan.
- 7.08 It is intended that the proposed residential unit will utilise two off street car parking spaces to the rear of the building. This number of spaces accords with the Council's standards and thus it is considered that the development will not lead to on street parking and thus not having a detrimental impact on highway safety.
- 7.09 Character and Appearance of Area  
As the proposed external alterations to the front will match those of the existing property at No. 100 which is immediately to the west, it is considered that these developments will not have a significant detrimental impact upon the character and appearance of the area.
- 7.10 Effects Upon Amenities of Adjoining Occupiers  
The only external alteration to the premises that could possibly have an effect on the adjoining occupier of No. 96 is the reinstatement of a ground floor window. However, given the position of the adjoining windows and that they are high level, this proposed external alteration

will not have a detrimental impact upon the amenities of adjoining occupiers in terms of loss of privacy.

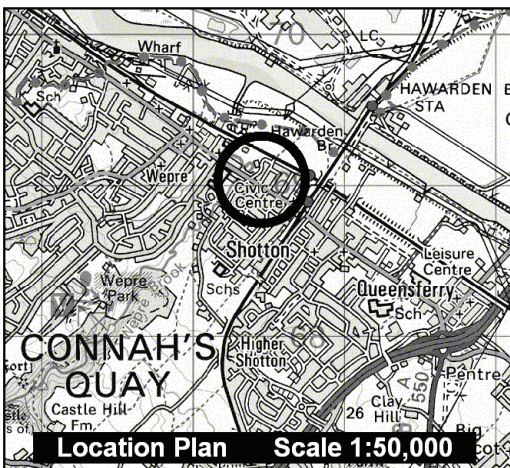
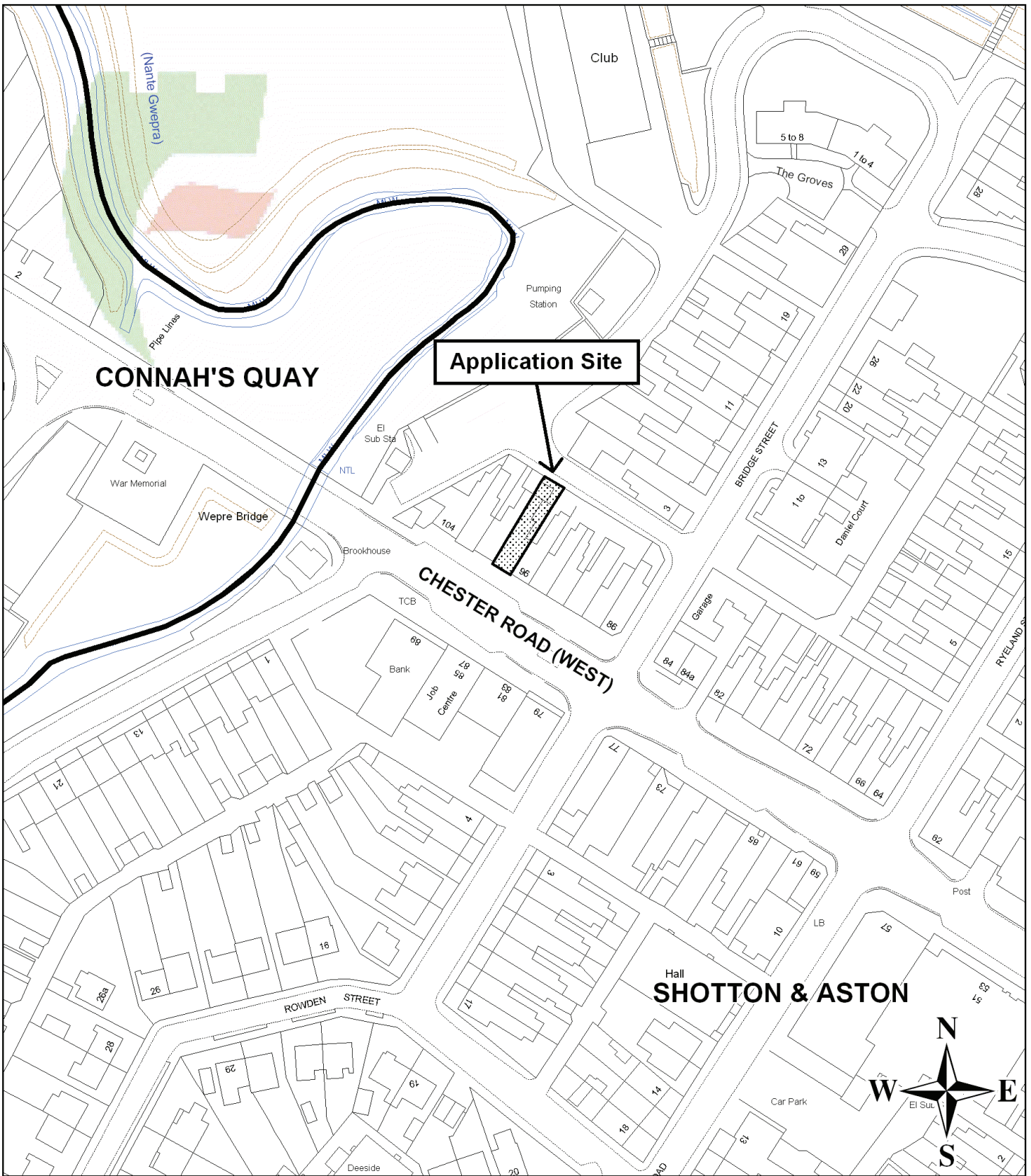
## **8.00 CONCLUSION**

- 8.01 For the reasons above, it is considered that the proposals are acceptable in terms of the principle of the development in planning policy terms, the highway implications, the effects upon the character and appearance of the area and the effects upon the amenities of adjoining occupiers.

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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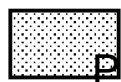


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 3069

Planning Application 50698

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 19<sup>TH</sup> JUNE 2013**

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

**SUBJECT:** **PART RETROSPECTIVE APPLICATION ERECTION OF A GABION WALL AND FENCE AT CWM Y GRAIG, RHEWL, MOSTYN.**

**APPLICATION NUMBER:** **050154**

**APPLICANT:** **MR FRANK TAYLOR**

**SITE:** **“CWM Y GRAIG”, RHEWL, HOLYWELL**

**APPLICATION VALID DATE:** **21/ 9/2012**

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

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

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUESTS COMMITTEE DETERMINATION IN VIEW OF CONCERNS OVER THE IMPACT OF THE DEVELOPMENT.**

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

### **1.00 SUMMARY**

1.01 This application seeks retrospective permission for the retention of a gabion wall and a wooden panel fence erected in the rear garden of the existing detached house Cwm y Graig, Rhewl, Mostyn. It is also proposed to erect similar fencing to the eastern side of the property.

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

1. Development carried out in accordance with the submitted details of the planning application.

### **3.00 CONSULTATIONS**

3.01 Local Member

Councillor P Heesom:

Refers to an ownership issue and expresses concerns about aspects of the development.

Mostyn Community Council:

The Council are opposed to the application because of encroachment on to neighbouring property and the related flood risk.

Head of Public Protection:

No response received at time of writing.

Building Control:

A Building Regulations application will not be required

Environment Agency:

The Environment Agency has assessed the application as having a low environmental risk, however standard advice is relevant with any consent issued.

Structural Engineer:

The Council's structural engineer has confirmed that the gabions will suffice for the purpose intended and the ground profile should not impose sufficient loading, even in the long term, that would overwhelm the gabions.

Drainage:

Have no observation to make on the application.

**4.00 PUBLICITY**

**4.01 Neighbour Notification**

One letter of objection received at time of writing , objecting on the following grounds;

- Dispute over ownership of the land
- Applicant claimed no trees /hedges on site but there were prior to development and no environmental /ecological assessments undertaken
- The wall has been erected no more than approximately 3m from the stream which runs through the valley, culverted in 2003/4
- The stream has been piped underground in 2003-4
- Concern over volume of water flows in periods of heavy rain and concerned about impact any leakage would have
- Bank appears to have been severely weakened by the excavations carried out and left in a perilous condition
- Coal mining history of the area

**5.00 SITE HISTORY**

**5.01 035214**

Erection of Dwelling Permitted 09.10.04



**038572**

Erection of Detached Dwelling Permitted 07.02.05

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

GEN1 General Requirements for Development

GEN 2 Development Inside Settlement Boundary

D2 Design

EWP17 Flood Risk

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This application seeks retrospective permission for the retention of the gabion, wall and fence erected to the rear of Cwm y Graig and a similar fence to the side of the property.

7.02 Permission has been granted previously for the erection of Cwm y Graig, a detached two storey dwelling, within the settlement boundary of Rhewl Mostyn. The existing fence and gabion wall is within the rear garden area of the property. As part of the consultation procedure land ownership issues have been raised, however the application has confirmed ownership of the land and the planning application has been submitted with Certificate A completed by the applicant. Any dispute over ownership is a civil matter for both parties to pursue, outside the planning process.

7.03 Site Structural Integrity

The application site land levels fall away from the front of the site to the rear which lies within the valley occupied by a culverted watercourse. The gabion walls have been constructed to retain the land on the other side of the valley on the boundary with the steeply sloping land owned by the objectors. The rear of the site has a post and wire fence in situ above the gabion wall, beyond which is a wooded area. The Council's structural engineer has assessed the excavations and structures on site and the details of the application and has confirmed that the gabions and fences are sufficient for the purpose intended, and that even in the long term the sub ground profile will not impose sufficient loading, that would overwhelm the gabions. I am therefore satisfied with regard to the structural integrity of the development.

7.04 Development Site

The works carried out are not prominent in the street scene and are enclosed within the rear garden area of the property. To the rear of the site is steeply sloping wooded land which lies outside the settlement boundary for Rhewl in the Unitary Development Plan. Planning permission was granted for the erection of the dwelling under reference 038572 before the Unitary Development Plan boundary was changed and the gabion wall and fencing are within the plot.

7.05 Drainage

Concerns had been raised with regards to the development site and the impact it may have upon the stream /culvert and the impact upon the drainage infrastructure and on the site. The proximity of the gabions have been assessed by the structural engineer , the council' s drainage section and the Environment Agency, none of these sections have raised any concern with regard to the development and the stream /culvert on the site. It is also significant that the stream had been culverted before planning permission was granted for the erection of the dwelling and it was not seen as an issue. In view of these responses I am of the opinion that the works contained in this application can not be considered to be detrimental to drainage interests.

7.06 Coal Mining

Whilst it is noted that the Coal Authority records indicate that there are coal mining features and hazards in this area they are of the opinion that any features including unrecorded coal mining at shallow depth and mine entries would have been encountered at the time the dwelling was erected. Considering the nature of this current development the former coal mining activity has little or no relevance .

7.07 Ecological Issues

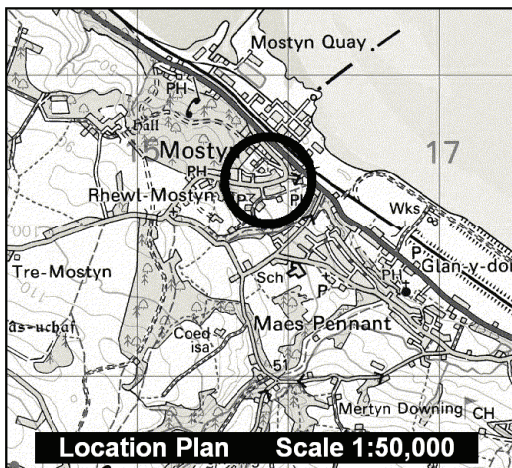
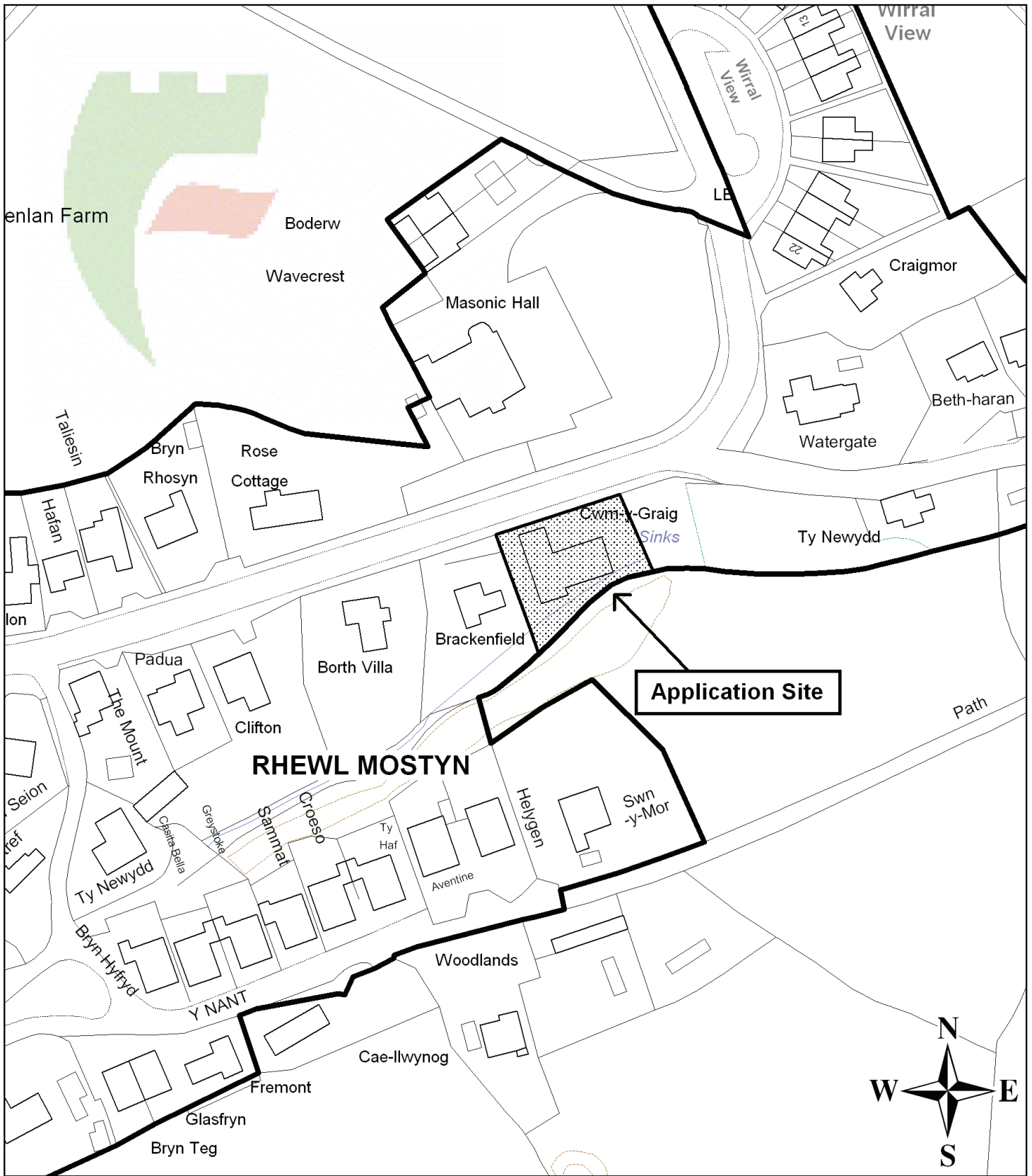
As the land comprised in the application lies within the residential plot and is effectively garden area any ecological impact is minimal, despite the application being partly retrospective.

**8.00 CONCLUSION**

8.01 I am of the opinion that due the small scale nature of the development and its location to the rear of the property , the development does not adversely impact upon the area or the street scene and as such the proposal is considered to be compliant with the above polices .

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

**Contact Officer: Barbara Kinnear**  
**Telephone: 01352 703260**  
**Email: barbara.kinnear@flintshire.gov.uk**



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

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 1580

Planning Application **50154**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **19<sup>TH</sup> JUNE 2013**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 10 NO. HOUSES WITH ASSOCIATED PARKING AND ACCESS ON LAND TO THE SIDE AND REAR OF 53 BRUNSWICK ROAD, BUCKLEY**

**APPLICATION NUMBER:** **050804**

**APPLICANT:** **OVERLEA ESTATES/SANDLEA ESTATES**

**SITE:** **LAND TO THE SIDE OF 53 BRUNSWICK ROAD, BUCKLEY**

**APPLICATION VALID DATE:** **15<sup>TH</sup> MAY 2013**

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

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

**REASON FOR COMMITTEE:** **REQUIREMENT FOR EDUCATIONAL CONTRIBUTION AS PART OF THE PROPOSED DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This full application proposes the erection of 10 No. houses with associated parking and access on land to the side and rear of 53 Brunswick Road, Buckley. The application has been resubmitted following the withdrawal of a previous application 050497 on 15<sup>th</sup> May 2013, for the erection of 12 No. dwellings at this location. This followed particular concerns by officers, Members and the Town Council that the scale/form of development being proposed was out of character with the site/surroundings and represented overdevelopment of the site at this location.

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

2.01 That subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of:- (a) £1,100 per dwelling in lieu of on-site play provision and (b) an educational contribution of £24,514 towards the provision of primary school places at Mountain Lane Primary School that planning permission be granted subject to the following conditions:-

1. Time limit on commencement.
2. In accordance with approved plans.
3. Materials to be submitted and approved.
4. No part of buildings to be permitted within safety zone of combined and foul sewers.
5. No land drainage to discharge into public sewerage system.
6. No surface water to discharge into public sewerage system
7. Foul and surface water to be drained separately from the site.
8. Hard / soft landscaping scheme to be submitted and approved.
9. Implementation of landscaping scheme.
10. Code for sustainable homes pre-commencement and post construction.
11. First floor landing window in gable elevation of plot 10 to be obscurely glazed.
12. Boundary treatment on northern boundary to be undertaken prior to the occupation of any dwellings hereby permitted.
13. Scheme for boundary treatment to the rear of existing commercial premises on Brunswick Road to be submitted and approved.
14. Full highway design details to be submitted and approved.
15. Parking / turning facilities to be provided prior to the occupation of the units to which they relate.
16. Details of management of grassed areas adjacent to site entrance to be submitted and approved.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to **REFUSE** the application.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor M. J. Peers

Awaiting response at time of preparing report.

Councillor D. Hutchinson

Awaiting response at time of preparing report

Buckley Town Council

The following observations are forwarded questioning whether:-(a) adequate publicity and consultation on the application has been

undertaken (b) the intention to retain existing trees within the site as these have subsequently been removed (c) the extent of the curtilage areas associated with the dwelling units (d) the parking arrangements relative to the site access are acceptable in order to prevent a conflict of vehicular movements.

Head of Assets and Transportation

No objection on the basis of amended plans subject to conditions relating to highway design and parking / turning facilities being provided.

Head of Public Protection

Awaiting response at time of preparing report.

Dwr Cymru/ Welsh Water

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

Environment Directorate (Rights of Way)

No observations as there are no affected public footpaths or bridleways in the immediate vicinity.

Public Open Spaces Manager

Request the payment of a commuted sum of £1,100 per unit towards the improvement/enhancement of recreational facilities within the community.

Head of Lifelong Learning

Request the payment of an educational contribution of £24,514 towards the provision of additional school places at Mountain Lane Primary School.

Clwyd Powys Archaeological Trust

No archaeological implications for the proposed development.

**4.00 PUBLICITY**

4.01 Site Notice, Neighbour Notification

2 letters of objection received, the main points of which relate to:-

- Inadequacy of and limited parking at this location.
- Over-development and impact on the privacy/amenity of the occupiers of existing residential properties.

**5.00 SITE HISTORY**

5.01 **039287**

Outline – Proposed residential development. Permitted 13<sup>th</sup> September 2005.

**042847**

Erection of 20 No. apartments and associated car parking. Permitted

9<sup>th</sup> November 2007.

**050497**

Erection of 12 No. houses and associated parking. Withdrawn 15<sup>th</sup> May 2013.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

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 and Access Statement

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy HSG8 – Density of Development

Additional Guidance

Local Planning Guidance Note 2 – Space About Dwellings

Buckley Town Centre Masterplan April 2011

**7.00 PLANNING APPRAISAL**

7.01 Introduction

The site, the subject of this application which is currently vacant, amounts to approximately 0.2 hectares in area. It is located at the end of Victoria Road, to the rear of existing properties at Pemba Drive. The site has a substantial frontage onto Brunswick Road but also continues to the rear of existing commercial properties at 53 – 61 Brunswick Road.

7.02 Planning Policy/Background

The site is located within the settlement and town centre boundaries of Buckley as defined in the Flintshire Unitary Development Plan. As highlighted in paragraph 5.00 of this report, the principle of residential development on the site has been established following the grant of planning permission under Code Nos. 039287 and 042847 in 2005 and 2007 respectively.

7.03 Proposed Development

The plans, the subject of this application propose the erection of a total of 10 No. 2 storey dwellings to be constructed having facing brick/render external walls and concrete tile roofs. Seven of the dwellings form frontage development onto Brunswick Road and Victoria Road, with a terrace of 3 No units proposed at 90° to the rear of existing buildings at 57 – 61 Brunswick Road. Vehicular access to serve the development is proposed off Victoria Road.

7.04 Main Planning Issues

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



- a) Principle of development having regard to the planning policy framework
- b) Scale of development
- c) Impact on character of site and surroundings
- d) Impact on privacy/amenity
- e) Adequacy of access/parking
- f) Landscaping and boundary treatment
- g) Open and play space
- h) Educational contribution requirements

7.05 Principle of Development

The site is located within the settlement boundary of Buckley as defined in the Flintshire Unitary Development Plan and has previously had the benefit of planning permission for residential development, this being permitted under Code Nos. 039287 and 042847 in 2005 and 2007 respectively. The principle of residential development on this site is therefore well established subject to ensuring a satisfactory well balanced layout and the safeguarding of residential amenity.

7.06 Scale of Development

The scale of development proposed as part of this application has been reduced to 10 No. dwellings from 12 No. dwellings initially proposed on the site under application code 050497, which was withdrawn on 15<sup>th</sup> May 2013.

7.07 It is considered that the scale of development now proposed on a site area of approximately 0.2 hectares, would not result in overdevelopment at this location. The house types proposed would help to retain a sense of enclosure onto Brunswick Road and would also be reflective of the scale/form of existing residential development at Pemba Drive.

7.08 Impact on Character of Site and Surroundings

The site is located on a prominent road frontage within the town centre of Buckley, within which there is a mix of different house types/designs. For Members information this part of the town centre is identified in the Buckley Town Centre Masterplan 2011 as a poor gateway to the town centre which requires enhancement. This revised application has been the subject of extensive discussions with officers, to ensure that any development continues the existing pattern of frontage development onto Brunswick Road and forms a key focal point where it meets Victoria Road. This it is considered will substantially enhance the appearance of this site/surroundings at this location.

7.09 Impact on Privacy/Amenity of Occupiers of Existing/Proposed Dwellings

Individual consultation on the application has been undertaken with the occupiers of existing residential properties and commercial premises which are adjacent to the application site. The concerns raised following this exercise relating to the impact of development on

the privacy/amenity of occupiers of both existing/proposed dwellings are duly noted having particular regard to (i) the separation distances between dwellings and (ii) the extent of the residential curtilage areas associated with the dwellings.

7.10 For Members information, the distances and orientation of the proposed properties at the closest point to those at Pemba Drive (No's 10/12) and residential accommodation at ground floor level in the rear wing of 61 Brunswick Road would be in accord with the Councils Space About Dwellings Guidance, ensuring that privacy/amenity are safeguarded as part of the proposed development. The applicant however proposes that the first floor landing window in the gable of the dwelling to the rear of 10/12 Pemba Drive is obscurely glazed. In addition the curtilage areas associated with the dwellings would be acceptable in this town centre location.

7.11 Access/Parking

Vehicular access to serve the development is proposed off Victoria Road. Consultation on the application has been undertaken with the Head of Assets and Transportation on the acceptability of the access and proposed parking arrangements within the site layout. Following the receipt of amended plans repositioning a number of parking spaces proposed to serve the dwellings in proximity to the site entrance, the Head of Assets and transportation confirms that there is no objection to the development subject to the imposition of conditions in respect of highway design and parking / turning facilities being provided prior to occupation of the dwelling(s) to which they relate.

7.12 Landscaping / Boundary Treatment

The concerns relating to the loss of the trees which previously existed on the site are duly noted. The redevelopment of the site as proposed will however offer opportunity for a hard / soft landscaping scheme to be undertaken which will help to soften the impact of the development in this town centre location. If Members are mindful to recommend the grant of permission this aspect of the development can be covered by the imposition of conditions.

7.13 In addition, it is proposed that a 1.8m high close boarded fence is introduced along the length of the common site boundary with existing properties at Pemba Drive. This will, it is considered, help to improve the privacy / amenity of the occupiers of existing / proposed dwellings and provide for a consistency in the use of materials and design of the boundary treatment which will enhance the visual appearance of the development.

7.14 Open & Play Space

The Public Open Spaces Manager considers that the provision of on-site recreational facilities is not required given the proximity of existing provision within the town. Accordingly, it is requested that the development is subject to a commuted sum payment of £1,100 per dwelling towards the improvement/enhancement of existing facilities within the community.

7.15 Educational Contributions

Given the scale of development proposed, consultation on the application has been undertaken with the Head of Lifelong Learning to ascertain whether the proposed development is subject to the need for an educational contribution towards primary and/or secondary school provision.

- 7.16 It has been calculated that the development will give rise to the placement of two primary age pupils and two children of secondary school age. For Members information there is no capacity issue arising at Elfed High School for Secondary age children, as the school already has more than 39% surplus places. It is considered however that the development will increase pressure on Mountain lane Primary School which is already exceeding capacity by 50 pupils. Accordingly a contribution of £24,514 is sought, which if Members are mindful to grant planning permission for the development will be secured via a Section 106 Obligation.

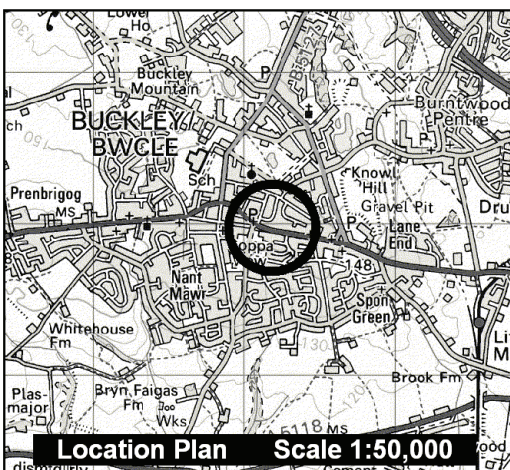
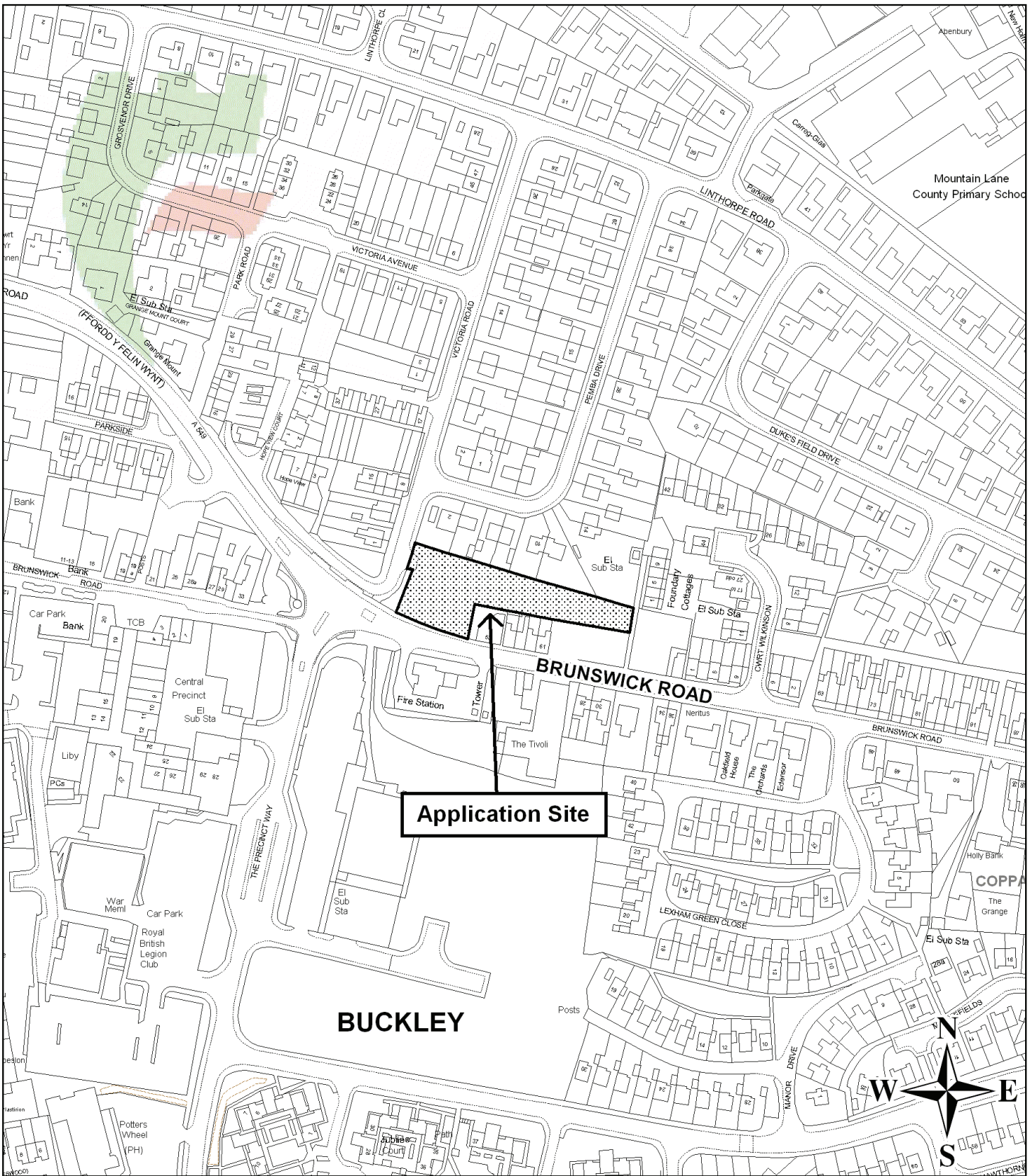
**8.00 CONCLUSION**

- 8.01 In conclusion, it is my view that the scale/form of development proposed as part of this amended application would be sympathetic to the character of the site and surroundings. The proposal will continue the pattern of existing frontage development onto Brunswick Road enhancing this important focal point within Buckley Town Centre. Whilst concerns have been expressed regarding the impact of development on the privacy/amenity of the occupiers of existing properties, the orientation/distances would be in accord with the Councils Space Around Dwellings Guidance. In addition there is no objection to the development from the Head of Transportation subject to the imposition of conditions and I therefore recommend accordingly.

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**  
**Telephone: 01352 703269**  
**Email: robert.m.harris@flintshire.gov.uk**

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**Application Site**

**BUCKLEY**

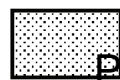


Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary



Application Site Extent

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Planning Application **50804**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 19<sup>TH</sup> JUNE 2013**

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

**SUBJECT:** **ENGINEERING WORKS TO PROVIDE FLOOD DEFENCE STRENGTHENING ALONG 1.5KM OF THE RIVER DEE EMBANKMENT, TO INCLUDE SHEET PILING TO A MAXIMUM DEPTH BELOW GROUND OF 12M AND A MINIMUM HEIGHT OF 7.2M AOD AND A PROPOSED TEMPORARY ACCESS ROUTE AND SITE COMPOUND AT RAF SEALAND, SOUTH CAMP, WELSH ROAD, SEALAND**

**APPLICATION NUMBER:** **050730**

**APPLICANT:** **WELSH GOVERNMENT**

**SITE:** **RAF SEALAND, SOUTH CAMP, WELSH ROAD, SEALAND**

**APPLICATION VALID DATE:** **19/04/13**

**LOCAL MEMBERS:** **COUNCILLOR C JONES**

**TOWN/COMMUNITY COUNCIL:** **SEALAND**

**REASON FOR COMMITTEE:** **MAJOR DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This is an application for the strengthening of the existing flood defence along the north bank of the Dee Estuary between Hawarden Bridge and the A494 Bridge to the south of Garden City. This work is required to protect the existing settlement of Garden City from any breaching of the existing River Dee embankment and also to facilitate the wider development of the Northern Gateway sites and the Deeside Enterprise Zone.

1.02 The main impacts of the works are the noise and vibrations generated by the piling method on the residential properties on Claremont Avenue and migratory fish using the River Dee. These impacts would be of a temporary nature and can be mitigated by the choice of piling method. The public right of way along the length of the embankment would also need to be closed for the duration of the works. Conditions have therefore been imposed to control the impacts of the works.

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

- 2.01
1. Time commence
  2. In accordance with plans
  3. Details of the construction, visibility and proposed methods of traffic management for the proposed point of access to the west of the Queensferry Bridge.
  4. Submission of the full details of the works including piling to ensure protection of the railway infrastructure from vibration and excavations and method statements
  5. Reinstatement of cycle path and embankment
  6. Pressing is the preferred piling method. If vibration piling is used, a full method statement is required to justify it would not cause significant environmental effects particularly with regard to migratory fish and adverse noise impacts on residential properties.
  7. Embankment reinstated to a maximum height of 7.2mAOD. Details of any scour protection works to be agreed.
  8. Submission of noise and vibration control plan and management system
  9. Construction management plan including hours of piling activities
  10. Prior to any closure of the cycle path/footpath an alternative route should be agreed
  11. Full reinstatement of path and any other areas disturbed as a result of construction.
  12. Confirmation of the access route for construction traffic.
  13. Agreement on the exact timescale of the works and hours of piling.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor C Jones

Agrees to the determination of the application under delegated powers.

3.02 Sealand Community Council  
Support the development.



- 3.03 Head of Assets and Transportation  
No objection in principle to the proposal if access is derived from the private access road serving Tata Steel. However it has been noted there is the potential for a secondary access to be utilised to the east of the Queensferry Bridge. This access would be derived directly from the County Road network and therefore a condition is required for details of the construction, visibility and proposed methods of traffic management for the proposed point of access to the west of the Queensferry Bridge.
- 3.04 Public Footpath No.1 and Public Footpath No.3 in the community of Sealand are affected by this application. If planning permission is granted, the applicant requires a Temporary Closure Order. There is no provision for any alternative cycle/footpath routes in the submitted details. The cycle path is heavily used for access to employment and also for leisure. The applicant should explore the feasibility of utilising the old Corus Road as an alternative route which runs parallel to the affected cycle path in the first instance. Other possible alternatives are existing public footpaths on the opposite side of the River Dee but these would need upgrading for cycle usage.
- 3.05 Head of Public Protection  
The applicant's noise report indicates that there is likely to be some noise disturbance to local residents from the proposed works at the Garden City end of the project. This assessment is agreed with, however, it is considered that due to the length of the project as a whole (August to November), the length of time each section will take will be relatively short i.e. a few weeks each. The noise impacts would therefore be of a relatively short duration compared to the overall benefits of the scheme. Mitigation measures should be incorporated into an appropriate noise and vibration control plan and management system. Percussive piling should not be used. It is recommended that if hydraulic piling is used it is in combination with pressed piling in the more sensitive areas closest to residential properties.
- 3.06 Natural Resources Wales  
The application site has been subject to ecological survey and assessment in respect of statutory protected species. We consider this assessment to be satisfactory for the purposes of informing the public decision making process. In our view the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any populations of European or British protected species that may be present at the application site.
- 3.07 NRW would object to the issue of consent for this proposal before completion of satisfactory assessment under the Conservation and Species Regulations 2010, which is due to be undertaken by the Local Planning Authority.

- 3.08 It is considered the potential issues such as the impact on migrating fish or the passage of redshank can be addressed by the imposition of conditions in respect of timing of operations and implementation of approved method statements.
- 3.09 Pressing is the preferred piling method unless it can be demonstrated that vibrodriving will not have significant effects.
- 3.10 A minimum crest-height of 7.2mAOD for the flood defence is in line with the historic 'design height of the northern embankment. We are therefore satisfied that the work should not increase flood-risk elsewhere as it would not raise the defences above the normal 'maintenance' level. Where the defence is already above 7.2AOD we are satisfied that the work can maintain that level. Suggest a condition to ensure reinstatement to a maximum height of 7.2AOD to ensure that flood risk to third parties is not increased.
- 3.11 The works also require Flood Defence Consent from Natural Resources Wales.
- 3.12 SP Energy Networks  
No response received at time of writing.
- 3.13 Network Rail  
No objection in principle, however it is proposed to undertake driven piling adjacent to one of Network Rail's structures which poses a potential risk and monitoring of the structure is required throughout the works. It is therefore requested a condition is imposed requiring submission of the full details of the works including piling to ensure protection of the railway infrastructure from vibration and excavations.

#### **4.00 PUBLICITY**

- 4.01 Press Notice, Site Notice, Neighbour Notification  
No responses received.

The application affects a Public Right of Way.

#### **5.00 SITE HISTORY**

- 5.01 **049320**  
Outline application for the redevelopment of a strategic brownfield site for an employment led mixed use development with new accesses and associated infrastructure including flood defences and landscaping at RAF Sealand South Camp, Welsh Road, Sealand.
- 5.02 **050125**

Employment-led mixed-use development, incorporating Logistics and Technology Park (B1,B2,B8) with residential(C3),local retail centre (A1), hotel (C1),training and skills centre (C2, D1),new parkland; conversion of buildings, demolition of barns; and associated infrastructure comprising construction of accesses, roads, footpaths/ cycle paths, earthworks and flood mitigation/drainage works at former Corus Garden City Site, Welsh Road, Garden City.

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR2 – Transport and Communications

STR3 -3 – Employment

STR4 – Housing

STR7- Natural Environment

STR8 – Built Environment

GEN1 – General Requirements for Development

D3 – Landscaping

WB1 – Species Protection

WB2 – Sites of International Importance

WB3 – Statutory Sites of National Importance

HE2 – Development Affecting Listed Buildings and their Settings

AC2 – Pedestrian Provision and Public Rights of Way

AC13 – Access and Traffic Impacts

HSG2A – Strategic Mixed Use Development Land North West of Garden City

EWP17 – Flood Risk

6.02 The proposal is in accordance with the above development plan policies.

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

This is an application for the strengthening of the existing flood defence along the north bank of the Dee Estuary between Hawarden Bridge and the A494 Bridge to the south of Garden City. This work is required to protect the existing settlement of Garden City from any breaching of the existing River Dee embankment and also to facilitate the wider development of the Northern Gateway sites and the Deeside Enterprise Zone.

### 7.02 Site Description

The proposed works are to be undertaken on the existing grassed earth embankment which is located on the northern bank of the River Dee, between the A494 road bridge and the Hawarden Railway Bridge. The existing embankment is formed of dredged material and ground water is known to be present adding to its vulnerability. There is a public right of way along the length of the embankment which will

be affected by the construction process. A small section of this footpath between the two bridges forms part of the Wales Coastal Path. To the north of the application site is predominately agricultural land, which is allocated under Policy HSG2A of the Adopted Flintshire Unitary Development Plan as a Strategic Mixed Use. At the eastern extent of the area of works there are a number of residential properties adjacent to the development site and at the western end are a number of Grade II Listed Structures; namely the vacant former John Summers clock building; Hawarden Railway Bridge; and Bascule Bridge. There are electricity pylons adjacent to the embankment at the southern end of the proposed works.

7.03 The River Dee and Bala Lake Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) are located adjacent to the proposed development. The Dee Estuary SAC, Special Protection Area (SPA) and RAMSAR site and SSSI are located on the southern river bank.

7.04 The need for the development has been informed by the Flood Risk Assessment studies undertaken as part of the outline planning application to deliver Policy HSG2A, known as the Northern Gateway.

7.05 Proposal

The works include strengthening and reinforcement of the existing flood defences along the bank of the River Dee by sheet piling along 1.2km of the River Dee embankment to a maximum below ground of 12 metres and a minimum height of 7.2m AOD. This is to ensure the structural integrity of the defence over a 100 year period. The piles will typically be located in the land side of the embankment crest, however where services constraints dictate the piles will be on the river side of the embankment. The existing grassed surface and tarmac will be reinstated following the works with complete resurfacing of the path. In addition to the sheet piling works maintenance to two existing outfalls at two locations along the embankment will also be carried out. These outfalls are at points where the Shotwick Brook and Garden City drain discharge into the River Dee.

7.06 The piling methods to be used are subject to confirmation once a contractor has been appointed for the works, however there are several options of sheet piling which are;

- Impact Driving (or percussive piling);
- Vibrodriving (or hydraulic vibratory piling); and
- Pressing (either Japanese 'Silent' Pressing Machine, Panel type 'silent' pressing machine or 'Silent' pressing and high frequency vibrating combined.)

7.07 A steel walling beam will occasionally be required where the bottom of the piles step up at cable and pipe crossings. The walling beam will be buried beneath the cycle path and will not be visible following reinstatement of the path.

- 7.08 The design of the works have been future proofed to allow for subsequent raising of the sheet piles should further strengthening of the defence be required in the future.
- 7.09 The preferred site access utilises an existing access off the B5441 Welsh Road, currently utilised for the Tata Steel site, then using an existing private road to the former John Summers building. It is proposed to create a construction compound in the former car park of this building. As this is subject to third party agreement an alternative access arrangement has also been put forward using an access from the public highway with a compound on the embankment itself.
- 7.10 During the works it will be necessary to restrict the use of the public right of way along the embankment through a temporary closure order which will be made separately to the Council's relevant department. Subject to obtaining the necessary consents the works are programmed to commence during August 2013 with completion by November 2013. Works will only take place during daylight hours and will not be lit during construction.
- 7.11 The application is accompanied by an Environmental Report including an Assessment of the potential noise and vibration impacts of the proposed works.
- 7.12 Need for the development  
The works will strengthen the existing flood defence to protect the existing settlement of Garden City and will also facilitate the development of the Northern Gateway which is a major allocation of 98 hectares for mixed use development under Policy HSG2a of the Adopted Flintshire Unitary Development Plan. The Northern Gateway is also part of the wider Deeside Enterprise Zone which has been designated by Welsh Government to promote advanced manufacturing and offers a number of incentives to attract new business to the wider area.
- 7.13 The Northern Gateway site lies entirely within Flood Zone C1 as defined by Technical Advisory Note 15: Development and Flood Risk. The Flood Consequences Assessments (FCA's) for the outline planning applications for the Northern Gateway both identify the need for flood protection measures to mitigate the tidal and fluvial flood risk to facilitate development of the site.
- 7.14 There is a Grampian style condition on application 049320 for development of half of the site allocated under policy HSG2a for the Flintshire Unitary Development Plan, preventing commencement of development until these works have been implemented. Consultation with Natural Resources Wales has indicated that a similar condition would also be imposed on application 050125 which is under consideration by this Authority.

- 7.15 Natural Resources Wales consider that as the minimum crest-height of 7.2mAOD for the flood defence is in line with the historic 'design height of the northern embankment, they are therefore satisfied that the work should not increase flood-risk elsewhere as it would not raise the defences above the normal 'maintenance' level. Where the defence is already above 7.2AOD they are satisfied that the work can maintain that level and suggest a condition to ensure any other reinstatement is to a maximum height of 7.2AOD to ensure that flood risk to third parties is not increased.
- 7.16 Issues  
The application has been screened for an Environmental Impact Assessment (EIA) prior to its submission and the Authority considered in consultation with the statutory bodies that an EIA was not required. The extent of the impacts for the works would be limited to the construction phase and are exclusively to the existing embankment. The application however is accompanied by an Environmental Report which deals with the relevant issues in relation to the sites context adjacent to the River Dee. The main environmental issues raised by the works are in relation to ecology, noise and ground conditions.
- 7.17 Impacts on the Natural Environment  
The River Dee and Bala Lake Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) are located adjacent to the proposed development. The Dee Estuary SAC, Special Protection Area (SPA) and RAMSAR site and SSSI are located on the southern river bank opposite the application site at the western end of the site.
- 7.18 The proposed works are adjacent to and not within the ecological designations. The impacts of the works are therefore limited to the impact on the species that utilise them rather than direct impacts on habitat. The area of works itself is a steep retaining embankment, with a cycle track/footpath on top. At the western end of the works adjacent to the John Summers building complex, the path is bordered by an overgrown hedge and scattered scrub and trees. Either side of the cycle track/footpath is species poor – semi improved grassland, which is closely mown for the majority of its length. The most valuable habitat within the proposed works boundary is considered to be the fringe of saltmarsh at the toe of the existing flood embankment, however the majority of the proposed works will be restricted to the terrestrial habitats at the top of the embankment and therefore will not directly affect the saltmarsh. The footprint of development has been minimised to ensure that the majority of the works take place on the landward side of the flood embankment or on the tarmac path itself, ensuring that the majority of the taller grassland and the salt marsh will not be affected by the works. Soil excavation, storage and reinstatement will be undertaken as works progress to minimise soil storage times. Reinstatement of the landward side of the flood embankment will be with the existing topsoil which will then be re-

seeded with an appropriate grass mixture.

- 7.19 A number of species surveys were undertaken in relation to the relationship of the above designations and the development of the Northern Gateway through the two outline planning applications. As these surveys are recent, this data has therefore been used to inform the assessment of this application.
- 7.20 Following this appraisal it was considered that the estuarine habitats in the vicinity of the proposed works do not support significant numbers of any bird species listed as features of the Dee Estuary designations. In terms of other species, it is concluded also that the site of the proposed works is of limited local importance to reptiles and in general bat activity levels are low across the Northern Gateway Site. There will be no significant net loss of foraging habitat once the grass is reinstated.
- 7.21 There is an active badger sett within the wider Northern Gateway development area. The distance of the proposed works from the active badger sett means that no direct disturbance to badgers is anticipated as a result of the works. The grassland associated with the proposed flood embankment works is considered to provide some foraging habitat for badgers. However, the temporary loss of grassland habitat as a result of the proposed works would not affect badgers given the abundant availability of suitable foraging habitat within the vicinity of the proposed works.
- 7.22 Evidence of both otters and water voles were identified in the wider Northern Gateway development area and the adjacent River Dee is considered to provide suitable foraging and commuting habitat for otters. The works will not prevent access for otters either alongside the River Dee, or to Shotwick Brook. Preconstruction surveys of the areas of works will be undertaken to confirm the absence of both otters and water voles.
- 7.23 The River Dee is important for a number of fish species, including migratory species such as Atlantic salmon, sea trout and sea lamprey. The presence of these species has partly resulted in its designation as a SAC and an SSSI. No specific fish surveys have been undertaken, however consultation has been carried out with Natural Resources Wales, who have identified the importance of the River Dee during the migratory fish period. The key periods are;
- March to mid-June when smolt (juvenile Atlantic salmon and sea trout) migrate out to sea, generally during the hours of darkness;
  - June to October when adult Atlantic salmon migrate back into freshwater;
  - May to August which are the key months for adult sea trout migration.
- 7.24 European eels also take seasonal movements through the River Dee,

generally at night. Fish are sensitive to the noise and vibrations caused during piling operations. These works are currently planned to take place between August and November, therefore a detailed assessment of the potential impacts on the migratory fish population of the River Dee has been undertaken. The piling works are planned to take place during daylight hours, therefore avoiding the smolt migration and most of the adult sea trout migratory period. However, there is the potential for significant impacts on Atlantic salmon migration from the piling operations. It is considered that any mitigation proposed for the impacts on Atlantic Salmon will also mitigate for effects on the smaller population of sea trout.

7.25 While the choice of piling method is to be confirmed on appointment of a contractor an assessment of the impacts of the three piling methods has been undertaken. The proposed options for sheet piling are;

- Impact Driving (or percussive piling);
- Vibrodriving (or hydraulic vibratory piling); and
- Pressing (either Japanese 'Silent' Pressing Machine, Panel type 'silent' pressing machine or 'Silent' pressing and high frequency vibrating combined.)

7.26 Of the 3 options percussive piling with impact hammers causes the most disturbance through noise and vibration and is generally considered unsuitable for sensitive sites. This method is therefore not suitable for this site. Vibrodrivers are less disruptive and present a significantly lower risk of disturbance to fish movements. Pressing generates negligible noise and vibration at the pile as the sheet piles are installed thorough a process of vibration less hydraulic jacking.

7.27 The river channel is approximately 200 metres in width. Modelling of the piling methods for vibrodriving shows no significant adverse effect beyond 100m from the works. It is therefore considered that there will be no significant barrier to salmon migration. Pressing would avoid the need to undertake any further mitigation measures relating to noise and vibration, however it is acknowledged that this may not be financially viable and is restricted to certain substrates.

7.28 Natural Resources Wales consider that pressing is the preferred piling method unless it can be demonstrated that vibrodriving will not have significant effects. They have expressed a concern that at a neap tide the river channel is significantly reduced to as little as 50 m and therefore this method may not be viable. A condition is therefore imposed to state that the preferred piling method is pressing, if feasible due to ground conditions and unless it can be demonstrated that vibrodriving would not have any impact on the migratory fish.

7.29 The Authority is also obliged to undertake an assessment of the effects of the application under the Conservation and Species Regulations 2010. It is considered that the development would not



give rise to significant adverse effects on the environment.

7.30 Noise and vibration impacts

The potential construction noise and vibration impacts on both local residents and ecology have been considered against the most relevant standards and guidelines.

7.31 The receptors that could be most affected by construction noise and vibration are the 8 residential properties on Claremont Avenue which back onto the flood defence at the eastern end of the works, some existing buildings adjacent to Hawarden Bridge and the public amenity and ecologically sensitive areas along the River Dee waterline. Predictions of vibration from piling and compaction works have been made using the methodologies detailed within national guidance and from experience at similar projects and ran through a computer model.

7.32 The range of noise levels during more typical operations will only be marginally above underlying ambient noise levels. The most significant noise generating activity is the piling activity. There are several potential piling methods, as previously referred to. Noise level predictions have been provided for all 3 methods. Noise from percussive and hydraulic vibratory piling activities will be likely to exceed ambient noise levels in the vicinity of the works throughout the whole of the construction programme. The effect from percussive piling would be substantially adverse and would exceed the 'Threshold of Significant Noise Effect; as defined within BS5228 (Parts 1 &2 Code of Practice for noise and vibration control on construction and open site) and will result in undesirable conditions that will be likely to exceed statutory objectives at all receptors. Percussive piling is therefore not pursued further.

7.33 The effects from hydraulic vibratory piling would be undesirable but tolerable in the context of best practice and statutory objectives. In order to mitigate noise levels it is suggested that noise management programme is undertaken during each phase of the works and a noise management plan is submitted if vibration piling is utilised.

7.34 The assessment concluded that the noise levels at the nearest residential properties in Claremont Avenue as well as at the Hawarden Bridge Steelworks Building would be discernible during non-piling construction activities. However the impacts associated with construction noise would be temporary in nature and limited to the periods when works were being undertaken in close proximity to receptors. Mitigation measures should be incorporated into an appropriate noise and vibration control plan and management system. It is recommended by the Head of Public Protection that if hydraulic piling is used, this is used in combination with pressed piling in the more sensitive areas closest to residential properties. This can be dealt with by condition.

7.35 Impact on the Historic Environment

The works are adjacent to the Grade II Listed John Summers Building and the former car park of the building is to be used as a construction compound. The works are approximately 20 metres from the Listed Building however as the works are restricted to within the existing embankment and there will be physical evidence on completion, it is not considered that there would be any impact on the Listed Building. The car park for the construction compound has an existing hard standing so no works will be required other than temporary safety fencing. The works also pass near to two Grade II Listed Bridges, however again there would be no impact on these as a result of the works.

7.36 Impact on the Public Right of Way

The application affects Public Footpath No.1 and Public Footpath No.3 in the community of Sealand. In the supporting documents, the applicant has referred to the need for a Temporary Closure Order. This public footpath is heavily used by both cyclists and pedestrians. The works are proposed to be undertaken during August and November which is a time of peak usage of the path for leisure purposes. At present there is no provision for any alternative cycle/footpath routes in the submitted details. The applicant should explore the feasibility of utilising the old Corus Road as an alternative route which runs parallel to the affected cycle path in the first instance. Other possible alternatives are existing public footpaths on the opposite side of the River Dee but these would need upgrading for cycle usage. It is therefore considered that a condition should be imposed to require the agreement of an alternative route prior to the closure of the public right of way.

**8.00 CONCLUSION**

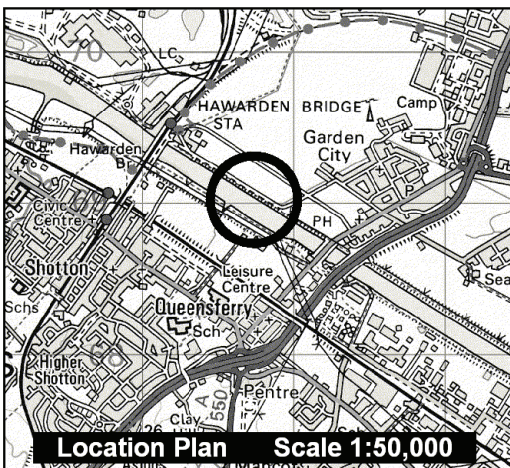
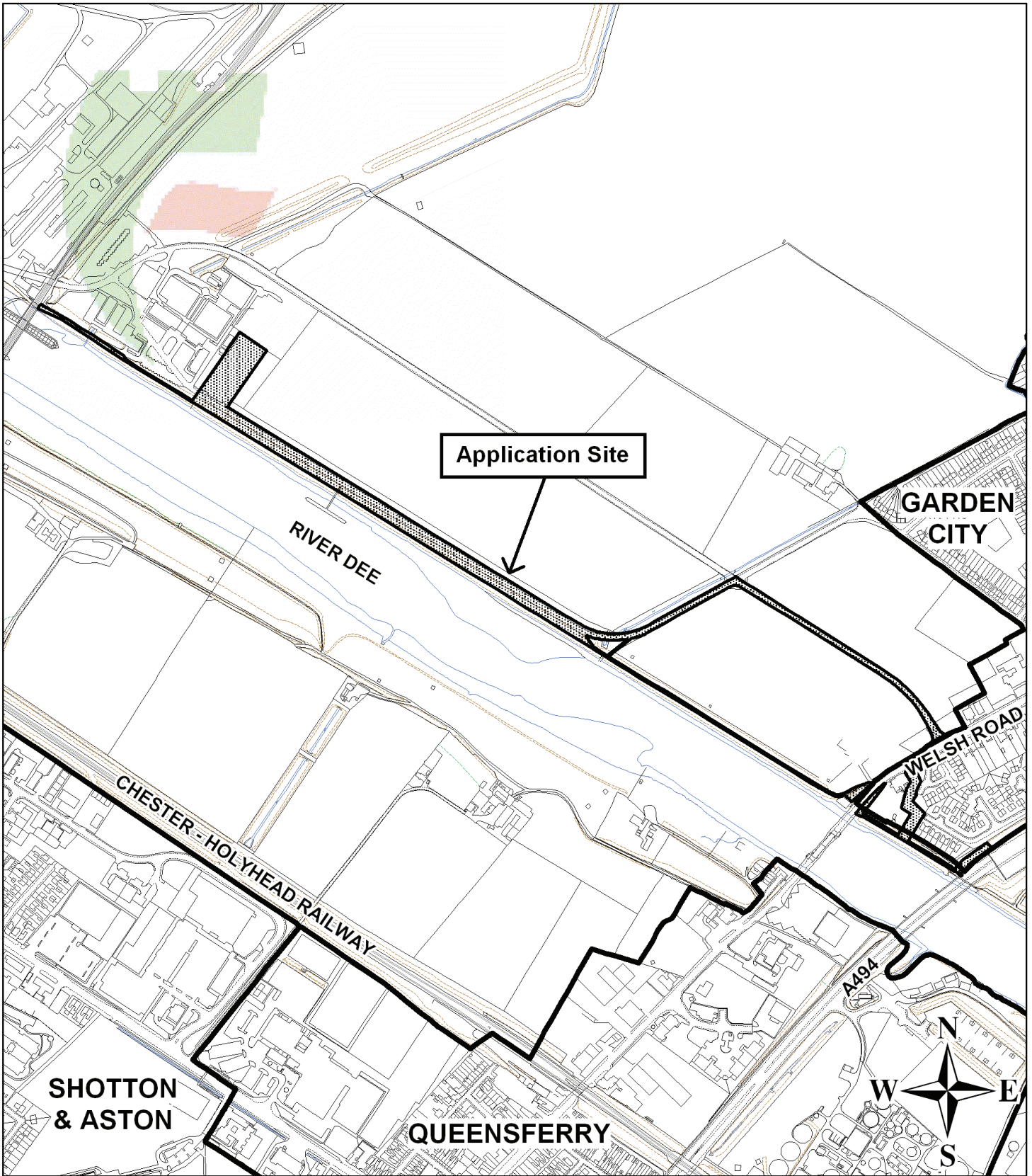
8.01 The proposed engineering works to strengthen the existing flood defence are required to protect the existing settlement of Garden City and to facilitate the development of the Northern Gateway allocated under Policy HSG2A of the Adopted Flintshire Unitary Development Plan which is also designated by the Welsh Government as part of the Deeside Enterprise Zone. The main impacts of the works are the noise and vibrations generated by the piling method on the residential properties on Claremont Avenue and migratory fish using the River Dee. These impacts would be of a temporary nature and can be mitigated by the choice of piling method. The public right of way along the length of the embankment would also need to be closed for the duration of the works, however a diversion is being sought. Conditions have therefore been imposed to control the impacts of the works.

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

**Legend**



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary



Application Site Extent

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Map Scale 1:7500

OS Map ref SJ 3169

Planning Application 50730

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 19<sup>TH</sup> JUNE 2013**

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

**SUBJECT:** **FULL APPLICATION – RE-ALIGNMENT OF PART OF THE INTERNAL ESTATE ROAD TO ALLOW FOR AMENDMENT TO THE LOCATION AND SITING OF ON SITE PUBLIC OPEN SPACE ON LAND AT ALLTAMI HEATH, FIELD FARM LANE, BUCKLEY**

**APPLICATION NUMBER:** **050661**

**APPLICANT:** **PERSIMMON HOMES NW LIMITED**

**SITE:** **LAND AT (ALLTAMI HEATH), FIELD FARM LANE, BUCKLEY**

**APPLICATION VALID DATE:** **28/03/2013**

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

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

**REASON FOR COMMITTEE:** **MEMBER REQUEST IN ORDER TO ASSESS IMPACT ON EXISTING RESIDENTIAL PROPERTIES**

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

### **1.00 SUMMARY**

1.01 This full application proposes the re-alignment of part of the internal estate road within the Field Farm Lane development, Buckley to allow for amendments to the location and siting of the on site public open space.

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

## 2.01 Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Estate road to be constructed to an adoptable standard, prior to completion of development, unless further agreed in writing.
4. Details of siting and provision of play equipment within open space to be submitted and approved.
5. Details of management of open space and play equipment to be submitted and approved.

## 3.00 **CONSULTATIONS**

### 3.01 Local Member

#### Councillor Ms. C.A. Ellis

Request planning committee determination in order to assess impact on existing residential properties.

#### Buckley Town Council

Object on behalf of residents as the application does not give sufficient information and reason for the alteration and movement of open space from existing site.

#### Head of Assets and Transportation

Subject to the highway conditions relating to the requirement for full highway design details as imposed on previous permissions being repeated, there is no objection to the proposal.

#### Head of Public Protection

No objections.

#### Public Open Spaces Manager

Consider that the proposed amendment to the positioning of the open space will offer an improvement for its use and future maintenance.

## 4.00 **PUBLICITY**

### 4.01 Site Notice, Neighbour Notification

1 letter of objection received which considers that the application does not give sufficient information and reason regarding the alteration and movement of open space from the existing site.

## 5.00 **SITE HISTORY**

### 5.01 **036776**

Outline – Residential Development. Approved 12<sup>th</sup> May 2004.

### **042356**



Reserved Matters – Erection of 139 dwellings, roads, public open space and all associated works. Refused 31<sup>st</sup> May 2007.

**043841**

Reserved Matters – Residential Development of 79 No. dwellings and 24 No. apartments. Withdrawn 8<sup>th</sup> October 2007.

**044085**

Variation of Condition No. 2 attached to planning approval reference 036776 to extend the time for the submission of reserved matters and commencement of development. Approved 6<sup>th</sup> December 2007.

**046845**

Reserved Matters – Residential Development consisting of 89 No. two storey dwellings, open space, roads and associated works. Permitted 8<sup>th</sup> August 2010.

**049712**

Submission of 9 No. house types. Permitted 6<sup>th</sup> September 2012.

**050151**

Substitution of house types on 8 No. plots and erection of additional dwelling. Permitted 20<sup>th</sup> December 2012.

**050382**

Substitution of 9 No. house types on Plots 43 – 48 and 54 – 56. Permitted 7<sup>th</sup> March 2013.

**6.00 PLANNING POLICIES**

**6.01 Flintshire Unitary Development Plan**

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 HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

Policy HSG8 – Density of Development

Policy HSG9 – Housing Type and Mix

Policy HSG10 – Affordable Housing within Settlement Boundaries

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy SR5 – Play Areas and New Housing Development

Policy TWH1 – Development Affecting Trees and Woodlands

Policy TWH2 – Protection of Hedgerows

Policy WB1 – Species Protection

Policy EWP17 – Flood Risk

Additional Guidance

Local Planning Guidance Note 2 – Space About Dwellings

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This full application proposes the re-alignment of part of the internal estate road within the Field Farm Lane development Buckley, to allow for amendments to the location and siting of the on site public open space.

7.02 Background

By way of the background of planning history at this location as referred to in paragraph 5.00 of this report, the overall site comprising approximately 4.5 hectares in area, has the benefit of planning permission for the erection of a total of 90 No. dwellings. Development has commenced in accordance with these previous permissions.

7.03 Proposed Development

This application proposes the re-alignment of part of the internal estate road within the development which delineates the western boundary of the on site public open space which amounts to approximately 0.55 hectares in area. The applicant has advised in support of the application that “this will allow for the public open space to be amended which will be better suited to its uses.”

7.04 For Members information the re-alignment of the road and re-configuration of the open space:-

- a) results in the loss of the previously approved dwellings on plots 33-36 of the development and
- b) impacts on the dwellings previously approved on plots 16-25 and 30-32 adjacent to existing properties Silverdale and Hafod Las, as the development on these plots could not be undertaken in accordance with the previously approved layout.

7.05 Principle of Development

The applicant has been afforded the opportunity to indicate/provide details as to how it is anticipated that the dwelling units will be developed around the re-aligned estate road and re-configured open space.

7.06 The applicant has however requested that this application be determined as submitted with any changes to the positions of dwellings and their associated residential curtilage areas, being considered at a later date, with the submission of a further planning application.

- 7.07 For Members information this application proposes the re-alignment of part of the estate road/open space area only and a determination has to be made as to whether this is acceptable within the context of the wider estate development. The revisions to the positions of dwellings within this part of the site layout will however require the submission of a further application and it is at that stage that the acceptability of the layout and impact on the amenity of the occupiers of existing properties Hafod Las and Silverdale will be undertaken.
- 7.08 Consultation on the application has been undertaken with the Public Open Spaces Manager. It is considered that as the proposal will result in the loss of dwelling units on plots 33-36 of the existing approved development, that this will offer an improvement for the use and maintenance of the open space area through a reduction in direct pressure from the occupiers of these units and improvements to the access to the site for machinery, thereby minimising possible conflict to the occupiers of these units during routine maintenance.

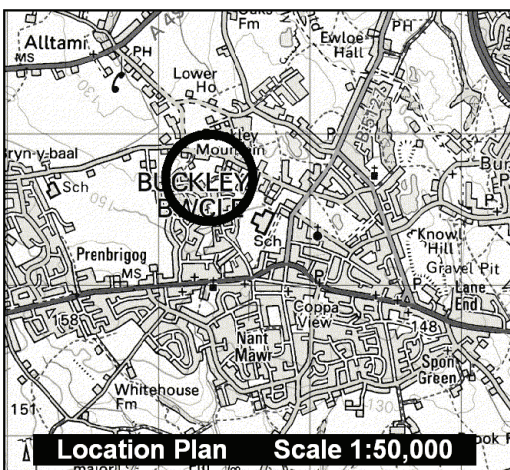
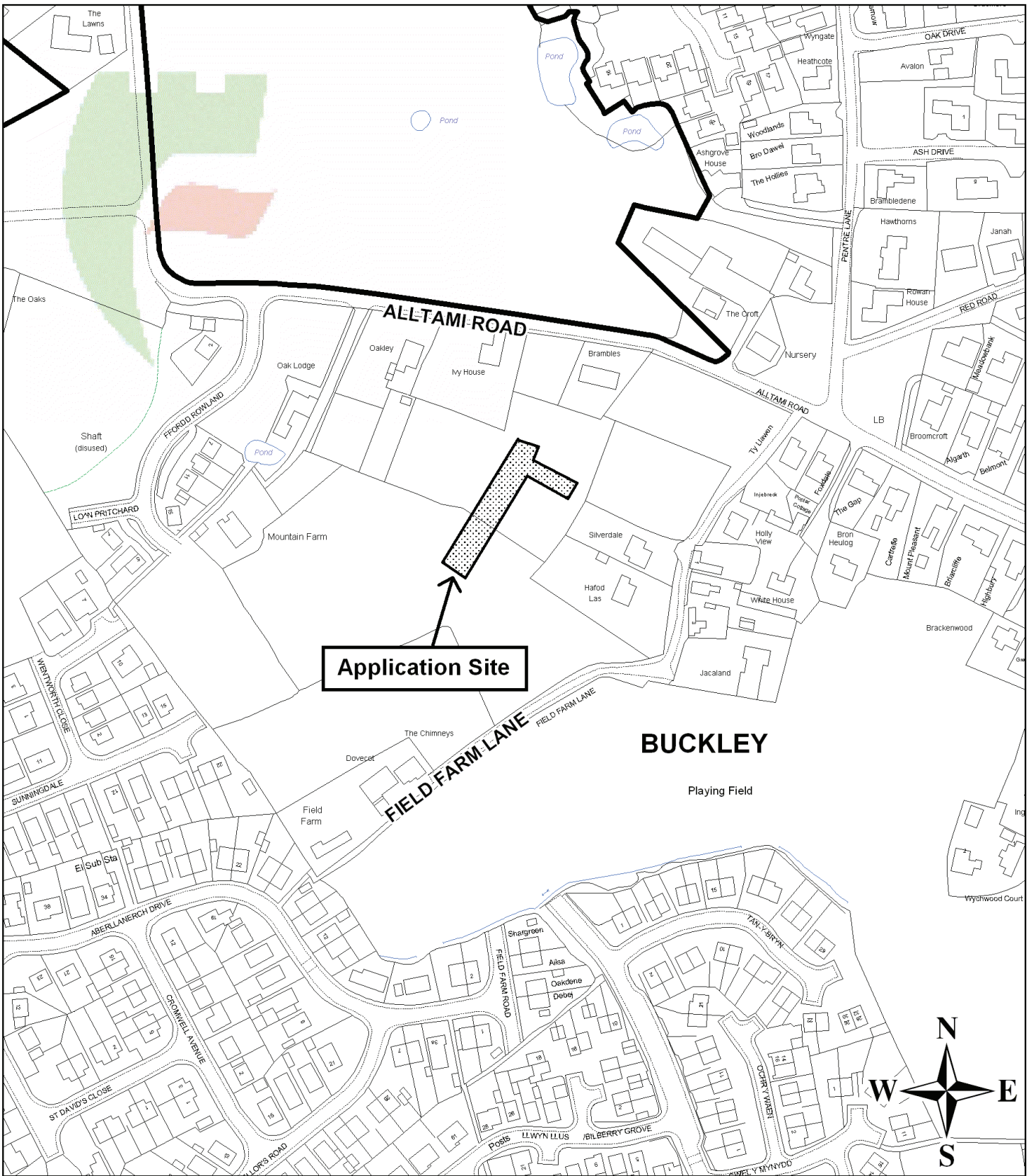
## **8.00 CONCLUSION**

- 8.01 Whilst the revisions proposed have been advanced prior to the formulation of amendments to the dwellings and associated curtilage areas within this part of the estate layout, an assessment has to be made on whether the re-aligned road and re-configured open space area is acceptable having regard to the overall site layout and privacy/amenity of occupiers of existing properties. On the basis of the plans submitted there is no objection to the amendments to the site layout from the Head of Assets and Transportation or the Public Open Spaces Manager and the detailed layout of dwellings around the estate road/turning head will require the submission of a further planning application the acceptability of which will be assessed at that time. Whilst it is considered that it would be more beneficial if this detail were provided as a complete package at this stage, I have no objection to the principle of the changes being proposed as part of this application. I therefore recommend accordingly.

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

**Contact Officer: Mark Harris**  
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**Email: [mark.harris@flintshire.gov.uk](mailto:mark.harris@flintshire.gov.uk)**



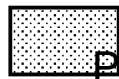


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale	1:2500
OS Map ref	SJ 2764
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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 19<sup>TH</sup> JUNE 2013**

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

**SUBJECT:** **ERECTION OF A 3 BEDROOM DETACHED DWELLING WITH GARAGE FOR A DISABLED PERSON, ON LAND ADJ 45, BROUGHTON HALL ROAD, BROUGHTON**

**APPLICATION NUMBER:** **050545**

**APPLICANT:** **MR K PARTINGTON**

**SITE:** **LAND ADJACENT TO 45, BROUGHTON HALL ROAD, BROUGHTON**

**APPLICATION VALID DATE:** **25/02/13**

**LOCAL MEMBERS:** **COUNCILLOR W MULLIN**

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

**REASON FOR COMMITTEE:** **S106 AGREEMENT**

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

### **1.00 SUMMARY**

1.01 This is a full application for the erection a detached bungalow for a disabled person on land adjacent to 45 Broughton Hall Road, Broughton. The proposed dwelling is considered to meet the requirements of Policy HSG3 of the Flintshire Unitary Development Plan in terms of being justified on the grounds of housing need subject to the applicant entering into a S106 agreement. The details of the siting, layout, design and access of the dwelling are acceptable and in accordance with Policy GEN1 of the Flintshire Unitary Development Plan.

**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:-
- 2.02
- The property shall be occupied by the applicant Mr. Partington in the first instance;
  - The Council would be offered first refusal to purchase the property if it is put up for sale at open market value within an agreed time period. If the Council do not wish to purchase the property, second refusal, is given to a Registered Social Landlord within a similarly agreed time period.
- 2.03 The proposal is recommended for approval subject to the following conditions:
- Conditions
1. Time limit
  2. In accordance with plans
  3. Foul and surface water shall be drained separately.
  4. Surface water connection
  5. Land drainage run-off
  6. Code Level 3 for Sustainable Homes compliant
  7. Landscaping
- 2.04 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to **REFUSE** the application.

### **3.00 CONSULTATIONS**

- 3.01 Local Member  
Councillor W Mullin  
Agrees to the determination of the application under delegated powers.
- 3.02 Broughton and Bretton Community Council  
No objection.
- 3.03 Head of Assets and Transportation  
No objection.
- 3.04 Head of Public Protection  
No objection.
- 3.05 Welsh Water/Dwr Cymru  
Standard conditions relation to foul and surface water disposal.
- 3.06 Head of Housing Strategy



No objection if the occupant meets the local connection criteria and the property is constructed to meet the needs of the occupant. The applicant should enter into a S106 Agreement stating that should the property be sold in the future, the Council and subsequently a Registered Social Landlord are given first refusal of the property at market value within a specified time period.

#### **4.00 PUBLICITY**

- 4.01 Site Notice and Neighbour Notification  
None received.

#### **5.00 SITE HISTORY**

- 5.01 **049842**  
Proposed erection of a dwelling and garage and formation of a private access. Withdrawn 10.12.12

#### **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
STR1 – New Development  
STR4 – Housing  
STR8 – Built Environment  
GEN1 – General Requirements for Development  
GEN2 – Development Inside Settlement Boundaries  
HSG3 – Housing on Unallocated Sites Within Settlement Boundaries  
D1 – Design Quality, Location and Layout  
D2 – Design  
D3 – Landscaping  
AC13 – Access and Traffic impact  
AC18 – Parking Provision and New Development
- 6.02 The proposal is in accordance with the above development plan policies.

#### **7.00 PLANNING APPRAISAL**

- 7.01 Introduction  
This is a full application for the erection a detached bungalow for a disabled person on land adjacent to 45 Broughton Hall Road, Broughton.

- 7.02 Site Description  
The application site is part of the garden area of 45 Broughton Hall Road, Broughton. The site is surrounded by residential properties to all boundaries, which are a mixture of bungalows, dormer bungalows and two storey properties. The boundaries of the site are landscaped with mature hedging and fencing. The access to the site is a private drive which runs parallel to the private drive for 47 Broughton Hall

Road.

7.03 Proposed Development

It is proposed to erect a 3 bedroom bungalow with integral garage. The applicant is disabled and requires 24 hour care. The bungalow is designed specifically for the applicants needs as a wheel chair user with an en-suite bedroom for a live in carer. The bungalow is proposed to be of brick and render construction with concrete roof tiles. The dwelling would be accessed via the existing driveway for 45 Broughton Hall Road with a new access spur created. The existing driveway runs past the side of 43a Broughton Hall Road.

7.04 Principle of Development

Broughton is a Category B settlement within the Adopted Flintshire Unitary Development Plan. Within such settlements growth is controlled by Policy HSG3 'Housing on Unallocated Sites Within Settlement Boundaries'.

7.05 Specifically criteria b states;

*' On unallocated sites within settlement boundaries, new housing, the change of use of non-residential buildings to dwellings, the renovation or replacement of existing dwellings, and infill development will be permitted provided that:*

*b. in category B settlements it is the renovation or replacement of an existing dwelling or where it would cumulatively result in more than 15% growth since 2000 the development is justified on the grounds of housing need,'*

7.06 The purpose of policy HSG3 is to control the expansion of settlements where there is already a high level of growth and to ensure new dwellings are for local needs. In terms of growth of the settlement, at 2012 Broughton had sufficient sites with planning permission, units which have been built and land allocated in the UDP, which when added together take its growth within the plan period to 17%. Since the cumulative growth is already above 15%, any new dwellings in Broughton will need to be for local housing needs.

7.07 This application is for a bungalow designed to meet the needs of the applicant Mr. Partington who is disabled and has needs which required a suitably adapted dwelling. He also has 24 hour live in carers. The applicant currently resides at 45 Broughton Hall Road, but the current dwelling is not suitable for his needs. The applicant has a local connection, having lived in Broughton all his life and in the current property for over 15 years. It is therefore considered that this proposal can be allowed as an exception to HSG3 as it would provide specially designed accommodation to meet an identified local need.

7.08 A S106 agreement is required to ensure that if the property is sold on in the future the Council is given first refusal on purchasing the property at open market value, within an agreed time period. If the

Council does not wish to purchase the property, second refusal should be given to a Registered Social Landlord.

7.09 Siting, Amenity, Access and Design

The proposed bungalow is to the west of the existing dwelling in an area currently used as garden. The siting and design of the dwelling is arranged to ensure that there would be no adverse impact on amenity with regard to the impacts on the occupiers of the existing and proposed dwelling. While there would be some increase in the use of the existing driveway adjacent to 43a Broughton Hall Road, it is not considered that this would have any unacceptable impact on their residential amenity.

- 7.10 The proposed dwelling is a bungalow, therefore there is no issue with overlooking to adjacent properties, subject to the retention of adequate boundary treatment. This can be controlled by condition. There is sufficient garden area for both the proposed and existing dwelling in accordance with the Council's Local Planning Guidance Note 2: Space Around Dwelling. The layout also provides for adequate parking and turning. The existing bungalow is brick and render with a concrete tile roof, therefore the proposed materials match the existing. The dwelling would be required to meet Code Level 3 for Sustainable Homes and this would be dealt with by condition.

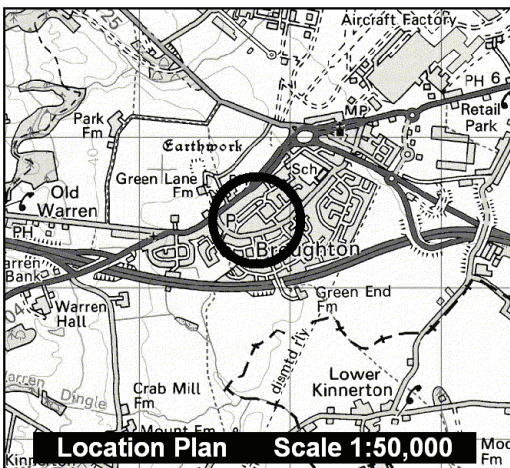
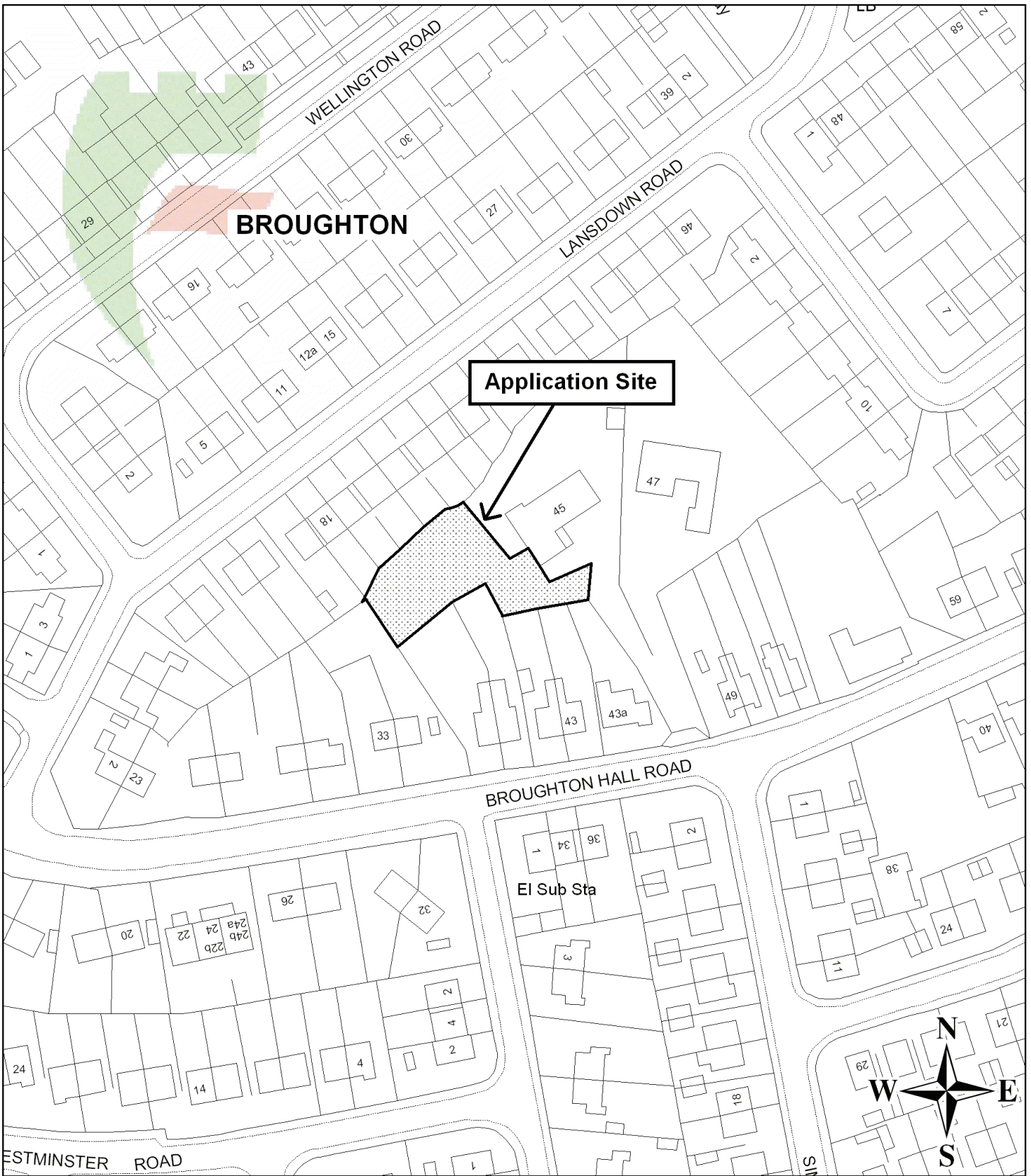
8.00 CONCLUSION

- 8.01 The proposed dwelling is considered to meet the requirements of Policy HSG3 of the Flintshire Unitary Development Plan in terms of being justified on the grounds of housing need subject to the applicant entering into a S106 agreement as set out above. The details of the siting, layout, design and access of the dwelling are acceptable and in accordance with Policy GEN1 of the Flintshire Unitary Development Plan.

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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 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
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Application Site Extent

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