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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,
Veronica Gay, Alison Halford, Ron Hampson,
Patrick Heesom, Ray Hughes, Christine Jones,
Richard Jones, Billy Mullin, Mike Peers,
Neville Phillips, Gareth Roberts, Carolyn Thomas
and Owen Thomas

16 July 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, 24TH JULY, 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 - 16)

To confirm as a correct record the minutes of the meeting held on 19 June 2013. (copy enclosed)

- 5 **ITEMS TO BE DEFERRED**

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Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

6 **REPORTS OF HEAD OF PLANNING**

The reports of the Head of Planning are enclosed.

REPORT OF HEAD OF PLANNING
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON
24th JULY 2013

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	047859	General Matters - Outline Application - Erection of a Single Storey Dwelling at Land Rear of 27 Maes Gwynfryn, Gwespyr, Holywell (047859) (Pages 17 - 28)
6.2	048042 - A	Outline application for the Demolition of 'Sunnyside' & 66A Mold Road and the Erection of 58 Houses Including Details of Access, Appearance, Layout and Scale at Land at Rear of 66A Mold Road, Mynydd Isa (048042) (Pages 29 - 52)
6.3	050264 - A	Full Application - Conversion of West Wing into 11 No. Apartments at Westbury Castle, Abbey Drive, Gronant (050264) (Pages 53 - 62)
6.4	050265 - A	Listed Building Application - Conversion of West Wing into 11 No. Apartments at Westbury Castle, Abbey Drive, Gronant (050265) (Pages 63 - 70)
6.5	050381 - A	Full Application - Construction of a New Retail Unit and Associated External Works at Mold Ambulance Station, Bypass Road, Mold (050381) (Pages 71 - 80)
6.6	050430 - R	Full Application - Erection of a Two Storey Extension Including Balcony to Existing Barn at Deer Lodge, Cymau (050430) (Pages 81 - 90)
6.7	050531 - A	Full Application - Erection of 4 No. 2 bed apartments and 3 No. 1 bed apartments with associated parking on land rear of 3 Church View, Queensferry, Deeside (050531) (Pages 91 - 104)
6.8	050616 - A	Full Application - Construction of a New Petrol Filling Station and Associated Access Road with Alterations to Existing Highway at W.M. Morrison PLC, Neighbourhood Centre, Ffordd Llanarth, Connah's Quay (050616) (Pages 105 - 116)
6.9	050662 - A	Full Application - Residential development consisting of the erection of 11 No. dwellings at Bryn Gwalia Bowling Club, Clayton Road, Mold (050662) (Pages 117 - 128)
6.10	050744 - R	Outline Application - Erection of a Dormer Bungalow at 1 Pystyll Cottages, Cymau (050744) (Pages 129 - 136)
6.11	050805 - A	Full Application - Re-plan to 14 No. Dwellings and Associated Garages and Parking Spaces on a Previously Approved Scheme of 44 No. Dwellings at Land at Overlea Drive, Hawarden (050805) (Pages 137 - 144)

Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.12	049629 & 049630	Appeal by Mr. Simon Parker Against the Decision of Flintshire County Council to Refuse Planning Permission for 049629 - Extensions & Alterations and 049630 - Erection of a Replacement Dwelling at Gelli Farm, Gelli Road, Pen-yr-Allt, Holywell - (049629 & 049630) BOTH DISMISSED (Pages 145 - 152)
6.13	049721	Appeal by Mr. J. Barton Against the Non-Determination by Flintshire County Council for One Planet Development - Erection of One Dwelling and Agricultural Buildings with Associated Works at Warren Dingle Farm, Mold Road, Penyffordd - (049721) DISMISSED (Pages 153 - 158)
6.14	050266	Appeal by Mr. L.R. Barker Against the Decision of Flintshire County Council to Refuse Planning Permission for the Retrospective Application for the Retention of a Dormer Bungalow at 10 Willowfield Estate, Pentre Halkyn - (050266) DISMISSED. (Pages 159 - 164)

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PLANNING & DEVELOPMENT CONTROL COMMITTEE
19 JUNE 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, 19th June, 2013

PRESENT: David Wisinger (Chairman)

Councillors: Derek Butler, David Cox, Carol Ellis, David Evans, Jim Falshaw, Veronica Gay, Patrick Heesom, Ray Hughes, Christine Jones, Richard Jones, Mike Peers, Neville Phillips, Gareth Roberts, Carolyn Thomas and Owen Thomas

SUBSTITUTES:

Councillors: Joe Johnson for Chris Bithell and Mike Lowe for Ian Dunbar

ALSO PRESENT:

The following Councillors attended as observers:-
Councillors: Haydn Bateman and Marion Bateman

APOLOGIES:

Councillors: Alison Halford and Billy Mullin

IN ATTENDANCE:

Head of Planning, Development Manager, Interim Team Leader Policy, Senior Engineer - Highways Development Control, Team Leader Major Developments, Senior Planners, Planning Support Officer, Democracy & Governance Manager and Committee Officer

18. **DECLARATIONS OF INTEREST**

Councillor Mike Peers declared a personal and prejudicial interest in the following application due to him being the Chair of Governors at Mountain Lane Primary School:-

Agenda item 6.8 - Full application – Erection of 10 no. houses, associated access and parking on land side of 53 Brunswick Road, Buckley (050804)

Councillor Peers also indicated that he had not had any involvement in securing a payment for educational contribution for the school but he had been in early discussions with the Planning Officer prior to the school being identified.

Councillor David Evans declared a personal interest in the following application due to a relative living in the vicinity of the works being carried out:-

Agenda item 6.9 – 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 (050730)

In line with the Planning Code of Practice:-

Councillor Patrick Heesom declared that he had been contacted on more than three occasions by the objector on the following application:-

Agenda item 6.7 – Retrospective Application – Erection of a garden wall and fence at Cwm y Graig, Rhewl (050154)

19. **LATE OBSERVATIONS**

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

20. **MINUTES**

The draft minutes of the meeting of the Committee held on 15 May 2013 had been circulated to Members with the agenda.

RESOLVED:

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

21. **ITEMS TO BE DEFERRED**

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

22. **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)**

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

The officer detailed the background to the report and explained that the applicant was seeking to amend some of the house types to remove some three storey properties and replace them with two storey terraces and semi-detached houses.

Mr. J. Yorke spoke against the application. He felt that the application and the report were seriously deficient of information. He referred to the Design and Access Statement which defined the substitution of house types for others and said that some new house types had been put forward in this application which did not have planning permission. He highlighted paragraph 9 of Planning Policy Wales which advised that large developments should not be of a monotonous design and referred to this application which proposed to replace two and a half storey dwellings for two storey properties which would mean that all the properties would be of a similar height. Mr. Yorke said that the report did not include sufficient information about flooding and commented on the flooding concerns on the A548. He said that if the application was permitted, 82 house

types would have been substituted from the original application which he felt was unacceptable. He felt that the application fell short of accuracy and that it should be refused to obtain clarity.

Councillor David Cox proposed the recommendation for approval which was duly seconded. He noted that objections were again being raised on grounds of inaccuracies but felt that the development had been held up for long enough and it should now proceed. Councillor Christine Jones concurred and agreed with the wording in the report.

Councillor Patrick Heesom indicated that Councillor Rita Johnson had been due to attend the meeting to speak as local Member but she had been unable to do so and had apologised for not being able to speak to the Committee. Councillor Heesom referred to the large number of applications listed on pages 14 and 15 of the report and said that this application would result in additional dwellings on the site when the application was compared to the original number requested. He said that substitution of house types was market driven but would result in extra houses being built which did not have planning permission.

Councillor Richard Jones raised concern about substitution of house types which resulted in a net gain for the developer. He asked for clarification on whether the number of dwellings on the site had increased and Councillor Mike Peers queried whether the additional properties had planning permission. Councillor Gareth Roberts commented that changes in house types were acceptable if they complied with guidance and said that there was nothing in the report to suggest that the application should be refused.

In response, the officer said that he understood that there was no increase in the number of dwellings proposed on the site but that there may be a reduction of one property. Councillor Heesom said that the number of dwellings had increased from 189 to 197 on this part of the site. The officer indicated that this part of the site had permission for 189 properties and that the type of dwelling had changed for 50 of the properties but that the total was still 189.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, the additional condition detailed in the late observations and subject to the applicant entering into a section 106 obligation/Unilateral Undertaking to re-impose all of 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

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1980 (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.

23. **FULL APPLICATION - DEMOLITION OF PUBLIC HOUSE AND ERECTION OF UP TO 9 NO. DWELLINGS AND ASSOCIATED WORKS AT CALCOT ARMS, MILWR ROAD, HOLYWELL (050634)**

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

The officer detailed the background to the report and in referring to the late observations explained that amended plans had been submitted showing the ridge line of proposed apartment Block B reduced in height to approximately 0.2m above the height of the existing Calcot Arms building. He detailed the areas for consideration and explained that it was considered that the development was acceptable in planning policy terms.

Mr. P. Jones spoke against the application. He said that Block A was 30 foot high and was invasive and would have a detrimental impact on the neighbouring properties. An application for the demolition of the building and replacement with 9 apartments had been refused in July 2011 and Mr. Jones said that what had been unacceptable for that application was the same for this application. He said that page 7 of the Design and Access Statement referred to 12 parking spaces but the remaining pages identified 11 spaces. He queried this and said that the size of the spaces was below a standard size. Mr. Jones said that the Highways Department had accepted the application without question and added that the development would create additional highway problems due to the lack of a pavement in the area. Holywell Town Council had objected to the application and Mr. Jones asked the Committee not to accept the application just to clear up the site.

Mr. R. Lomas, the agent for the applicant, spoke in support of the application. He said that the application had been designed to respect the privacy of neighbouring residents. The key issue was whether there was a material change to the application which had allowed an application for eight dwellings on the site following an appeal and whether the inclusion of an additional apartment was contrary to policy; the officer was satisfied that the proposal was acceptable. Following discussions with the local Member and officers, the applicant had agreed to reduce the height of Block B and amended plans had been submitted to reflect this.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He spoke of the dwellings nearby (1 & 3 Stamford

Way and Ness View) which would be affected by the development. He explained that an application for eight apartments had been refused by Committee in June 2006 but had been allowed on appeal in December 2006. He said that there had been a concern about development adversely affecting the amenity of the bungalows in Stamford Way. He felt the amended application preserved their amenity and that of Ness View. The residents of 3 Stamford Way were satisfied with the proposals and had not objected to the application and the residents of Ness View had withdrawn their objection to the proposals. Councillor Roberts raised concern at what could be permitted on the site if this application was refused by the Committee and added that if it was refused, it could be overturned on appeal and that an alternative proposal may cause more problems for the residents. He paid tribute to the applicant and agent for submitting a design which was acceptable to the residents and he thanked them for the discussions which had taken place.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, the reduction in the ridge line of the proposed apartment Block B to approximately 0.2m above the height of the existing Calcot Arms building and 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 1980 (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.

24. **FULL APPLICATION - CONVERSION OF WEST WING INTO 11 NO. SELF CONTAINED APARTMENTS AT WESTBURY CASTLE, ABBEY DRIVE, UPPER GRONANT (PARTLY RETROSPECTIVE) (050264)**

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 17 June 2013. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report explaining that the full application which was partly retrospective proposed the conversion of the west wing of Westbury Castle. Vehicular access to serve the development was proposed from Abbey Drive and a section of private driveway from the junction with Llanasa Road, Upper Gronant.

Councillor T. Chilton from Llanasa Community Council spoke against the application but thanked Members for visiting the site. He said that the vast

majority of residents would like to see the Abbey being refurbished and maintained for future generations but they felt strongly about the inadequate access to the property. Abbey Drive was very narrow and part of the road did not have a pedestrian footpath and it was at maximum capacity for the movement of vehicles. It was felt that additional vehicles would create pollution and problems for the existing residents and Abbey Drive led onto an unadopted track which was also a bridleway and public footpath. Councillor Chilton added that the property was sited in a Conservation Area. He reiterated his earlier comments that residents were not opposed to an upgrade of the building but asked that sympathetic consideration be given for an alternative vehicular access to the site.

Councillor Patrick Heesom proposed refusal of the application against officer recommendation which was duly seconded. He said that the building was in a remarkable location and had unique features. He raised concern about the access to the site and said that there were options to improve the access but these had not been forthcoming. He asked that either the application be deferred to allow alternative options to be explored or refused to allow the applicant to change the proposals. Following a discussion, Councillor Heesom withdrew his proposal to refuse the application and Councillor Derek Butler proposed deferment of the application to allow discussions to take place with the applicant about the site access. He felt that the access needed careful consideration and that a holistic plan was required for the conversion of the building and the access to the site. He said that there was a direct route from Llanasa and suggested that this and other options be considered. Councillor Mike Peers concurred with the proposal to defer the application due to the number of objections received about the access to the site.

Councillor Richard Jones referred to paragraph 7.15 where it was reported that the Head of Assets and Transportation supported the access from Abbey Drive to serve the development. The Senior Engineer - Highways Development Control confirmed that there was no technical reason to justify refusal of the application on highway grounds. However, she added that Highways did have objections to the option which had been suggested to access the site from the coast road.

In summing up, Councillor Butler said that there could be a direct route from Llanasa but reiterated his request for a more holistic plan for the whole site.

RESOLVED:

That the application be deferred to allow discussions to take place with the applicant about options for the site access.

25. **LISTED BUILDING APPLICATION - CONVERSION OF WEST WING INTO 11 NO. APARTMENTS AT WESTBURY CASTLE, ABBEY DRIVE, GRONANT (050265)**

Following deferment of the previous application at the same site, it was agreed that this application also be deferred.

RESOLVED:

That application 050265 be deferred.

26. **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)**

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 17 June 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report.

Councillor Christine Jones 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 and 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.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1980 (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.

27. **FULL APPLICATION - CHANGE OF USE FROM SHOP TO A DWELLING INCLUDING MINOR ALTERATIONS AT 98 CHESTER ROAD WEST, SHOTTON, DEESIDE, FLINTSHIRE (050698)**

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 17 June 2013. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and referred Members to the late observations report which included a response from the Head of Assets and Transportation to advise that he had no objection to the proposal and did not intend to make a recommendation on highway grounds. Corrections to paragraphs 3.01 and 7.04 were also reported. The officer detailed the consultation responses which were included in the report and explained that the site lay approximately 50 metres from the western edge of the town centre core retail area and therefore in planning policy terms there was no need to retain this unit for retail purposes.

Mrs. V. Hammond, the applicant, spoke in support of the application. She explained that the intention had been to use the ground floor as commercial space but following advice from local letting agents about the difficulties of letting commercial premises in the current financial climate, it had been decided to change the use to a dwelling. It was proposed that a domestic appearance would be created to blend in with the next door property and Mrs. Hammond explained that the property was originally a house. The proposals in the application would put the property back into use without any detrimental effect on the area.

Councillor Joe Johnson proposed the recommendation for approval which was duly seconded.

Councillor Richard Jones raised concern at the comments of the Head of Regeneration. He said that it was important that Members were aware of where the core retail area was in this type of application to ensure that retail areas were not lost completely. Councillor Derek Butler felt that due to market forces and instead of having empty shops, in some cases conversions to residential properties should be encouraged.

The Interim Team Leader Policy confirmed that the site was 50 metres outside the core retail area. The focus of the planning policy was to maintain core town and district areas and that an officer monitored this issue closely. In outlying areas, market forces were having an effect but he added that it was important to concentrate on key areas.

Councillor David Evans said the Travel Agency that used to operate from the property had been unable to compete with the Travel Agency located in a nearby supermarket. He felt that there was a need to learn from the effect that granting permission for supermarkets or out of town retail areas was having on small retail areas and town centres.

RESOLVED:

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

28. **RETROSPECTIVE APPLICATION - ERECTION OF A GARDEN WALL AND FENCE AT "CWM Y GRAIG", RHEWL, HOLYWELL (050154)**

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 17 June 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The Development Manager detailed the background to the report explaining that the main issue was the site's structural integrity. Information had been submitted with the application and an assessment had been undertaken by the Council's structural engineer of the excavations and structures on site. He had confirmed that the gabions and fences were sufficient for the purpose intended and therefore the application did not warrant refusal. Consultation had also taken place with Drainage Engineers and they had not made any objections to the application. It was reported that planning permission had been granted for

the erection of the dwelling under reference 038572 before the Unitary Development Plan boundary was changed and the gabion wall and fencing were within the plot. The Development Manager explained that the site had been the subject of coal mining in the past but any problems for the site relating to this would have been encountered at the time the dwelling was erected. He added that as the land comprised in the application lay within the residential plot and was effectively garden area, any ecological impact was minimal, despite the application being partly retrospective.

Mr. E. Newell spoke against the application. He explained that he was the resident of the adjacent property and that part of the site was not owned by the applicant and had encroached onto Mr. Newell's land, which had been confirmed. He said that on the issue of the site's structural integrity he did not understand how gabion walls were suitable for part of the site with fencing being put in place for the remainder of the bank. On the issue of coal mining he said that a report had been provided by a mining engineer which indicated that there was one shaft in the bank and a further six or seven on the land. Mr. Newell said that no assessments had been carried out on the ecological damage to the site which included the removal of bluebells. He said that the applicant had claimed that there was no water course within 20 metres of the site when in fact it was only three metres away. He concluded that he had sought the protection of the land through its removal from the Unitary Development Plan boundary.

Mr. F. Taylor, the applicant, spoke in support of the application. He welcomed the report and the recommendation by the officer for approval of the application. He said that he had not been aware of the concerns raised by Mostyn Town Council until he had seen the report and said that he was disappointed that this was based on a single objection and they had acted in a non-democratic way and had not sought to obtain the facts. He said that the report addressed all of the concerns raised by the objector. He said that prior to the site visit the objectors had trimmed the bank which they had not done in the past and queried why they were now maintaining it.

Councillor Patrick Heesom proposed refusal of the application against officer recommendation which was duly seconded. He raised concern about the slope of the land and the integrity of the slope. He said that the coal mining report indicated that there were seven mine workings in the bank and that it did not provide assurance of the integrity of the bank. He recognised that the issue of land ownership was not a planning consideration but he raised concern about this being a retrospective application. Councillor Heesom said that the main issues were the nature of the slope and the integrity of the bank and that even though some earth had been dug away it had not dealt with the whole slope which was still more than 25%. He said that PPG (Planning Policy Guidance Note) 14 was relevant in Wales but was not referred to in the report which he was concerned about. He felt that the gabion wall was not effective and that the bank was not supported by trees and was therefore not stable. He said that the application could not be deferred as it was retrospective and therefore he felt that for the reasons specified earlier, the application should be refused.

On the issue of there not being a retaining wall, Councillor Carolyn Thomas said that she was aware of a similar site where an inspector at an appeal had indicated that a retaining wall should be put in place. Councillor Derek Butler

raised concern about the tree roots hanging out of the bank and said that the gabion wall should be extended and built up as he felt that it was currently a health and safety issue.

In response to the comments made, the Development Manager agreed that the main issue was the integrity of the bank behind the site and whether the works that had been carried out were sufficient. He referred to Policy EWP15 of the Unitary Development Plan which set out that the responsibility for establishing stability lies with the developer who should submit the relevant information with the application. This information had been received and had been assessed by the Council's Structural Engineer who had indicated that the gabion walls were sufficient. It was the applicant's intention to backfill in the area behind the gabion walls and soil could then be placed on top and planted up to soften the impact, but he had stopped work when he had been asked to do so due to it requiring planning permission. In cases such as this expert advice had to be relied upon and the Council's Structural Engineer was confirming that what had been done was fit for purpose He advised Members that if they were considering refusing the application on the grounds of instability in the face of this evidence it would be difficult to defend this if the applicant appealed the decision.

Councillor Heesom felt that the policies in the UDP were inadequate and disagreed with being advised of the possibility of costs being awarded against the Council. He felt that what was in place was inadequate and insufficient and that a retaining wall of some substance should be put in place. He said that the response of the structural engineer did not provide assurance of the stability of the bank and he felt that Members were being asked to accept something which was inappropriate. He confirmed his proposal to refuse the application.

The Democracy & Governance Manager said that the stability of the bank had been assessed by an impartial engineer who had indicated that it was sufficient for the purpose. If the Committee refused the application on that basis, he said that the Council could be liable for costs. He quoted from the circular about costs in particular where Members took a decision without adequate evidence.

On being put to the vote, the proposal to refuse the application against officer recommendation was CARRIED.

RESOLVED:

That planning permission be refused due to the proposal not satisfactorily addressing concerns over stability/integrity of the slope to the south of the site.

29. **FULL APPLICATION - ERECTION OF 10 NO. HOUSES, ASSOCIATED ACCESS AND PARKING ON LAND SIDE OF 53 BRUNSWICK ROAD, BUCKLEY (050804)**

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

The officer detailed the background to the report which was a resubmission following the withdrawal of a previous application 050497 on 15 May 2013 for the erection of 12 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.

Councillor Mike Peers, the local Member said that the applicant had listened to the concerns raised and had amended the application to take account of those issues. The main issue had been about parking near to the entrance to the development but the amended plans had repositioned a number of parking spaces to serve the dwellings in proximity to the site entrance and this was now acceptable. Another area of concern had been about the existing boundary but condition 12 had been included to alleviate those concerns. A 1.8m high close boarded fence along the length of the common boundary with existing properties at Pemba Drive was also to be introduced as part of the proposal. Councillor Peers, having earlier declared an interest in the application, left the meeting prior to the debate.

Councillor Neville Phillips proposed the recommendation for approval which was duly seconded. Councillor Phillips referred to paragraph 7.16 about the development increasing pressure on Mountain Lane Primary School. He felt that Westwood School was closer to the development than Mountain Lane School and added that Westwood School had spaces available. In response, the officer said that discussions had taken place with colleagues in the Education Department and that the distances from the development to the schools had been measured and Mountain Lane School was the closest. The Development Manager added that this had been the finding based on a formula used to calculate the distances and that Westwood School had been approximately 10 metres further from the development than Mountain Lane School.

Councillor Richard Jones felt that it was unfair to charge the developer £25,000 for 10 metres when Westwood School had capacity. He felt that parents from the development would choose to send their children to Westwood School because it had spaces. The Head of Planning said that the charge was imposed based on which school was the closest to the development not on the school that parents would choose to send their children to. He emphasised that Mountain Lane School was the closest to the development.

Councillor Derek Butler suggested that the monies be split between the two schools. Councillor Carol Ellis felt that parents should be encouraged to walk their children to school and asked whether the calculations were based on a journey by car or on foot. The officer said that he understood that it was based on the journey on foot.

RESOLVED:

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

- (a) £1,100 per dwelling in lieu of on-site play provision and

- (b) an educational contribution of £24,514 towards the provision of primary school places at Mountain Lane Primary School.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1980 (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.

30. **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)**

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

The officer detailed the background to the report and explained that the work was 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. A Grampian style condition was in place on the permitted Northern Gateway application which meant that work could not commence on that site until the flood defence works in this application were undertaken. The main impacts of the works were the noise and vibrations generated by the piling method on the residential properties on Claremont Avenue and migratory fish using the River Dee. Consultation had taken place with Natural Resources Wales about the impact on the migratory fish and they had indicated that the impacts could be mitigated. On the issue of noise on nearby properties, the impacts could also be mitigated and would require the submission of detailed noise and vibration plans. The works would also require the closure of the footpath and cycleway and the officer was in discussion with the applicant, Welsh Government (WG) about an alternative route.

Councillor Christine Jones proposed the recommendation for approval which was duly seconded. She said that the conditions reported alleviated the concerns which had been raised and she concurred that this work had to be undertaken before the Northern Gateway site could commence. It was hoped that the Northern Gateway site could commence in January 2014 so Councillor Jones asked Members to support the application.

Councillor Patrick Heesom raised concern at the lack of assurance that the works would reduce the high risk of flooding in the area. He also felt that an Environmental Impact Assessment should have been undertaken. The Chairman explained that the area had not flooded for over 100 years.

Councillor David Evans said that he had raised concerns with the officer and he thanked the officer for the information that she had forwarded to him. He

referred to the closure of the cycleway during the period of the works and said that an alternative route was yet to be determined. He felt that the application was being rushed to allow works on the Northern Gateway site to commence. He highlighted the final sentence in paragraph 3.04 where it was reported that other possible alternatives for the cycleway were existing public footpaths on the opposite side of the River Dee but these would need upgrading for cycle usage. Councillor Evans suggested that a condition be imposed that the alternative route be made permanent as it would benefit the local residents in the area. In referring to the impact of the works on the migrating salmon, he suggested that a condition could be imposed that the works not commence before October. He also commented on the vibration impact of the works on the residents of Claremont Avenue.

Councillor Richard Jones proposed an amendment which was seconded that condition 6 be amended to exclude use of impact driving percussive piling and that condition 8 be changed to include the requirement for the submission of a noise control scheme prior to commencement of the work.

In response to the comments made, the officer said that the works were required to ensure the structural integrity of the defence over a 100 year period. She added that a report was submitted on the impacts to the environment but explained that an Environmental Impact Assessment was not required. On the issue of the public right of way she explained that the route suggested in the application was third party land so its use could not be guaranteed. She also referred to the suggested amendment to condition 6 by Councillor Jones and said that the use of impact driving and percussive piling was already excluded. In response to a further comment from Councillor Jones about the wording in paragraph 7.26 about the proposed options for sheet piling, the officer said that her understanding was that vibration driving was different to percussive piling.

Councillor Carolyn Thomas asked whether consultation had been undertaken with the Coastal unit about events due to take place along the footpath during the period of the proposed works.

The Head of Planning said that the authority was aware of the cycleway closure and that options for an alternative route would be discussed. He did not feel that it was appropriate to defer the works due to the impact on the fish as there had been no objections to the scheme and there was therefore no reason to delay it.

In summing up, Councillor Christine Jones said that she had taken the concerns raised into account but that she had also considered the report of the officer which indicated that the impact on the fish would be low. She said that Sealand was on a flood plain and that discussions on works on the flood plain had been in place long before the application for the Northern Gateway had been submitted. The proposals in this application had been put forward because of the Northern Gateway development and particularly the amount of housing that would be created on the site. She welcomed the changes to the conditions but did not agree with delaying the works.

On being put to the vote, the amendment to approve the application with the suggested amendments to conditions 6 and 8 was CARRIED. This then became the substantive motion.

On being put to the vote, the substantive motion to approve the application was CARRIED.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning with condition 6 being amended to exclude the use of impact driving percussive piling and condition 8 being changed to require submission of a noise control scheme prior to the start of the work.

Councillor Patrick Heesom indicated that he wished it to be recorded in the minutes that he had abstained from voting.

31. **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)**

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

The officer detailed the background to the report explaining that the proposal was for the re-alignment of part of the internal estate road within the Field Farm Lane development to allow for amendments to the location and siting of the on-site public open space. The change to the road would impact on the approved site layout and the officer explained that any changes to this would require the submission of a further application.

Ms. L. Hawley spoke in support of the application. She said that work on the wider development was well under way and that the road realignment was necessary to allow for the resiting of the public open space. Discussions had taken place with the Public Open Space Manager who had indicated that the resiting would offer improvement. The applicants had considered the realignment at great length and were aware that further applications would need to be submitted if any changes to the outline permission were proposed.

Councillor Carol Ellis proposed refusal of the application against officer recommendation which was duly seconded. She said that the officer was recommending approval but that the report suggested refusal of the application. She highlighted paragraph 7.04 where the impacts of the realignment were reported which included the loss of some previously approved dwellings and an indication that some plots could not be developed in accordance with the previously approved layout. The residents of the existing properties at Silverdale and Hafod Las did not know what impact the proposed changes would have on their properties as the road realignment would result in amendments to some of the dwellings granted in the outline and subsequent applications but an application detailing these changes had not been submitted. Councillor Ellis said

that other applications which had not been reported had also been withdrawn. She asked that this application be refused and that it be submitted with an application to identify what impact the proposed road layout would have on the site layout.

Councillor Richard Jones raised concern about the reduction in the size of the open space provision and sought assurance that the number of dwellings on the development would not increase as a result of any future requests for substitution of house types due to the changes to the road layout. Councillor Mike Peers said that the numbers of affordable housing on a site was determined on the original application. He felt that if house types were changed which resulted in a net gain for the developer then the number of affordable dwellings would be below the guidelines set by the Council.

In response, the officer said that he had raised the issues about the remainder of the development with the developer. A safeguard was in place that if at stage 2 of the process a layout was suggested that would reduce the amenity of the properties at Hafod Las and Silverdale then that application would be refused.

In summing up, Councillor Ellis said that there was a lack of information about the impact of the application on the existing properties and on the remainder of the development. She reiterated her earlier comment that this application should be refused and submitted with an application to identify what impact the proposed road layout would have on the site layout.

On being put to the vote, the proposal to refuse the application against officer recommendation was CARRIED.

RESOLVED:

That planning permission be refused due to the unknown implications of the changes on the approved scheme and on existing properties in the vicinity and due to the reduction of the public open space.

32. **FULL APPLICATION - ERECTION OF A 3 BEDROOM DETACHED DWELLING WITH GARAGE (FOR DISABLED PERSON) ON LAND ADJ. 45 BROUGHTON HALL ROAD, BROUGHTON, CHESTER (050545)**

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

The officer detailed the background to the report and explained that the application was before Committee due to the requirement for a section 106 agreement. It was reported that Broughton was a Category B settlement within the Flintshire Unitary Development Plan and that the growth within the plan period for Broughton was 17%. Since the cumulative growth was already above 15%, any new dwellings in Broughton would need to be for local housing need. The proposal met the requirements of Policy HSG3 and complied with space around dwellings criteria. The officer also confirmed that no objections had been received to the application.

Councillor Derek Butler proposed refusal of the application against officer recommendation which was duly seconded. He queried why the existing bungalow could not be extended and altered to suit the needs of the disabled person. He felt that the application was for backland development and queried whether a needs statement had been submitted. Councillor Mike Peers spoke about a recent appeal decision to modify an existing dwelling for the needs of a disabled person which had been approved by the Inspector. He felt that this option should be explored for the existing bungalow on this site.

In response to the comments made, the officer explained that information about need had been submitted with the application which stated that 24 hour live-in care was required that could not be provided in the existing bungalow.

In summing up, Councillor Butler felt that this was a misuse of policy HSG3 and was backland development. He also reiterated his earlier comment about altering the existing bungalow for the needs of the disabled person.

On being put to the vote, the proposal to refuse the application against officer recommendation was CARRIED.

RESOLVED:

That planning permission be refused due to the failure to provide satisfactory information to warrant local need under Policy HSG3.

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

There were 20 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.35 pm)

.....
Chairman

FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING & DEVELOPMENT CONTROL
COMMITTEE

DATE: WEDNESDAY, 24 JULY 2013

REPORT BY: HEAD OF PLANNING

SUBJECT: GENERAL MATTERS - OUTLINE APPLICATION -
ERECTION OF A SINGLE STOREY DWELLING AT
LAND REAR OF 27 MAES GWYNFRYN, GWESPYR,
HOLYWELL.

1.00 APPLICATION NUMBER

1.01 047859

2.00 APPLICANT

2.01 MR & MRS G HAIGH

3.00 SITE

3.01 LAND REAR OF 27 MAES GWYNFRYN, GWESPYR, HOLYWELL.

4.00 APPLICATION VALID DATE

4.01 20TH SEPTEMBER 2010

5.00 PURPOSE OF REPORT

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

6.00 REPORT

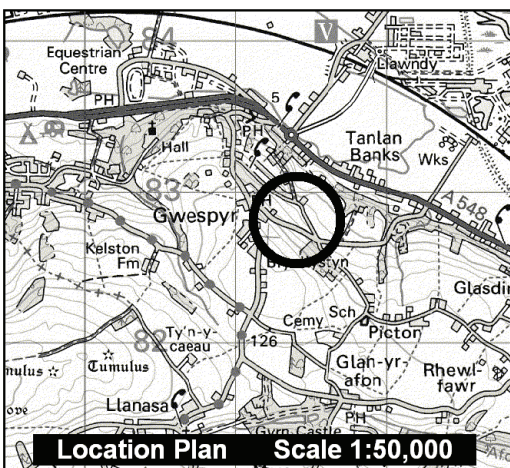
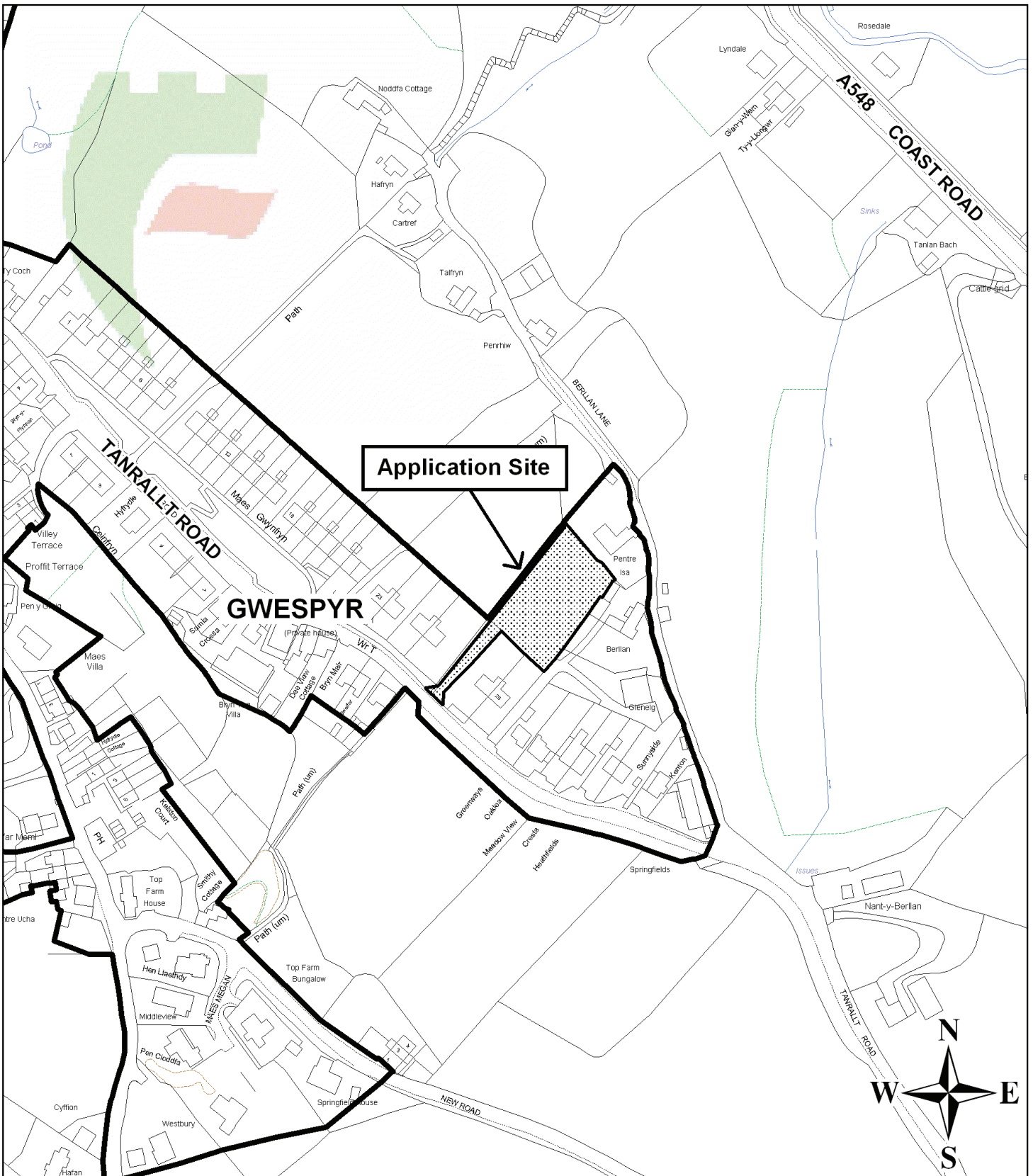
6.01 Members may recall that the application to which this report relates was considered by the members of the Planning & Development Control Committee at the meeting held on the 22nd June 2011. It was resolved by Members at that time that planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a Section 106 Obligation in respect of the following matters:-

1. to ensure that the Council are able to secure future affordable housing provision by holding a 30% equity in favour of the

Council.

- 6.02 A copy of the report to the Planning & Development Management Committee held on 22nd June 2011 is attached as Appendix A.
- 6.03 Despite correspondence between the Head of Legal & Democratic Services, the case officer and the applicant, no progress has been made by the applicant to resolve the outstanding issues relating to the Section 106 Obligation.
- 6.04 In these circumstances, it is considered that the proposal is therefore contrary to Policies IMP1 and HSG3 of the Flintshire Unitary Development Plan.
- 6.05 The report therefore seeks a resolution from Members as to the decision to be made on this application. It is my recommendation that, in view of the lack of progress being made in respect in of the Section 106 Agreement which would secure future affordable housing provision by holding a 30% equity in favour of the Council as recommended by Housing Strategy, planning permission be refused.
- 7.00 That planning permission be refused for the following reasons:
1. The proposed development does not make provision for the Completion of a Section 106 Agreement to ensure the Council are able to secure future affordable housing provision by holding a 30% equity in favour of the Council. As such the proposal is contrary to the provisions of Policies IMP1 and HSG3 of the Flintshire Unitary Development Plan.

Contact Officer: Celeste Ringrose
Telephone: (01352) 703235
Email: celeste_ringrose@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 1183

Planning Application **47859**

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FLINTSHIRE COUNTY COUNCIL**AGENDA ITEM NUMBER: 5.19**

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**
DATE : **22 JUNE 2011**
REPORT BY: **HEAD OF PLANNING**
SUBJECT : **RENEWAL OF OUTLINE PERMISSION 043636 FOR THE
ERECTION OF ONE DWELLING ON LAND TO THE REAR OF
27 MAES GWYNFRYN, GWESPYR**

APPLICATION NO: **047859**
APPLICANT: **MR & MRS G HAIGH**
SITE: **LAND REAR OF
27 MAES GWYNFRYN,
GWESPYR,
HOLYWELL,
CH8 9LE**

APPLICATION VALID DATE: **20/09/2010**
LOCAL MEMBERS: **COUNCILLOR F GILLMORE**
TOWN/COMMUNITY COUNCIL: **LLANASA COMMUNITY COUNCIL:**
REASON FOR COMMITTEE: **RECOMMENDATION FOR
APPROVAL, SUBJECT TO A
SECTION 106 AGREEMENT**

SITE VISIT: **NOT REQUIRED**

1.00 SUMMARY

- 1.01 The application is for the renewal of outline planning permission, reference 043636, for one dwelling. The matter for consideration is the imposition of a Section 106 Agreement to ensure future affordability in accordance with Policy HSG3 of the emerging Flintshire Unitary Development Plan. This policy has been modified in terms of providing a Local Housing Need since the submission of the previously approved outline.

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

- 2.01 That subject to the applicant entering into a Section 106 Agreement ensuring the future affordability of the dwelling, conditional permission be granted.

Conditions

1. Approval of Reserved Matters

2. Time limit on Submission of Reserved Matters and commencement
3. Any proposed occupant of the proposed dwelling shall be registered on the Council's Affordable Homeownership Register, which is administered by Cymdeithas Tai Clwyd.
4. Reserved matters shall include details of existing and proposed site levels and proposed finished floor levels of the building
5. The submission of reserved matters shall provide for a single storey dwelling only.
6. Removal of PD rights
7. Submission of samples of materials to be used in the external finishes of the proposed dwelling.
8. Submission of a scheme detailing the boundary treatments to the site.
9. Access visibility sightline requirements
10. Provision of parking and turning facilities within the site
11. Access to the site shall be in accordance with the standard detail relating to a single residential access.
12. The gradient of the access from the edge of the existing carriageway and for a minimum distance of 6 m shall be level grade.
13. The legally defined line of the public right of way must be marked out on the site in strict accordance with the definitive map.
14. Foul water and surface water discharges shall be drained separately from the site.
15. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
16. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
17. The proposed development site is crossed by public sewerage with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

3.00 CONSULTATIONS

- 3.01 Local Member: Councillor F Gillmore:
Agrees to determination under delegated powers.

Llanasa Community Council:
No objection

Head of Public Protection:
No adverse comments

Head of Assets and Transportation:

PROW: Applicant must contact ROW section before proceeding with any works.

Legally defined PROW must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority before design implementation. The surface must not be disturbed without permission and development over the line of PROW must not commence until any necessary diversion or extinguishment has been lawfully authorized.

Head of Assets and Transportation:

DC: Red edged land to include FCC land to be purchased.

Conditions relating to :

- Visibility sightlines
- Turning and parking
- Access details
- Gradient
- PROW

Supplementary notes, with particular reference to clause 9 to be attached to any planning application.

SP Power Systems Ltd:

Plant and apparatus in the area of the proposed development.

Wales & West Utilities:

No apparatus in the area of our enquiry.

Environment Agency:

No response at time of writing report

Dwr Cymru/Welsh Water:

Conditions and advisory notes as detailed in list of conditions

CPAT:

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

Ramblers: Condition should be attached to any planning permission in regard to the protection of the PROW. Support the provision of a kissing gate.

Housing Strategy:

Information given in regard to housing need in the area and affordable housing

4.00 PUBLICITY

4.01 Site notice and Neighbours:

1 letter of objection received on the grounds of:

- Intrusive form of development
- Overlooking

5.00 SITE HISTORY**5.01 043636**

Outline - Erection of a single storey dwellinghouse. Planning permission granted 30/ 8/2007

036845

Outline - Erection of a dwelling. Planning permission granted 10/ 5/2004

6.00 PLANNING POLICIES**6.01 Clwyd Structure Plan First Alteration**

Policy B8

Structure Plan Second Alteration: Flintshire Edition

Policy HSG7

Delyn Local Plan

Housing policy 6

Emerging Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR4 - Housing

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development Inside Settlement Boundaries

Policy HSG3 - Housing on Unallocated sites within Settlement Boundaries

Policy AC13 - Access and Traffic Impact

Policy AC18 - Parking Provision and New Development

The policy implications of the proposed development are addressed in the 'Principle of Development' section of the planning appraisal

7.00 PLANNING APPRAISAL**7.01 Introduction**

This is a renewal of an outline planning permission 043636, to include access, with some matters reserved for the erection of one dwelling on land to the rear of 27 Maes Gwynfryn, Gwespyr.

7.02 Site Description

The site is located to the rear of 27 Maes Gwynfryn and is accessed from Tanrallt Road via a single grassy track that runs between No. 28 Maes

Gwynfryn and Greenways. The Public footpath No. 39 runs along the north western boundary of the proposed access track.

- 7.03 The site is a large vacant plot, which is covered in overgrown vegetation, located on a hillside which slopes downward in a northerly direction and is not visible from the highway. There are no trees located on the site. The boundaries of the site consist of hawthorn hedging, stone walls and concrete post and wooden panel fencing.
- 7.04 To the northwest of the site, on a lower level, is a single storey detached dwelling, Pentre Isa. To the east is a two storey detached dwelling, Berllan and to the south are No. 27 and 28 Maes Gwynfryn, a pair of two storey dwellings. The west of the site has an open aspect. The surrounding properties vary in design, style and materials, which include painted render, stone with slate roofs.
- 7.05 As a Public Right of Way runs along the site, a condition shall be attached to any planning permission ensuring that it is protected in accordance with Public Rights of Way requirements.
- 7.06 In accordance with Highway recommendations, an amended plan has been submitted including the visibility splays within the red edged area, together with the relevant notices and certificates. As the red edged area has now been amended, the conditions recommended by Highways, as outlined above in Section 3, shall be attached to any planning permission.
- 7.07 Principle of Development and Policy Considerations
The application site is within the settlement boundary of the adopted and emerging Local Plans. A similar proposal was granted outline planning permission in August 2007. The detail of this application is the same as the previously approved scheme. However, since the submission of the previous application there have been changes to the emerging Flintshire Unitary Development plan and as such this application is now subject to the requirements of the modified policy HSG3. The site lies within a category C settlement and the growth rate for that settlement has exceeded 10%. If the site had not benefited from a relatively recent planning permission, this in itself would mean that the application would be refused. As the planning permission is included in the housing commitments for Gwespyr, it is considered in this instance to look at this application pragmatically and allow its renewal provided it meets a proven local need. As such any planning permission shall be subject to a Section 106 Agreement to ensure that any dwelling on the site meets and maintains the affordable housing criteria of policy HSG3.
- 7.08 The applicant has submitted information to show how the scheme could meet the affordable and local housing need and has verbally agreed to entering into a S106 agreement in this regard. Permitted Development

Rights will be removed with the granting of planning permission as this may have a bearing on the future affordability of the dwelling.

7.09 Other Issues

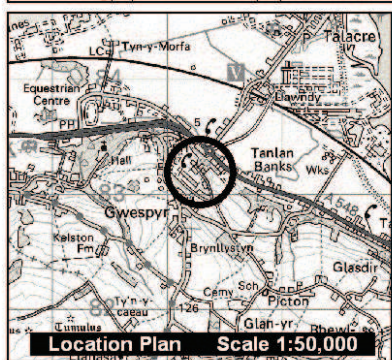
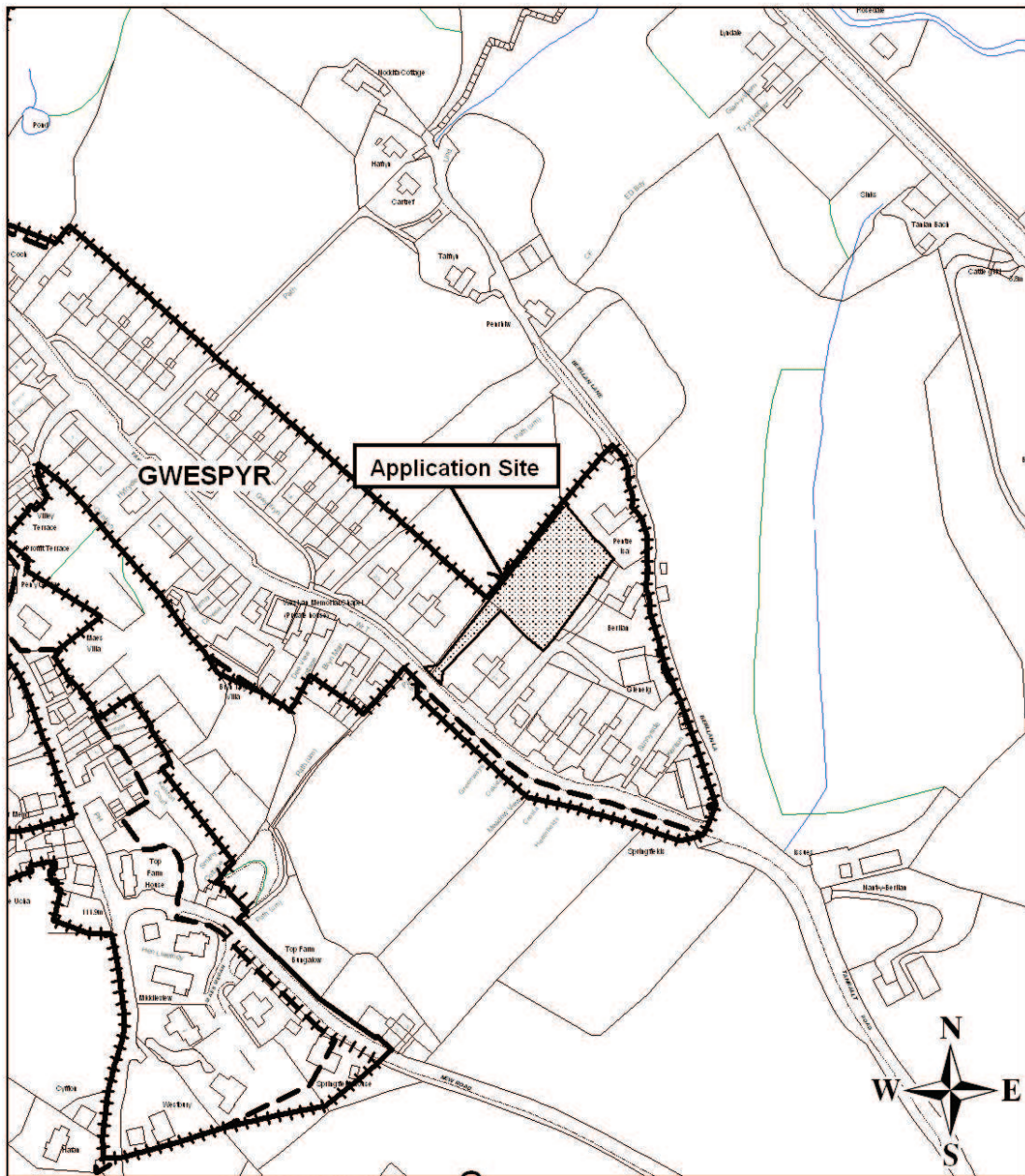
An objection has been received from the neighbouring property, Pentre Isa on the grounds of overlooking and the proposal resulting in an intrusive form of development. However, any issues relating to the siting and design, including fenestration, of the proposed dwelling would be addressed at the reserved matters stage which would enable consideration to be given to the amenity of the surrounding properties to ensure it is not adversely affected. The siting of any proposed dwelling is restricted by the public sewer crossing the site, which requires a 3 metre easement on either side of the pipeline. In addition the site is of sufficient size to accommodate a single storey dwelling in accordance with FCC policy and guidance.

8.00 CONCLUSION

- 8.01 The proposed development is considered acceptable in principle subject to the conditions as stated above and the applicant entering into a Section 106 Agreement to secure future affordable housing provision.

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

Contact Officer: Celeste Ringrose
Telephone: 01352 703235
E-Mail: celeste_ringrose@flintshire.gov.uk



	Environment Directorate, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Director: Mr. Carl Longland
	<p>Key to Settlement Boundaries</p> <ul style="list-style-type: none"> Delyn Local Plan Settlement Boundary North Flintshire Local Plan Settlement Boundary Emerging Flintshire Unitary Development Plan Settlement Boundary
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<p>Map Scale 1:2500</p>	<p>Ordnance Survey Sheet SJ 1183</p>
<p>Planning Application 47859</p>	

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH JULY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **OUTLINE APPLICATION – FOR THE DEMOLITION OF ‘SUNNYSIDE’ & 66A MOLD ROAD AND THE ERECTION OF 58 HOUSES INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE AT LAND AT REAR OF 66A MOLD ROAD, MYNYDD ISA**

APPLICATION NUMBER: **048042**

APPLICANT: **MULLHILL ESTATES LLP**

SITE: **LAND AT REAR OF 66A MOLD ROAD, MYNYDD ISA**

APPLICATION VALID DATE: **18TH NOVEMBER 2010**

LOCAL MEMBERS: **COUNCILLOR HILARY J. MCGUILL**

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

REASON FOR COMMITTEE: **MEMBER REQUEST, SCALE OF PROPOSALS EXCEED THRESHOLDS AND SECTION 106 AGREEMENT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is an outline planning application for the erection of 58 dwellings on land to the rear of 66a Mold Road, Mynydd Isa, Near Mold.
- 1.02 The site is allocated for residential development in the Flintshire Unitary Development Plan.
- 1.03 The application provides detail in respect of access, appearance, layout and scale. Matters of landscaping are reserved for future

consideration.

1.04 During the consideration of the application, issues in respect of design, layout, access and highway improvement works, drainage proposals, land contamination, residential amenity, ecology, viability, affordable housing, recreation provision and educational requirements have been negotiated and resolved subject to the imposition of conditions and a Section 106 Agreement.

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

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

- a. Ensure the payment of a contribution of £56,170 to the Council for use in facilitating access to affordable homes. Such sum to be paid upon completion of the first dwelling sale upon site.
- b. Payment of £27,865 towards educational provision/improvements at Mynydd Isa Primary School and payment of £27,865 towards educational provision/improvements at Argoed High School. This contribution shall be paid upon completion of the first dwelling sale upon site.
- c. Payment of £45,000 to equip the proposed play area on the site for a scheme to be agreed by the Local Planning Authority prior to commencement of the development. This contribution shall be paid upon completion of the first dwelling sale upon the site.
- d. Payment of £49,300 to the Building Wildlife Trust for alternative mitigation land for GCN or improvements to existing GCN Habitats within the Buckley & Deeside locality. This contribution shall be paid upon completion of the first dwelling sale upon the site.
- e. Payment of £5,800 to the Local Planning Authority to promote, monitor and evaluate the travel plan. Such sum to be paid prior to the commencement of development.

Conditions

1. Time limit on commencement within 3 years from date of outline or 1 year after Reserved Matters approval.
2. Submission of Reserved Matters – Landscaping.

3. Samples and/or precise details of all external materials to be submitted and approved.
4. In accordance with approved plans.
5. No development until details of a "Design Stage" Assessment submitted/approved.
6. Minimum Code for Sustainable Homes Level 3 and achieve 1 credit under Category Ene1 in accordance with the requirements of Code for Sustainable Homes – Technical Guide April 2009.
7. Code for Sustainable Homes 'Post Construction Stage' Assessment final certificate
8. Scheme for 10% reduction of carbon outputs.
9. Foul and surface water discharges drained separately from the site.
10. No surface water allowed to connect directly or indirectly to the public sewerage system.
11. Land drainage run-off shall not be permitted to discharge directly or indirectly into the public sewerage system.
12. Scheme for comprehensive and integrated drainage.
13. No building within 3 metres either side of the centreline of the public sewer.
14. No beneficial use of buildings earlier than 31 March 2014 unless upgrading of waste water treatment works has been completed.
15. No site clearance or tree/hedgerow works during bird nesting season.
16. Scheme of hours of working to be agreed.
17. Construction traffic management and ranting scheme to be agreed.
18. Details regarding the retention and protection of trees to be submitted and agreed.
19. Remediation measures to be undertaken in accordance with scheme agreed.

20. Detailed scheme for the new access road to be submitted / approved, works to become the subject of a Section 278 Agreement.
21. No works shall commence unless and until all the works specified in condition No. 21 have been completed.
22. Siting, layout and design of the means of site access to be submitted/ approved.
23. Access to have visibility splay of 2.4 m x 43m in both directions.
24. Detailed layout, design, means of traffic calming, signing, surface water drainage, street lighting and construction of the internal estate submitted /approved.
25. Site access to be kerbed and completed to carriageway base course layer prior to the commencement of any other site building operations.
26. Visibility splays made available and kept free from all obstructions for duration of site construction works.
27. Gradient of the access to be 1 in 24 and a maximum of 1 in 15 thereafter.
28. Boundary treatment details to be submitted and approved.
29. Scheme of Reasonable Avoidance Measures to mitigate against Great Crested Newts to be submitted/approved.
30. Details of existing and proposed site levels and proposed finished floor levels to be submitted /approved.
31. Removal of permitted development rights.
32. Details of the acoustic fences to be submitted /approved

3.00 CONSULTATIONS

3.01 Local Member

Councillor Mrs Hilary J. McGill

Requests application be referred to Planning Committee and a site visit as: this a controversial development, the land was an old tip and has a pond on it, flooding issues, entrance onto Mold Road is obscured by hedging, exit is narrow for the volume of cars, conservation issues over removal of trees. Committee site visit will allow Members to truly understand the issues.

Argoed Community Council

Objects to the application on the following grounds:-

- Trees with Preservation Orders are going to be destroyed.
- Exit to Mold Road is not sufficient to deal with traffic. An additional exit should be considered.
- No Welsh Water approval has been received. No planning approval should be given unless Welsh Water have considered the additional amount of sewage etc and has confirmed and approved additional throughput to their systems.
- Flooding of the area and the effect on the community new residents.
- Privacy of new houses are compromised as many of the houses have their living rooms on the first floor and will be able to see in.

Head of Assets and Transportation

Recommends that any permission shall include suggested conditions.

Head of Public Protection

In relation to contaminated land asks that if planning permission is granted for the development, conditions are imposed on it to secure the submission of the outstanding information namely a remediation strategy and subsequent verification reports.

In terms of noise, supports the provision of acoustic fences to protect the amenities of the adjacent properties.

Director of Lifelong Learning

Requests Section 106 contributions of £49,000 for Mynydd Isa Primary School and £35,000 for Argoed High School.

Public Open Spaces Manager

Minimum requirement of open space to provide an on site equipped childrens play area is 1,700 m2. Developer is proposing to provide this space on a split location which is not supported. Purpose of seeking the allocation in one area is to provide meaningful play space sufficient in size not to impact on adjacent dwellings through play activities. Consideration be given to removing plots 49, 50 & 51 to achieve this. Authority will need to agree the specification for the level of play equipment to be provided, boundary treatments, landscaping proposed and commuted sum payments should the developer require the authority to adopt the facility.

Housing Strategy Manager

Suggests a commuted sum of £674,526 in lieu of 30% on site affordable housing provision. This commuted sum will be used to

provide a mixed housing tenure range (rental/homeownership opportunities) to local people registered on both the Council list and affordable homeownership register.

Environment Agency Wales (now Natural Resources Wales)

No objection to the proposed development in principle subject to the imposition of certain suggested conditions and notes.

Welsh Water/Dwr Cymru

Requests that if minded to grant consent for the development that suggested conditions and advisory notes are included within the consent. Proposed development would overload the existing waste water treatment works. Improvements are planned for completion by 31st March 2015. Suggests imposition of Grampian condition.

Countryside Council for Wales

No final response received to date.

Clwyd-Powys Archaeological Trust

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

SP Energy Networks

Have plant and apparatus within the area of the proposed development. Developer advised of need to have appropriate steps to avoid any potential danger that may arise during their works to the electrical apparatus.

Airbus

Does not conflict with safeguarding criteria. Therefore no aerodrome safeguarding objection to the proposal.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

88 letters of objection received. The grounds of objection are summarised below:-

- Loss of amenity to existing residents in terms of loss of light, privacy, obtrusiveness and noise.
- Loss of existing trees and hedgerows and subsequent impact on wildlife. Some of the trees are covered by Tree Preservation Orders.
- Proposed dwellings should be more sympathetic to the area.

- Overdevelopment of the site.
- Site is contaminated. Should not be built on as it will affect public health.
- Existing facilities e.g., schools, surgeries etc would not be able to cope with more inhabitants.
- Loss of countryside.
- Foul and surface water drainage inadequate and will be exacerbated by proposals and lead to extra flooding.
- Site is important habitat supporting protected species e.g., Great Crested Newts. Environmental legislation has been breached.
- Need for more housing in the area as there are plenty of houses for sale already?
- Site access onto Mold Road is dangerous given the proximity to the bus stop, existing junctions, lay-bys and driveways to existing properties.
- The Transport Assessment should be updated to take account of new developments.
- Discrepancies between the amended plans and the outdated Transport Assessment.
- Has an Environmental Impact Assessment been undertaken, and the relevant habitats legislation been applied?
- Loss of bus stop.
- Loss of existing access to the rear of the properties onto Mold Road.
- No details shown of flood holding tanks.
- Lack of parking within the site and on service roads.
- Existing lay-bys will be used as shortcuts.
- No decisions should be based on builders expected profits.
- Lack of parking within site and on existing service roads.
- Site does not use the UDP accepted access.

The Ramblers Association comment that whilst not having been consulted on the application and there are no public rights of way directly affected – object that access be provided from the A549. This is contrary to safety of pedestrians locally. If consent is granted, access should be via the adjacent estate road, Clwyd Avenue.

5.00 SITE HISTORY

5.01 **44303** – Proposed demolition of existing dwelling and construction of new dwelling – Granted 28th March 2008.

663/89 – Outline residential development – Withdrawn 9th November 1990.

3/MR/347/79 – Outline residential development – Withdrawn 1st May 1980.

3/MR/213/77 – Residential – Withdrawn.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

STR7 – Natural Environment.

GEN1 – General Requirements for Development.

GEN2 – Environmental Assessment.

D1 – Design Quality, Location & Layout.

D2 – Design.

D3 – Landscaping.

TWH1 – Development Affecting Trees & Woodlands.

TWH2 – Protection of Hedgerows.

WB1 – Species Protection.

HE7 – Other Sites of Lesser Archaeological Significance.

AC13 – Access & Traffic Impact.

HSG1 (32) – New Housing Development Proposals.

HSG8 – Density of Development.

HSG9 – Housing Mix & Type.

HSG10 – Affordable Housing Within Settlement Boundaries.

SR5 – Outdoor Playing Space & New Residential Dwellings.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP14 – Derelict & Contaminated Land.

EWP17 – Flood Risk.

IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note 2: Space Around Dwellings.

Local Planning Guidance Note 4: Trees & Development.

Local Planning Guidance note 8: Nature Conservation &

Development.

Local Planning Guidance Note 9: Affordable Housing.

Local Planning Guidance Note 11: Parking Standards.

Local Planning Guidance Note 13: Open Space Requirements.

Local Planning Guidance Note 22: Planning Obligations.

Adopted Supplementary Planning Guidance 23 – Developer Contributions.

National Planning Policy

Planning Policy Wales (November 2012)

Technical Advice Note (TAN) 2: Planning & Affordable Housing (2006)

Technical Advice Note (TAN) 5: Nature Conservation & Planning (2009)

Technical Advice Note (TAN) 10 Tree Preservation Orders (1997)

Technical Advice Note (TAN) 11 Noise (1997)

Technical Advice Note (TAN) 12 Design (2009)

Technical Advice Note (TAN) 16 Sport, Recreation & Open Space.

Technical Advice Note (TAN) 22 Sustainable Buildings (2010)

The application site is located within the settlement boundary of Mynydd Isa as defined within the Flintshire Unitary Development Plan and is allocated as a site for housing development. In this context there is a clear policy framework supporting the principle of residential development on the site, subject to the requisite open space, affordable housing and educational contribution being provided.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of the existing residential properties and gardens of 66a Mold Road and “Sunnyside”, Rose Lane together with five fields. The total area is approximately 2.07 ha. The fields are now unused and fallow with areas of scrub vegetation which are also subdivided by a series of overgrown hedges, some of which incorporate trees. In addition, the site also contains a number of freestanding trees. Several of the existing trees are subject to a Tree Preservation Order. The site is set at an elevation of approximately 147 m AOD and slopes generally from west to east with flatter areas of land located to the south western and eastern boundaries. Open countryside extends to the south of the site.

7.02 The site is located to the south of the properties 58 – 66 Mold Road, west of 1a Wydian, Rose Lane and east of 8 & 15 Clwyd Avenue, all of which are located on the southern side of Mold Road, Mynydd Isa.

7.03 This application seeks outline approval of matters relating to access, appearance, layout and scale for the erection of 58 (originally 60) dwellings, of which 15 will be three bedroomed terraced houses, 2

three bedroomed semi detached houses, 7 three bedroomed detached houses, 33 four bedroomed detached houses and a five bedroomed house.

7.04 The proposals also include the creation of a new vehicular and pedestrian access onto Mold Road which involves the demolition of 66a Mold Road, the relocation of the bus stop, replacement of the western junction of the southern service road with its new location fronting 64 Mold Road and alterations to the footway upon both sides of Mold Road to the west of the new access.

7.05 The dwelling 'Sunnyside' will be demolished and replaced by a five bedroomed dwelling. Vehicular and pedestrian access to this property will be served as existing from Rose Lane.

7.06 Vehicular access to No. 66 Mold Road will be retained as will the rear access track behind the properties on Mold Road.

7.07 Background

Members may recall that in the Deposit Flintshire Unitary Development Plan, the site was located outside the settlement boundary for Mynydd Isa. Following the consideration of representations seeking its allocation for housing, the Council considered that it was appropriate to include the site within the settlement boundary and this was implemented by proposed change 42. At that time the Council were content with the broader principle of housing on the site but on the basis of concerns and uncertainty about vehicular access and the retention of ecological and landscape features on the site, did not consider that a housing allocation could be justified. In the run up to the Public Inquiry further evidence was produced by the promoter of the site which allayed officers concerns and a position statement was issued to the Inspector to the effect that there was no longer any constraints that would prevent the site from being allocated. Following consideration of evidence produced by both the promoters and objectors to the site the Inspector recommended that the site be allocated for housing and his recommendation was subsequently accepted by Members.

7.08 Issues

The main issues to consider within the determination of this application are the principle of the development in planning policy terms, whether the site is viable, the provision of open space and affordable housing together with educational contributions, the highway implications, the effects upon the character and appearance of the area, land contamination, the effects upon the trees and ecology of the area, drainage and the effects upon nearby residential amenity.

7.09 Principle of Development

The site is allocated for housing development in the Flintshire Unitary

Development Plan HSG1 (32) – Rose Lane, Mynydd Isa.

7.10 It is also located within the settlement boundary for Mynydd Isa in the Flintshire Unitary Development Plan which is a Category 'B' settlement with an array of facilities and services and the sites allocation for residential development reflects both the strategy of the Flintshire Unitary Development Plan and the principles embodied in Planning Policy Wales. In this context therefore, there is a clear policy framework supporting the principle of residential development on the site, subject to the requisite open space, affordable housing and educational contributions as detailed within this report being provided.

7.11 Viability

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

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

7.13 The evidence considered by the DV suggests that the development would not be viable were the usual payments under a Section 106 agreement to be strictly required. The Council is entitled to take into account, in such circumstances, the likelihood of the proposed development being carried out. In doing so, the Council must consider what would be the planning consequences if the scheme did not proceed because it was not viable.

7.14 In this particular case, the consequences relate to the fact that the site is an allocated site for the purposes of residential development within the Flintshire Unitary Development Plan (UDP). As such, the anticipated yield of dwellings arising from the development of this site forms a part of the strategic overall housing figure planned to be delivered through the UDP. If this site is not delivered, there would be a consequent impact upon the levels of housing identified to be required to be delivered through the plan.

7.15 This assessment identifies that a sum below that which would be considered acceptable would be likely to result. In the view of the DV, the sum offered of £212,000 was reasonable. The applicant offers this sum for planning contributions.

- 7.16 However, in recognising that the assessment outcomes arise as a consequence of current economic circumstances, it is considered that provision ought to be made to allow for the reassessment of the viability of the proposed development if the site were not be commenced swiftly following approval of Reserved Matters.
- 7.17 It is considered that the most appropriate and pragmatic means via which this provision for reassessment can be secured would be for this outline permission to be granted with a time limit upon commencement of 3 years, instead of the normal 5 years, of the date of the outline planning permission or within one year of the date of the last approval of Reserved Matters. Taking into account the fact that this would be an Outline planning permission, with the need for Reserved Matters to be agreed, this would also necessitate a variation to the normal period for the submission of Reserved Matters from 3 years to 2 years.
- 7.18 It is considered that this exception to the normally imposed conditions will ensure that, in the event that development has not commenced within that time, an opportunity to reassess the viability of the development will be afforded if and when an application to renew the permission is made.
- 7.19 The contributions requested with the actual ones being provided are detailed elsewhere within this report, but are summarised in the table below.

Department	Requested Amount	Actual
<u>Affordable Housing</u>	£674,526	£56,170
<u>Education</u>		
a. Mynydd Isa Primary School	£49,000	£27,865
b. Argoed High School	£35,000	£27,865
<u>Ecology</u>	£49,300	£49,300
<u>Recreation & Open Space</u>		
a. On site land	3,285 m ²	1,010 m ²
b. Equipment	£45,000	£45,000
<u>Or</u>		
Commutated sum	£63,800	£63,800
<u>Highways</u>		
Travel Plan	£5,800	£5,800

- 7.20 Recreation & Public Open Space Provision
The developer is providing an amenity space of 430 m² towards the

south west corner of the site and a play area of 1010 m2 within the middle of the site towards the eastern boundary.

- 7.21 Applying the standards within Local Planning Guidance Note 13 – Open Space Requirements, the developer would normally have to provide 3, 285 m2. This would have to be also fully equipped with a specification to be agreed by Leisure Services.
- 7.22 For the reasons given in paragraphs 7.10 – 7.14 inclusive, the scheme can only provide the areas referred to in paragraph 7.19 above and not for the larger area to be equipped by the developer. It has been identified that to equip the play area would cost approximately £45,000. This sum being provided out of the developer's total contribution of £212,000.
- 7.23 Affordable Housing
The Head of Housing Strategy advises that there are currently 364 applicants registered on the Council's waiting list of which 34 have indicated Mynydd Isa as their first choice area and have full local connection points and 36 applicants (registered for Mold and surrounding area) on the Affordable Home Ownership Register.
- 7.24 Having regard to the housing need identified, it is advised that a commuted sum of £674,526 in lieu of 30% on site affordable provision be provided.
- 7.25 For the reasons given in paragraphs 7.10 – 7.14 inclusive, the scheme does not have sufficient residual value to allow for contributions to this extent.
- 7.26 Mynydd Isa, as a Category B settlement provides for a mix of housing of a variety of types, size and tenure. Members may be also aware that house prices are generally affordable in Mynydd Isa compared to other areas of Flintshire.
- 7.27 Given this and there is insufficient residual value, it has been identified that the sum of £56,170 can be provided. This sum is required to be paid in full on completion of the first dwelling sale.
- 7.28 Education Contributions
Consultation with the Director of Lifelong Learning in respect of the likely impact of the proposed development upon educational facilities within the locality has identified that the 14 primary age pupils and 10 secondary age pupils likely to arise from the development would result in an adverse impact upon the educational facilities at the nearby Mynydd Isa Primary and Argoed High Schools respectively.
- 7.29 Accordingly, the sums of £49,000 for Mynydd Isa Primary and £35,000 for Argoed High Schools are sought for use in providing for the additional capacity.

- 7.30 Members will note that whilst these sums are not being provided, the contribution requested (£27,865 for each school) is considered to be fair and reflective taking into account the viability of the scheme and the other financial contributions required at this site.
- 7.31 Highways
Vehicular and pedestrian access will be gained to the site by the formation of a new priority junction onto Mold Road. This will be created by the demolition of 66A Mold Road. It will also involve the relocation of the westbound bus stop, a new access to the west of the southern service road, increasing the footway width from 1.2 m to 2 m to the west of the new junction and to the east by only a marginal amount, marginal narrowing of the existing footway on the opposite northern side of Mold Road between Nos 83-93 and a new kerb arrangement opposite the new site access between Nos 79 – 81 Mold Road on its northern side. Access to No. 66 will be retained as the driveway for the property is east facing and therefore directly accesses on to the priority junction.
- 7.32 The existing access for the proposed replacement dwelling at ‘Sunnyside’ will be retained off Rose Lane as will the existing access track behind the properties of Nos 58 – 64 Mold Road.
- 7.33 Internal access roads will be formed within the site, with driveways and access to parking courts located off them. Car parking within the site will total 116 spaces.
- 7.34 Members maybe aware that in 2011, the Council commissioned Capita Symonds to review the highway/traffic evidence relating to this application. The four site access options of a Mold Road priority junction, a Mold Road roundabout, a Clwyd Avenue priority junction and a Rose Lane priority junction were considered. These options were assessed against a number of criteria including safety, operational performance and impact on residential amenity.
- 7.35 This assessment concluded that direct access onto the local distributor road (Mold Road), resulting in decreased traffic through residential streets and the difficulties and cost associated with providing DDA compliant infrastructure for the Clwyd Avenue Option (due to the significant difficulties in levels) meant that the Mold Road priority junction was the preferred option. However, this was not without issues in relation to the relocation of the bus infrastructure and changing the existing residential access arrangements.
- 7.36 The bus pole is to be moved slightly eastwards from the new site access and junction of Mercia Drive. This it is considered will reduce buses obstructing visibility along A549 Mold Road from side roads and avoid disrupting the operation of the junctions. The bus stop will fall within the eastern visibility sightline of the proposed access to the

development. Consultation with the Council's Transportation Section indicates that they have no objection to this. The responsibility lies with the person joining the major road to ensure the manoeuvre they are undertaking is safe. Due to the limited time it takes to alight or disembark from the bus, if a driver does not feel that it is safe to manoeuvre they would wait for a short period of time for the bus to move off. Once the bus moves off the visibility sightline in this direction is far in excess of the required standards.

- 7.37 The assessment found that the proposed junction arrangements may lead to confusion with vehicle "signalling" intentions due to the proximity of the junctions to the proposed site access. There were low levels of traffic obscured using the various service road accesses along Mold Road. Therefore the proximity of the site access to the existing/revised service road accesses was perceived to be a minor operational issue.
- 7.38 Car parking within the site will total 116 spaces. This level of car parking is below the Council's maximum car parking standards (totalling 150 spaces). To address this shortfall, the Applicant's Transport Consultants have produced a Travel Plan in order to encourage sustainable travel to and from the site by residents via the use of walking, cycling, public transport and car sharing. The measures set out in the Travel Plan will therefore help to reduce the parking demand generated by the development and support the proposed level of parking. To promote, monitor and evaluate this Plan, the applicants will make a payment of £100 per dwelling to the Highway Authority. This payment will be taken out of the total £212,000 commuted sum payment.
- 7.39 Character & Appearance of Area
The site and the area to the south is predominantly rural in character. However to the north, east & west lies residential development which has a mix of the more traditional turn of the century housing with post war semi-detached, terraces and bungalows built from brick or render with slate or concrete interlocking tiles. They are of various styles typical of the periods when they were built.
- 7.40 Both the layout and design of the dwellings of this scheme has been the subject of extensive negotiation and discussion over the course of the consideration of the application and has been amended in line with comments arising from the consultation process.
- 7.41 The development will be a mix of 2 storey, three, four and five bedroomed detached, semi-detached and terraced houses. The external materials of which will be of predominantly taking brick walls with artificial slate roofs. The houses will be detailed with string courses, artificial stone lintels and soldier courses around the windows etc.

- 7.42 The layout of this scheme has evolved through the constraints and opportunities of the site together with the character of the built form within the locality. The main access point being determined by visibility and highway safety with the street pattern generated from the perimeter of the site and the access not allowing any frontage properties together with the existing bank running north to south through the site. To avoid substantial re-grading, the properties are sited running north to south, along the top and bottom of the slope thereby restricting the properties running up the gradient to as few as possible. The layout was also informed by the need to retain as many of the trees (particularly those covered by a TPO) as well as to provide some public open space.
- 7.43 The density of development equates to approximately 28 dwellings per hectare. HSG8 of the Flintshire Unitary Development Plan advises that on allocated sites in Category 'B' settlements such as this, the general minimum net housing density should aim to achieve 30 dwellings per hectare. Therefore the density of this site generally complies with the policy.
- 7.44 Both the design and materials of the proposed dwellings are generally reflective of the older housing in the locality within the layout, where they provide end stops, they have been designed as focal buildings. Also where gable ends of the buildings are prominent from the road, they have been designed so as to include features and detailing such as windows with detailed surrounds.
- 7.45 Given the above, it is considered that the proposals provide an adequate response to the design issues raised in connection with the consideration of this application.
- 7.46 Land Contamination
Assessments carried out to date have found that the site is affected by contamination as a result of unacceptable levels of gases and other substances within soils present at the site. To reduce unacceptable risks to the development and those who will occupy it in future, remedial measures are required to be constructed within the buildings (to address gas contamination) and in the garden and soft landscaped areas of the site.
- 7.47 The developer will need to provide and verify the appropriate level of gas protection measures in the building and associated structures such as drainage and service conditions and channels and will need to construct a cover system of an appropriate depth and constructed using suitable materials in garden and soft landscaped areas. A remediation strategy to explain exactly how this will be achieved is required before commencement of the development. Reports to prove that the work has been carried out will be required to be approved by the Local Planning Authority prior to the occupation of any and each dwelling. Reports will be required to be provided on a

plot by plot basis. A condition has been placed upon the recommendation to grant planning permission to this effect.

7.48 Trees

The site and along its boundaries, contain a number of trees, some of which are mature and covered by Tree Preservation Orders.

7.49 The Council's Forestry Officer has been consulted throughout the application process and confirms that the amended layout will satisfactorily incorporate the majority of the mature trees within the residential development.

7.50 The two mature trees that will be felled comprise of a sycamore (T3), which is regarded as a less significant specimen and an oak (T5) which has greater decay than when first examined. Both trees will be replaced which are proposed to be planted upon the proposed play area of the development.

7.51 During construction works of the development, the remaining trees will be protected from their loss or damage by measures to be further submitted to and agreed in writing by the Local Planning Authority.

7.52 Ecology

The site consists of small fields with overgrown thick species rich hedgerows together with some mature trees. Where the hedgerows are particularly overgrown, wooded species such as Broad Buckler and male ferns have developed. The fields slope down to the east, ditches follow the hedges across the site, flowing into wetland which has developed along the low lying eastern boundary. Much of wetland is considered to be due to blocked drains but the marsh just outside the southern boundary and extending into the site consists of a variety of typical marshland species – Kingcup, Brooklime, Hard Rush and Great Willowherb has been present for some time. The grassed appears not to be species rich although there are a few remnant "meadow" species such as Lady's Smock, Meadow Woodrush and Black Knapweed. The site has been managed un-intensively by horse grazing and hence the overgrown hedges and rough grassland.

7.53 The site is not located within or adjacent to the boundaries of any statutory sites of ecological, geological and/or geomorphologic interest. However, it is located within 1.5 kms of the Buckley Claypits and Commons Site of Special Scientific Interest (SSI) and Deeside and Buckley Newt Sites Special Area of Conservation (SAC). The proposal is not likely to directly affect either of these sites. However, Great Crested Newts (GCN) have been recorded within 500 m of the site and the site itself represents good terrestrial habitat. It is therefore normal for large developments such as this to set aside or purchase additional land in compensation to create an alternative habitat for GCN. The applicant did initially propose to create

approximately 0.4 ha of habitat for GCN off site to the south. However, due to the protracted nature in the determination of the application, the landowner has withdrawn the offer to sell the land to the developer. Instead, a commuted sum has been offered by the developer (out of the total £212,000 sum) of £850 per dwelling to go to the Building Wildlife Trust who will allocate money towards finding alternative GCN compensatory land or improvements to existing GCN habitats within the Buckley and Deeside locality. This is to offset for the absence of actual mitigation land not provided as part of the development.

- 7.54 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.
- 7.55 The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and a licensing system administered by the Welsh Ministers. Planning Policy Wales (2002) paragraph 5.5.11 advises local planning authorities the “The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat”.
- 7.56 TAN5 (2009) states at paragraph 6.2.6:- “Regulation 3(4) of the Habitats Regulations requires all local planning authorities, in the exercise of their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by the exercise of those functions. Consequently, the Directive’s provisions are relevant in reaching planning decisions where a European protected species may be affected and it is therefore important that such planning decisions are reached in a manner that takes account of and is consistent with, the Directive’s requirements. Those requirements include a system of strict protection for European protected species, with derogations from this strict protection being allowed only in certain limited circumstances and subject to certain tests being met these requirements are transposed by the provisions of the Habitats Regulations. The issues of whether development could give rise to a breach of the Regulations’ requirements, and whether there may be a potential need for a licence to avoid such a breach, are therefore a material consideration in a relevant planning decision, and

where a licence may be needed, the three licensing ‘tests’ required by the Directive should be considered by the local planning authority. Paragraph 6.3.7 then states:- “It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) licence are likely to be satisfied”.

7.57 In this case it is considered that both the proposed commuted sum payment for off site mitigation land and the reasonable avoidance measures of fencing and trapping etc of any GCN whilst before development takes place on the site will compensate for any adverse effects caused by the loss of the development land. The proposed development and mitigation proposals have been assessed and it is considered that the development is not likely to have a significant effect on protected species. It is proposed to condition the implementation of a suitable scheme of reasonable avoidance measures. It is considered therefore that this application satisfies the three tests required by the habitats directive. The development of the site would bring about environmental benefits in the form of secured long term monies to be used for the management of land elsewhere for ecological purposes. The site is allocated for housing in the Flintshire Unitary Development Plan, therefore development of this site would have overriding economic and social benefits in terms of bringing forward a site for housing development which has been identified through the development plan process to meet the County’s need to provide an adequate supply of housing over the plan period. The consideration of satisfactory alternative sites to meet the demand for housing sites in the locality has been assessed through the development plan process. It is considered that the proposed commuted sum for compensatory land or the improvement to existing habitats compensates for the loss of habitat and there would be no detriment to the maintenance of the GCN population and their conservation status

7.58 Flood Risk & Adequacy of Foul/Surface Drainage
Representations have been made that the land is liable to flooding and that the existing drainage infrastructure in the locality is inadequate to serve the proposed scale of development.

7.59 The site lies outside of any flood zone and consultation has been undertaken with Environment Agency Wales, who accordingly advise that they raise no objection to the development on these grounds.

7.60 The proposals have also been the subject of consultation with Dwr Cymru Welsh Water who advise that in relation to foul drainage that a programme of system improvements are planned and are expected to be completed by April 2014. This has been imposed as a condition upon the recommendation subject to the imposition of other conditions

in respect of the submission, agreement and implementation of detailed drainage schemes. There are no objections to the proposal therefore on drainage grounds.

7.61 Impact upon Existing & Proposed Occupiers

The majority of the properties will back onto the rear of the existing dwellings on Mold Road, Overdale Avenue and Rose Lane along the northern, eastern and western boundaries of the site respectively. On the relatively flat land of the site (which is the majority of the case) between the proposed and existing properties, the minimum separation distance of 22 m is met. On the sloping ground between Nos. 27 – 37 Overdale Avenue and plots 37 – 44 the separation distance is 24.6 m. This distance, it is considered will not have a significant impact upon the amenities of these plots in terms of overlooking.

7.62 Also within the site itself the properties generally meet the minimum separation distances between them and the minimum size of private amenity areas within the Local Planning Guidance – Space Around Dwellings.

7.63 The new access onto Mold Road and the internal road into the site will be located in between Nos 64 & 66A Mold Road. Due to concerns of potential noise disturbance from traffic using both the access and internal road upon the amenities of these residents, the developer submitted a Noise Impact Assessment. It found that due to the existing noise from the traffic on Mold Road, any additional impact at the front of the site upon the amenities of these residents would be unlikely. However, as the access route enters the development site, the influence of Mold Road traffic becomes less. Here the potential for possible impact from individual passing vehicles increases for these properties either side i.e., the rear of Nos 64 & 66.

7.64 To assist with the concerns of the residents, the potential noise impact at the rear of these properties a 2 m acoustic fence will be erected which will have the benefit of visually ‘screening’ vehicles entering and improving noise reduction.

7.65 It is considered that this fence alongside No. 66 will not have a significant detrimental impact upon the amenities of these residents in terms of loss of light and obtrusiveness due to the separation distance between the property and the proposed fence, the drop in levels and the presence upon the site of this property only a window to a non-habitable room. In terms of the impact upon No. 64 this fence will be located closer to a habitable room window but given that No. 66a (which is to be demolished) already blocks light and has a degree of obtrusiveness to this part of the room, it is considered that there will be no significant increased detrimental impact upon the amenities of this resident. The proposed fence where it adjoins the front of the property has been reduced in height to 1 m so as not to significantly

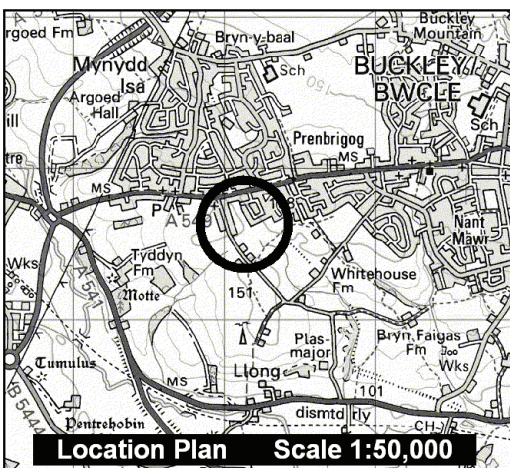
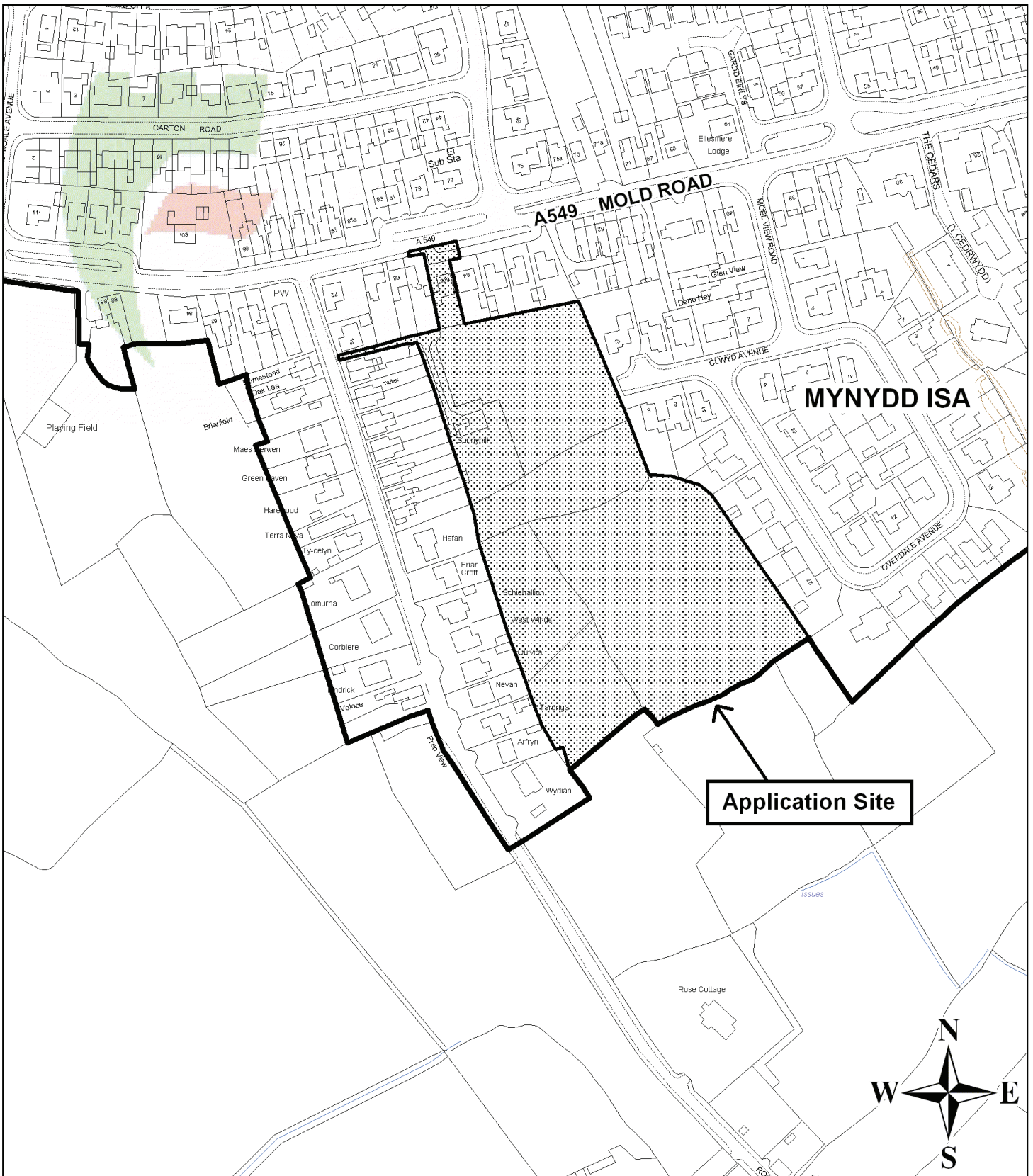
detrimentally affect this same room in terms of loss of light or obtrusiveness but will screen the entrance to the site from the resident.

8.00 CONCLUSION

- 8.01 The principle of the development of this site for residential use has been established through its allocation in the Flintshire Unitary Development Plan. The negotiations in relation to issues surrounding highways, design and layout of the site, trees, ecology and the impact upon the amenities of adjoining residents have been lengthy but have now resulted in a solution which provides for a scheme which is considered to be acceptable. The issues of land contamination and site drainage can be dealt with by the imposition of appropriate conditions.
- 8.02 Appropriate levels of affordable housing, education contributions and open space provision have been identified having regard to the proven viability issues presented with the development of this site and contributions associated with these matters are proposed to be secured via an appropriately worded legal agreement and the application is therefore recommended for approval.
- 8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Map Scale 1:2500

OS Map ref SJ 2663

Planning Application **48042**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH JULY 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: **5TH 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**
(UNDERTAKEN 17TH JUNE 2013)

Members will recall that consideration of this application together with the following Listed Building application on the agenda (Code No. 050265) was deferred at the Council's Planning & Development Control Committee meeting on 19th June 2013. The application(s) were deferred to consider potential alternative options to access the site other than from Abbey Drive, having regard to concerns over the width and alignment of Abbey Drive itself. As a result alternative access arrangements have been explored by the applicant/agent and these are

addressed within this report, although none of these is considered to be a viable alternative to Abbey Drive.

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 20th March 1990

1050/89

Alterations and extensions to form hotel.

Refused 10th June 1993

267/92

Change of use to antiques, arts and crafts centre.

Refused 10th 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/Former 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 10th 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 as shown on the initially submitted plans, 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 shown on the plans initially submitted as part of this application is 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 initial objections raised regarding the use of Abbey Drive, the applicant/agent in conjunction with the Head of Assets and Transportation 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 (as outlined above) would not be supported by the Head of Assets & Transportation.

7.16 In addition and following deferral of the application at the Planning & Development Control Committee on 19th June 2013, the applicant/agent have given consideration to two further options to access the site, these being:-

- a. The construction of a new access road to link with Llanasa Road across agricultural land from the private driveway opposite and to the south of Home Farm.
- b. The use/adaptation of an existing bridleway located to the west of Home Farm, which meets with A548 at a point to the west of the Bells of St. Mary's Public House.

7.17 In considering these options, the applicant's agent has advised in respect of each option as follows:-

- a. "the proposal would involve the construction of a new access road within a conservation area, which would effectively cut an agricultural field in half and as such the road could not be fenced off with the result of the road being subject to cattle movement. The logistics of this new road also lead to an exorbitant cost implication for the formation of the road, the maintenance of the road and also litigation onus on the applicant for its continued use which may have had potential for use by others than the residents of the converted west wing of the Hall".
- b. "the bridle path is currently a single lane gravel track which is extremely steep in places and would have very limited potential to increase its width to meet highway access stipulations for passing points and the resulting steepness of the track would render its use limited to those with a four wheel drive vehicle and as such is not a viable option".

7.18 Having regard to the above the applicant's agent considers that the use of Abbey Drive as the primary access to serve the proposed development remains the only viable option and request that the Members of the Planning Committee determine the application on this basis. For Members information, the Head of Assets & Transportation re-enforces the view, that there is no objection to this arrangement to serve the development as highlighted in paragraph 7.13 of this report.

8.00 CONCLUSION

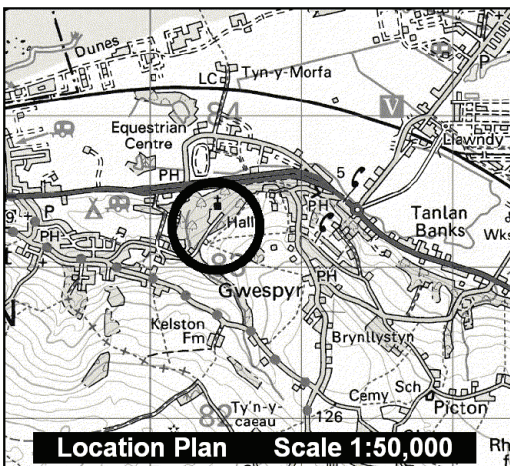
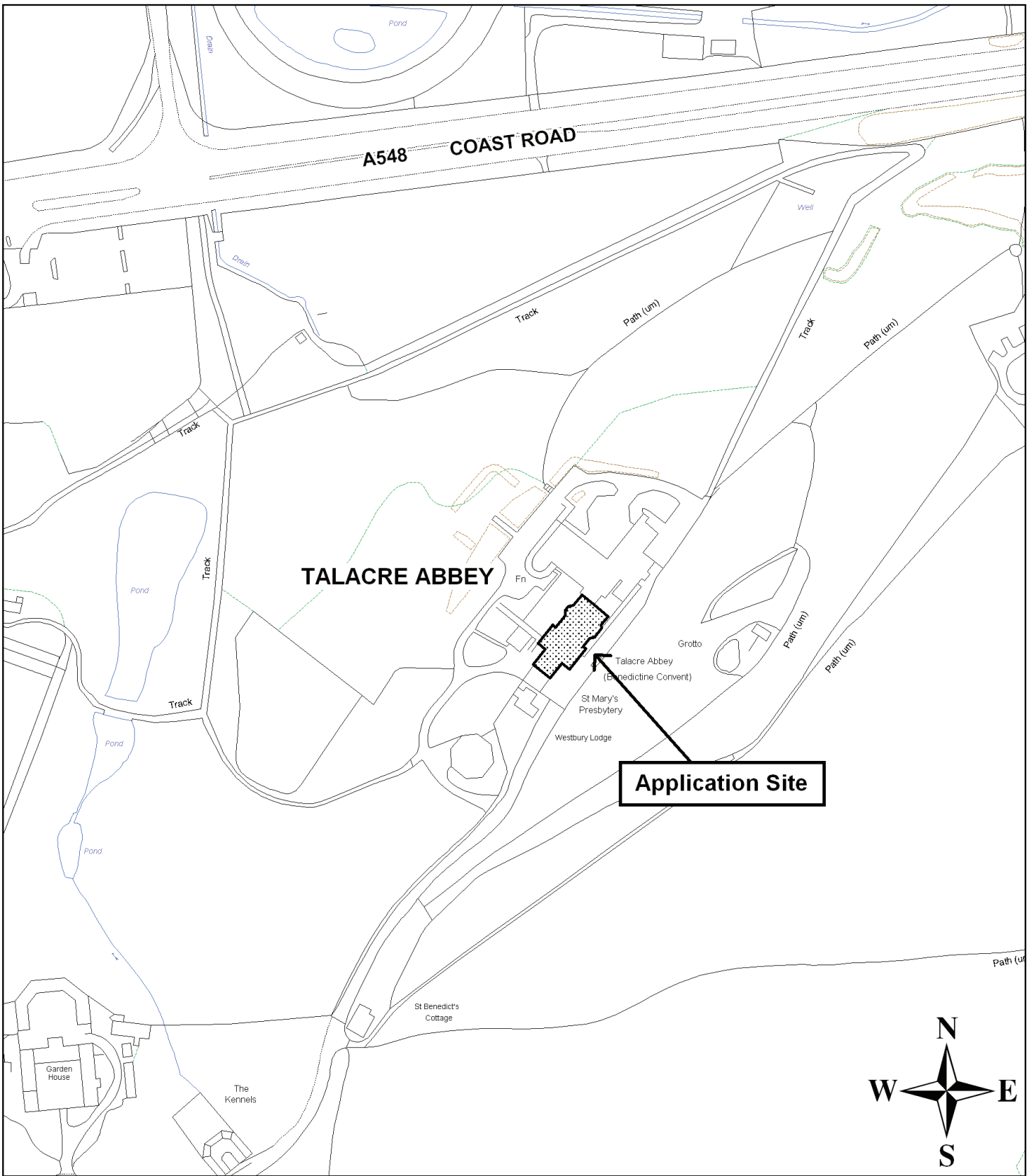
8.01 In conclusion, it is my view that the principle of the conversion of the west wing known as Westbury Castle, into self-contained apartments is acceptable having regard to the criteria listed in Policy HSG15 of the Flintshire Unitary Development Plan. Whilst the concerns relating to the adequacy of the access from Abbey Drive to serve the scale of development are duly noted, alternative options have been considered by the applicant/agent with it being concluded that these are unacceptable and not feasible for the reasons outlined in this report.

As a result it is requested that Members determine the application on the basis of access into the site being derived from Abbey Road. This has initially and subsequently 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.

8.02

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

Contact Officer: Mark Harris
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Email: Mark.Harris@flintshire.gov.uk

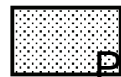


Environment Directorate,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
Development Plan
Settlement Boundary



Application Site Extent

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Planning Application **50264**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH JULY 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: **5TH 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**
(UNDERTAKEN 17TH JUNE 2013)

Members will recall that consideration of this Listed Building application together with the previous planning application on the agenda (050264) were deferred at the Council's Planning & Development Control Committee meeting on 19th June 2013. The application(s) were deferred to consider potential alternative options to access the site other than from Abbey Drive, having regard to the volume of objections received from residents. Alternative access arrangements have been explored by the applicant/agent and are addressed within the previous report on the agenda.

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 20th March 1990

1050/89

Alterations and extensions to form hotel.

Refused 10th June 1993

267/92

Change of use to antiques, arts and crafts centre.

Refused 10th 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.

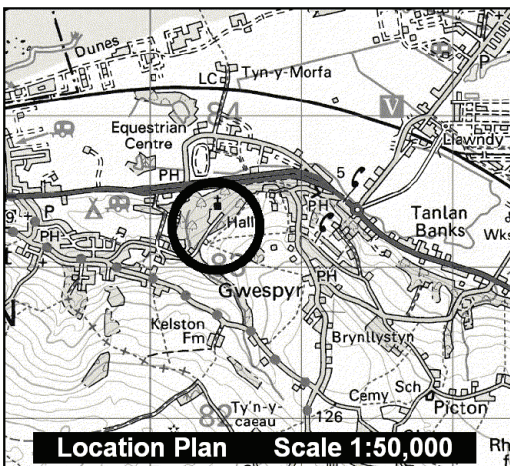
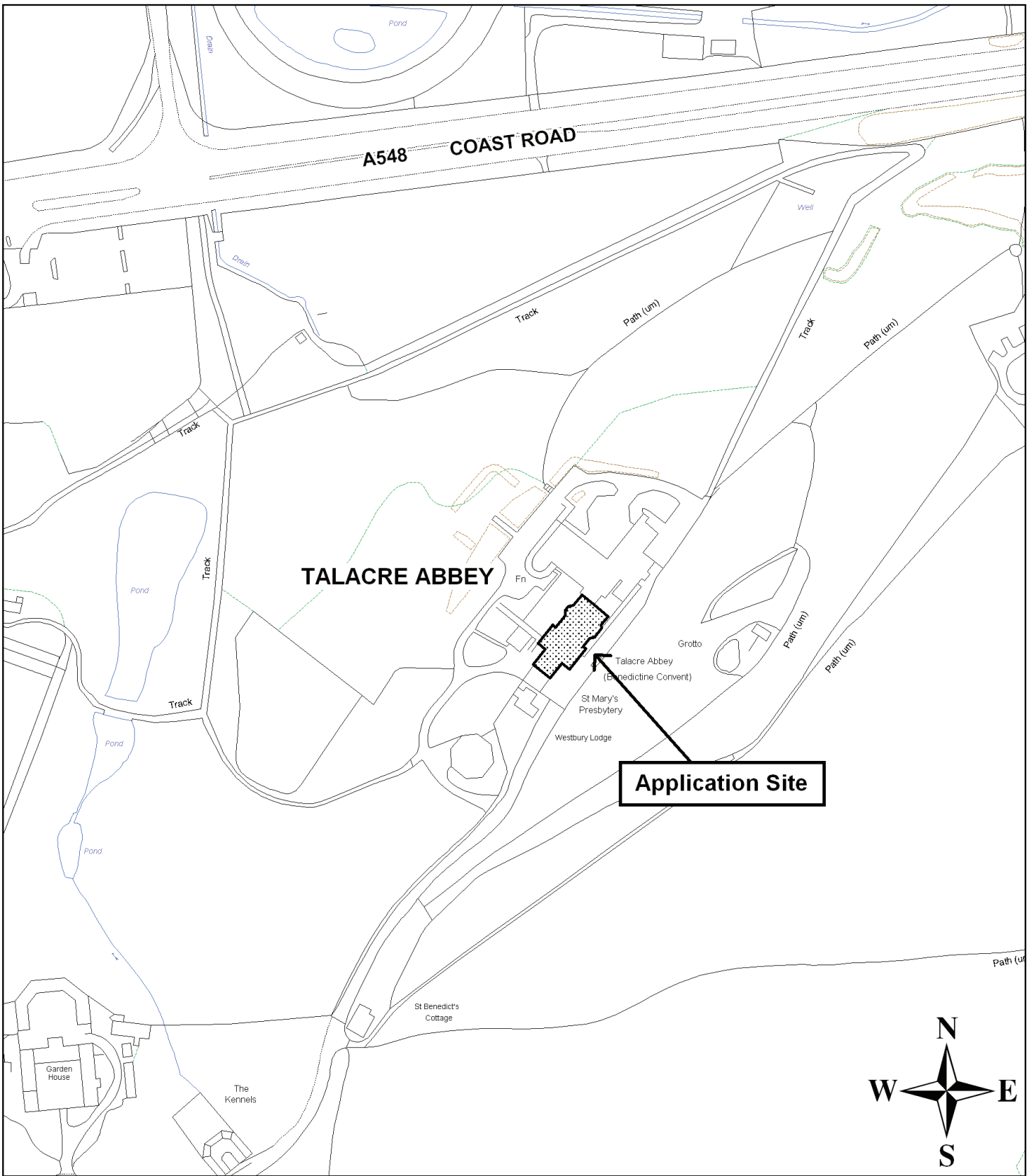
8.00 CONCLUSION

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.

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

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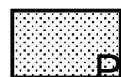


Environment Directorate,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
Development Plan
Settlement Boundary



Application Site Extent

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OS Map ref SJ 1083

Planning Application **50265**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH JULY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – CONSTRUCTION OF A NEW RETAIL UNIT AND ASSOCIATED EXTERNAL WORKS AT MOLD AMBULANCE STATION, BYPASS ROAD, MOLD.**

APPLICATION NUMBER: **050381**

APPLICANT: **FARMFOODS LTD**

SITE: **MOLD AMBULANCE STATION, LEAD MILLS, MOLD, CH7 1UD**

APPLICATION VALID DATE: **27.12.2012**

LOCAL MEMBER: **COUNCILLOR R. C. BITHELL**

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

REASON FOR COMMITTEE: **PROPOSALS REQUIRE THE APPLICANT TO ENTER INTO A S.106 AGREEMENT, UNILATERAL UNDERTAKING OR ADVANCE PAYMENT IN RESPECT OF A TRAFFIC REGULATION ORDER, POWERS FOR WHICH ARE NOT DELEGATED**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This full application seeks permission to redevelop this former ambulance depot site to provide a single storey retail store fronting onto Lead Mills and associated car parking and delivery vehicle space upon the rear part of the site.

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

2.01 That conditional planning permission be granted subject to the

applicant entering into either a Section 106 Obligation, Unilateral Undertaking or the making of an advance payment to provide the following:-

- The payment of £2500 to provide for the cost of a Traffic Regulation Order and the associated signage along Lead Mills and at the Junction of St. David's Lane and Lead Mills.

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed, a unilateral undertaking not received, or advance payment not made 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
2. In accord with approved plans
3. No works until scheme for footpath reconstruction and existing vehicular accesses have been submitted and agreed.
4. No other works until Condition 3 works are completed
5. Details of site access prior to works commencement
6. Layout and design of street lighting alterations to be submitted and agreed prior to works commencement.
7. Scheme to prevent surface water run off onto the highway to be submitted and agreed prior to works commencement.
8. Provision of parking facilities prior to first use.
9. Submission of Construction Traffic Management Plan.
10. Submission of ground investigation and mining gas study. Implementation of any identified and agreed works prior to any other site works.
11. Landscaping scheme to be submitted and agreed.
12. Implementation of landscaping scheme prior to use and maintenance for 5 years thereafter.
13. Samples of materials to be submitted and agreed.
14. Land drainage not permitted to public system.
15. No surface water to public system without prior approval of such scheme.
16. Foul and surface waters to be drained separately.
17. Design of road markings and signage to be submitted and agreed prior to work commencement.

3.00 CONSULTATIONS

3.01 Local Member Councillor R. C. Bithell

Considers proposals acceptable in principle. Queries whether proposals will create highway problems given proximity to busy junctions.

Mold Town Council
No objections.

Offers comments in relation to the following;

1. relationship of the building to existing adjacent uses;
2. access between the site and adjacent retail uses;
3. site landscaping;
4. Will the proposed store meet the Secured by Design standards?

Head of Assets and Transportation

No objection subject to a Section 106 agreement, or similar arrangement for a contribution of £2500 in respect of a Traffic Regulation Order in relation to proposed highway improvements at the junction of the site and the junction of St. David's Lane and Leadmills, and the imposition of conditions.

Head of Public Protection

No adverse comments. Considers the data provided in respect of the equipment proposed to be installed at the premises demonstrates the proposals will not affect amenity and therefore no objection is raised.

Head of Regeneration

Offers comment in relation to the links between this prominent site and the adjacent retail units and the Town Centre.

Welsh Water/Dwr Cymru

No adverse comments. Requests the imposition of conditions to control discharge of waters from the site.

Natural Resources Wales

No objection subject to the imposition of notes relating to flood risks and flood proofing methods being added to any permission granted.

Coal Authority

No objection subject to the imposition of a condition requiring ground investigations being undertaken to confirm that the proposals would not be adversely affected by the presence of former mine workings or gases emitting therefrom.

4.00 PUBLICITY

4.01 The proposals have been advertised by way of the display of a site notice and notification letters being sent to neighbouring properties.

4.02 No letters have been received in response to this publicity exercise at the time of writing.

5.00 SITE HISTORY

- 5.01 **96/26/551**
Conversion of part of ambulance garage to records store.
Permission 26.09.1996.

050503

Prior Notification – Demolition of buildings.
Granted 11.3.2013

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy STR1 - New Development
Policy STR5 - Commercial Development
Policy GEN1 - General Requirements for Development
Policy GEN2 - Development inside Settlement Boundaries
Policy D1 - Design Quality, Location and Layout
Policy AC13 - Access and Traffic Impact
Policy AC15 - Traffic Management
Policy AC18 - Parking Provision and New Development
Policy S3 - Integrating New Commercial Development
Policy S6 - Large Shopping Developments
Policy CF1 – Retention of Community Facilities
Policy IMP1 – Planning Conditions & Planning Obligations.

7.00 PLANNING APPRAISAL

7.01 Introduction

The application seeks permission for a new A1 retail building. The building is proposed as a single storey construction. The site layout provides parking and manoeuvring space for 34 cars to serve staff and customers. In addition, parking and manoeuvring space for delivery vehicles is also provided. Access is proposed via Lead Mills. Landscaping is proposed to all site boundaries.

7.02 Site Description

Members will have noted that works approved under Application Number 050503 have been commenced and the buildings formerly upon the site have been demolished.

- 7.03 Members will recall that the site comprised an area of land containing the former North Wales Ambulance Station building, its associated parking and servicing areas and vehicle service and repair garage. The building was part single and part two storey and was constructed of brick with a part render finish. The building was flat roofed.

- 7.04 The site itself is flat across its both its axis. The site is bounded to the east by the adjacent highways known as Lead Mills, via which access to the site is derived. This boundary is formed, save for the point of access, by a low brick wall and hedgerow. The westerly boundary of the site comprises an established hedge to the Aldi car park located

beyond and at a higher land level. The southern boundary of the site abuts a funeral director's premises, again set at a higher level. This boundary is comprised of a brick wall which acts as a retaining structure, particularly along the southerly element of this boundary. The wall continues towards its junction with the easterly boundary where it too exists as a low brick wall at street level. Existing vegetation abuts the wall on the site side of the wall. There is no formal demarcation of the northern boundary of the site with the adjacent Fire Station premises.

7.05 The site occupies the corner position within a land use block of mixed commercial and service uses. The land to the east, beyond Lead Mills, consists of office and religious institution buildings directly opposite the site, with housing beyond. Further commercial buildings lie to the south and south east of the site.

7.06 Principle of Development

The principle of proposals of this type is specifically addressed within policies CF1, S3 and S6 of the Flintshire Unitary Development Plan. Policy CF1 concerns itself with the retention of existing community facilities. Whilst the ambulance station is clearly a valued community asset, its retention should be considered against the rationalisation of such holdings which has been undertaken by the North Wales Ambulance Service. Members will recall that a new Ambulance Station has recently been completed at the former Dobshill Hospital site and this replaces staff, rest and wash down facilities formerly provided at Mold. Accordingly, I am of the view that this proposal, when considered in the light of the above context, would satisfy the requirements of this policy.

7.07 Policies S3 and S6 concern themselves with the integration of new commercial development and the location of large shopping proposals. The principle of retail development upon this site is acceptable given its location within the defined town centre and given the fact that the proposal is actually the relocation of an existing retail store within the town. As the store exceeds the 500 square metre threshold as stipulated within Policy S6, there is a need to consider the site in sequential terms. This site is considered to be sequentially preferable to other options and given it involves the relocation of the existing store to a site much closer to the core retail area of Mold, is considered to satisfy the requirements of the policy in this regard.

7.08 I am of the view that the proposals satisfy the requirements of Policy S3 in that the site is within easy and reasonable walking distance of both the core retail area and Mold bus station. The proposals will provide for pedestrians links via the existing pedestrian networks along Lead Mills, Chester Road and King Street to other commercial premises in the immediate area and the core retail area beyond. The scheme is designed in such a way that adequate levels of car parking are provided to the rear of the proposed store.

- 7.09 Consideration was given to seeking to create a pedestrian link between the site and the commercial Aldi site to the rear. However, the land required to facilitate such a link is not within the control of the applicant and would require a 3rd party to be agreeable to such a link. Taking into account that the site can readily access existing pedestrian footways, I am of the view that insistence upon this provision would be unreasonable on 2 counts. Firstly in that it would require the applicant to seek control or agreement over land not within their control and therefore be beholden to another party, who is also in fact a competitor, in actually implementing the consent and secondly, the site is well served by existing linkages.
- 7.10 Highway Issues
The site is presently served by a single point of vehicular access off Lead Mills. This access is presently wide and catered for the high speed departure of emergency vehicles from the site. The proposals seek to amend this access and locate it slightly further to the north of the eastern boundary and provide for left turn entry and exit only. In consideration of this issue, regard has been had to the nature of the proposed use and the relationship of the proposed access to the Chester Street and King Street roundabouts and the junction of Lead Mills and St. David's Lane.
- 7.11 Primarily, the consideration has centred upon the need to ensure that vehicles entering or leaving the site do not impede the free movement of traffic upon Lead Mills and the other roads feeding into this road. In response to this issue the proposals have been amended to provide for a central island within the access opening, configured in such a way as to prevent access to vehicles on Lead Mills wishing to perform a right turn and also preventing vehicles exiting the site from performing a similar manoeuvre. The island will also provide a pedestrian refuge for those seeking to cross the access itself.
- 7.12 These access arrangements are proposed to be coupled with signage at both the access itself and upon Lead Mills which advise highway users of the prohibited turns. In addition it is proposed that the applicant will enter into a S.106 agreement or unilateral undertaking to secure, or will make advance payment of, £2500 to enable the Council to progress a Traffic Regulation Order to prohibit right turn movements from St. David's Lane.
- 7.13 The proposals have been the subject of consultation with the Head of Transportation and Assets who has advised that the proposal is acceptable subject to the conditions identified in Section 2 of this report and the provisions of the proposed S.106 agreement.
- 7.14 Design
The area of the application site has emerged in recent years as a small retail park, albeit of a somewhat fragmented nature, within and

adjacent to the town centre. Buildings have been erected over the years of varying architectural styles and finishes but of essential functional appearance. The building presently upon the site is reflective in terms of its' appearance with the neighbouring Fire Station of emergency service premises of the 1960's

- 7.15 The design approach to this scheme has sought to recognise that the site occupies a prominent position at a main transport node within the town at a point at which the levels of both the topography of the landform and the heights of buildings, both traditional and of more modern origins, rise. It was appreciated that built form along Leadmills is fairly low level and generally set back from the frontage of the road. However, it was considered that the siting of car parking areas to the front of a building set back at this point would not enhance the street scene and therefore a building which provides a street presence has been negotiated.
- 7.16 The proposed building seeks to give the impression of verticality in the street scene and more particularly at the node of the Chester Street roundabout, and provide a sense of enclosure at this point. The provision of gabled roof seeks to reflect the traditional roof forms in evidence within the area and the pitch proposed seeks to mirror that at the adjacent funeral directors. The roof is proposed to be finished in a material which gives the appearance of a copper finish, echoing the finish of St. David's Church opposite.
- 7.17 The elevations of the building are predominantly formed by glazing, especially to the site frontage and those elevations present a face towards entrance areas or routes of approach. The remainder is formed by coloured cladding panels. It is proposed that the columns supporting the roof structure of the building are faced in a material to match the gabled ends of the building.
- 7.18 The roof slope facing away from Leadmills is proposed to contain 20% roof lights. This is proposed to reduce the internal dependency within the unit upon artificial lighting and therefore reduce energy costs. Whilst this building is not of sufficient size to require BREAM compliance, this proposal to reduce energy usage is welcomed.
- 7.19 It is considered that the amended design is an improvement and reflects elements of other buildings in the local vernacular.
- 7.20 Other matters
The proposals have been considered by the Coal Authority who note the site is located in an area of historical mining activity. I am advised that consideration of the impact of this legacy can be addressed via the imposition of a condition requiring an assessment of ground conditions to be undertaken prior to the commencement of the development. Such scheme is envisaged to seek to identify what, if any, shallow mine workings may be evident and whether there are

any issues with mine gases to be addressed. I am advised however that there is no objection to this requirement being addressed via a conditions precedent. I therefore propose to condition accordingly.

7.21 The site is located entirely within a C1 flood zone. The proposals have been considered by Natural Resources Wales who have advised that whilst the site was flooded in November 2000, they consider the proposals to represent a low risk use. Furthermore, in considering the issue and having regard to the Flood Consequences Assessment accompanying the application, they note that the site benefits from the protection afforded as a result of the Mold Flood Alleviation Scheme which was implemented as a direct result of the 2000 flood event.

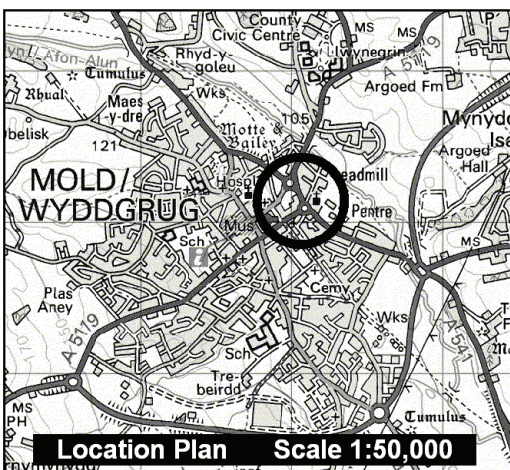
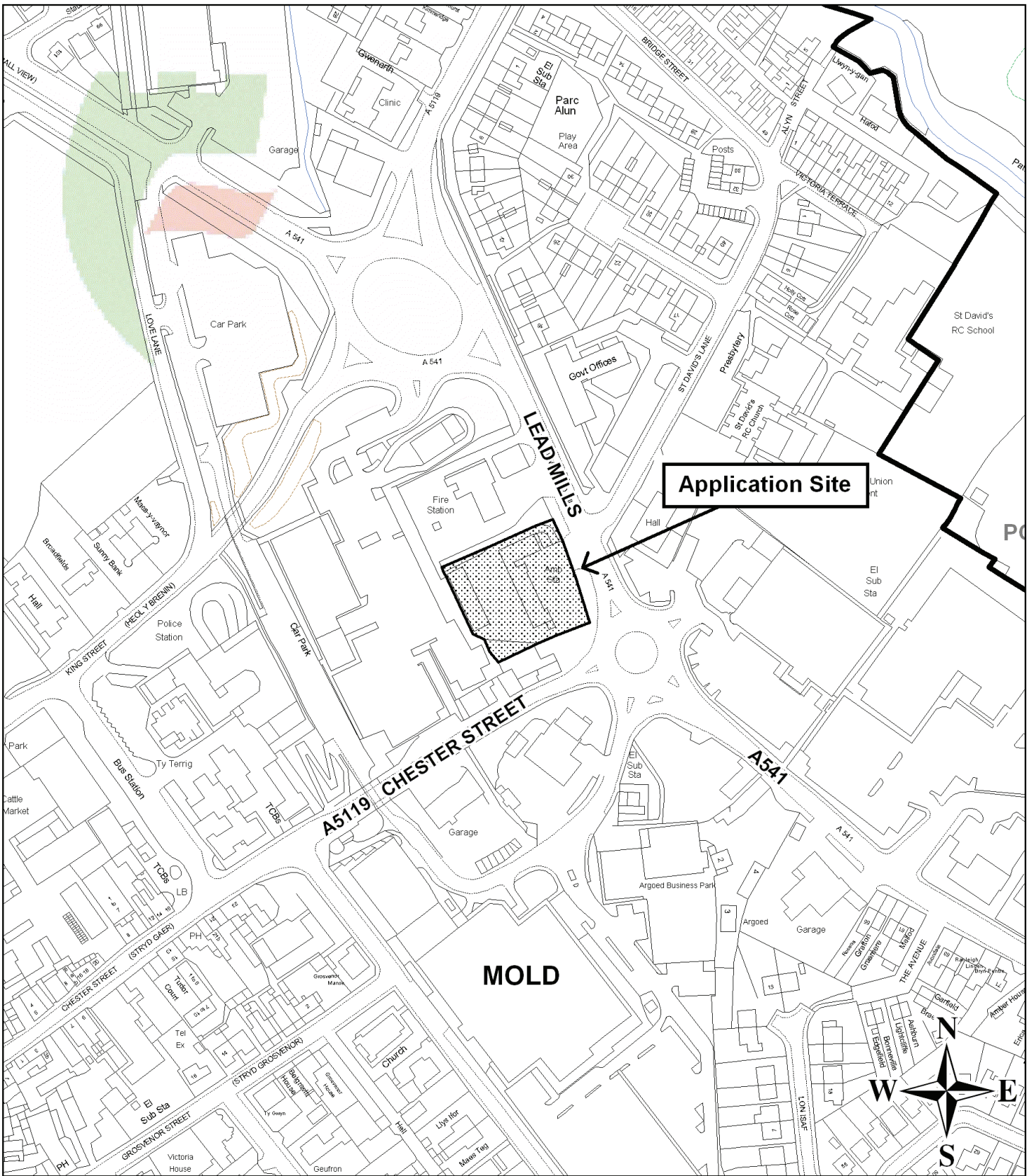
7.22 A view has been taken that the risks arising from the proposals can be managed to an acceptable level through the imposition of notes in respect of flood proofing and the NRW flood warning system upon any subsequent permission. I propose to add such notes

8.00 CONCLUSION

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

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

Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: glyn_d_jones@flintshire.gov.uk



Location Plan Scale 1:50,000



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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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OS Map ref	SJ 2464
Planning Application	50381

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 24TH JULY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION - ERECTION OF A TWO STOREY EXTENSION INCLUDING BALCONY TO EXISTING BARN AT DEER LODGE, CYMAU**

APPLICATION NUMBER: **050430**

APPLICANT: **MR M PRICE**

SITE: **DEER LODGE, FFYNNON FARM, THE CYMAU, FLINTSHIRE**

APPLICATION VALID DATE: **25th JULY 2013**

LOCAL MEMBERS: **COUNCILLOR HILARY ISHERWOOD**

TOWN/COMMUNITY COUNCIL: **LLANFYNYDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBERS WILL BE ABLE TO SEE THE LAY OUT OF THE SITE AND NEIGHBOURING PROPERTIES.**

SITE VISIT: **YES**

MEMBERS WILL BE AWARE THAT THIS APPLICATION WAS REPORTED TO COMMITTEE ON 17th APRIL 2013 WHEN ITS DETERMINATION WAS DEFERRED IN ORDER TO NEGOTIATE AN AMENDED SCHEME TO REDUCE THE SCALE OF THE PROPOSED EXTENSION. NEGOTIATIONS HAVE BEEN UNDERTAKEN AND AN AMENDED SCHEME SUBMITTED. THE AMENDED SCHEME IS STILL CONSIDERED TO BE OUT OF SCALE AND CHARACTER WITH THE ORIGINAL DWELLING AND THE APPLICATION IS PRESENTED BACK TO COMMITTEE WITH MY ORIGINAL RECOMMENDATION OF REFUSAL. THE MINUTES OF THE 17TH APRIL COMMITTEE PREVIOUS COMMITTEE REPORT ARE ATTACHED AS APPENDIX 1

1.00 SUMMARY

1.01 This householder application seeks planning permission for the erection of a two storey extension with balcony to the rear of Deer

Lodge, The Cymau, Flintshire. The main issue in regard to this application is the scale, design and form of the proposed extension in relation to the existing dwelling, which is a converted barn.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 In the opinion of the Local Planning Authority the proposed development by virtue of its form, design and scale, would have a detrimental impact on the agricultural character of the building and would detract from the rural character of the area. As such the proposal is contrary to Policies GEN 1, D2 and HSG12 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 1: Alterations and Extensions.

3.00 CONSULTATIONS – No further representations have been received in regard to the amended plans.

3.01 Local Member

Councillor Hilary Isherwood

Requests the application be referred to Committee with site visit so that members can see the character of the site and existing building.

Town/Community Council

Llanfynydd Community Council

Members felt that a pre-planning discussion needed to be undertaken as there is insufficient information with reference to parking facilities and whether the proposed development is in keeping with its surroundings and other properties.

Head of Assets and Transportation

No objection and no recommendations on highway grounds. Highway Supplementary Notes to be attached to any planning permission.

Head of Public Protection

No adverse comments.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

1 letter of objection has been received on the following grounds:

- Proposed materials do not match existing development
- Impact of proposed parking on existing courtyard
- Lack of detail in relation to car parking levels; retaining walls; groundworks and trees
- Parking provision and Groundwork

In regard to the amended plans the objector withdraws the objection providing:

The drive parking area is finished and that the building is finished in stone & tyrollean

Other issues have been raised which are not material planning considerations.

5.00 SITE HISTORY

5.01 01/01337

Single storey side extension. Planning permission granted 14/02/2002

4/4/23726

Conversion of large barn into a dwelling house and conversion of small barn into 2 cottages for holiday let. Planning permission granted 01/11/1994

4/4/14354

Change of use and alterations to agricultural building to form one dwelling. Planning permission granted 05/11/1985

4/4/13780

Outline application for erection of one dwelling house in connection with fruit farm. Planning permission refused 5/3/1985

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General requirements for Development

Policy D2 – Design

Policy AC18 – Parking provision and new development

Policy HSG7 – Change of use to residential outside settlement boundaries

Policy HSG12 – House extensions and alterations

7.00 PLANNING APPRAISAL

7.01 Introduction

The householder application seeks planning permission for the erection of a two storey extension, including balcony to the rear of Deer Lodge, The Cymau, Flintshire.

7.02 Site Description

The site is located outside any defined settlement boundary and set within a rural landscape. The property, a converted barn, originally formed part of a farm unit and comprises of the former farm house with garage which is a converted outbuilding; a further barn conversion with garage and the converted barn which is the subject of

this application. Access to the site is via a private road off Ffordd Las.

- 7.03 The building is a single storey barn conversion with a three storey element to the north west elevation. The building is of stone construction under a tile roof, with render to the three storey element.
- 7.04 The main issues in relation to this application are the scale, form and design of the proposed extension and the impact the parking provision may have on the site.

Principle of Development

Planning permission for the conversion of the barn into a residential dwelling was granted in November 1994. Conversion of existing rural buildings provide an exception to National and Local planning policy where there is a presumption against new residential dwellings in the open countryside. In order to meet policy criteria which allow such conversions, the building must be structurally sound and capable of conversion without significant extension and have traditional architectural and historic features which merit retention.

- 7.05 Policy HSG12 allows the extension and alteration to a dwelling provided it is subsidiary in scale and form to the existing dwelling and respects the design and setting of the existing dwelling.

Policy AC18 requires appropriate parking provision in line with the Council's parking standards. A two bedroomed property requires 2 car parking spaces with a four bedroom dwelling requiring 3 car parking spaces.

- 7.06 A small single storey extension to the property, approximately 5.5 metres long and 6 metres wide, was granted planning permission under reference 01/4/1337 in December 2001. This was not implemented, probably because of the topography and the potential impact on the trees and hedgerows to the site boundary.

7.07 Issues

The main issue is seen as the impact that the proposed extension will have in view of its scale, design and form in relation to the existing converted barn.

- 7.08 Since the application was deferred at Planning Committee in January 2013 negotiations have been undertaken with the applicant, where the reduction in length and the removal of the balcony were discussed. In addition advice was given in regard to the fenestration, particularly the removal of the large windows to the rear elevation and the creation of windows to reflect 'cart' openings, which are a feature of agricultural buildings, to the south east elevation, with all openings recessed. The issue of retaining walls and car parking were also discussed. As a result of these negotiations an amended scheme was submitted on 24th June 2013.

- 7.09 The amendments submitted are as follows:
- The length of the proposed extension has been reduced from 10 metres to 8 metres
 - The balcony to the rear elevation has been removed
 - The dormer windows have been removed
 - A change in finish to stone/lime render
 - Alterations to the fenestration.

Additional details have been submitted in regard to retaining walls and car parking provision.

- 7.10 Although the proposed two storey extension has been reduced in length from 10 metres to 8 metres this still represents an increase in floorspace of 77%. Whilst the removal of the balcony and large windows to the rear are welcomed, the amended fenestration, which has not been recessed, is considered to be of an urban nature and not in keeping with a converted rural agricultural building. As such amended proposal does not comply with the relevant criteria of policies GEN1 or HSG12.

- 7.11 During negotiations the finishing materials were discussed and the applicant was advised that as the rear elevation of the existing property is stone, a stone finish should be used for the proposed extension. The proposed finishing materials submitted within the amended scheme show the finish to be a mixture of stone and lime render.

- 7.12 The concerns raised in the previous committee report relating to retaining walls and car parking provision for the site have been addressed by the submission of the additional details.

- 7.13 Whilst it is acknowledged that the applicant has gone some way in addressing the Local Planning Authority's concerns, the scale and design of the proposed development is still considered to be out of scale and character with the existing dwelling and therefore contrary to policy.

- 7.14 One letter of objection has been received on the grounds given above in section 4.01 of this report.

In regard to the amended plans the objector withdraws the objection providing:

- The drive parking area is finished and that the building is finished in stone & tyrollean

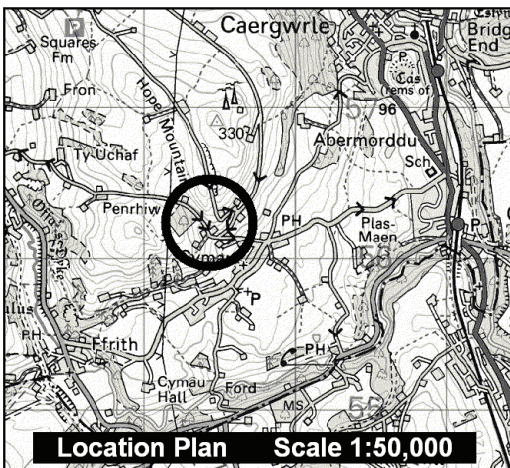
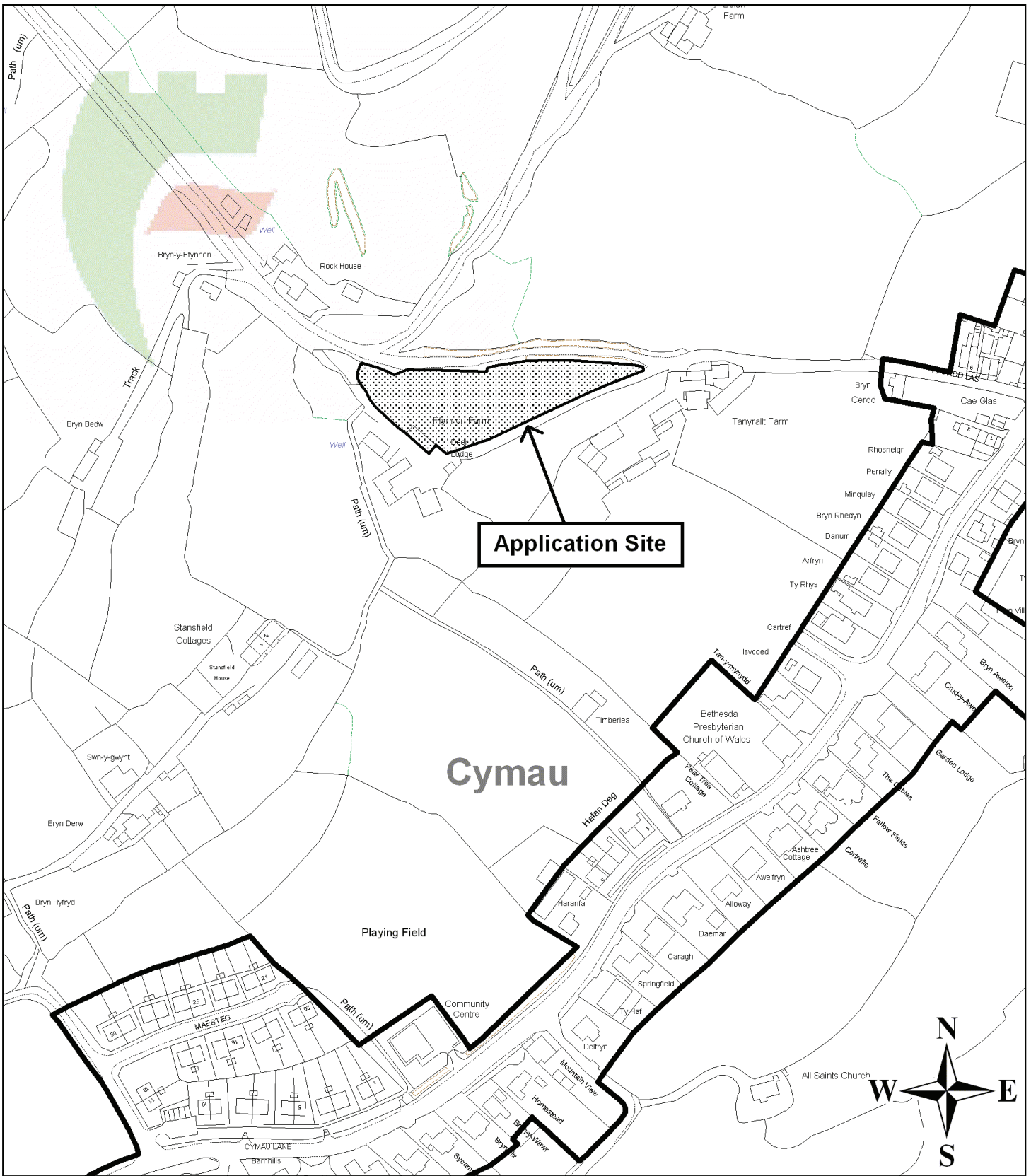
8.00 **CONCLUSION**

- 8.01 In view of the above matters I am of the opinion that the proposed

extension due to the scale and design would have a detrimental impact on the simple agricultural form of the existing building and would not comply with planning policy. As such I recommend the application be refused for the reason given in this report.

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

Contact Officer: Celeste Ringrose
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Email: celeste_ringrose@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 2956

Planning Application 50430

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PLANNING & DEVELOPMENT CONTROL COMMITTEE
17 APRIL 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, 17th April, 2013

PRESENT: **David Wisinger (Chairman)**

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

SUBSTITUTION:

Councillor Mike Lowe for David Cox

ALSO PRESENT:

The following Councillors attended as observers:

Councillors: Marion Bateman, Clive Carver, Adele Davies-Cooke and Hilary Isherwood

IN ATTENDANCE:

Head of Planning, Development Manager, Senior Engineer - Highways Development Control, Interim Team Leader Policy, Team Leader Major Developments, Team Leader Applications and Appeals, Senior Planners, Senior Minerals and Waste Officer, Planning Support Officer, Democracy & Governance Manager and Committee Officer

188. DECLARATIONS OF INTEREST

Councillor R.G. Hampson declared that he had been contacted on more than three occasions on the following application:-

Agenda item 6.11 – General Matters Application – Outline – Erection of 12 no. dwellings including demolition of existing outbuildings and creation of new access at Bank Farm, Lower Mountain Road, Penyffordd (050003)

Councillors D. Butler and W. Mullin declared that they had been contacted on more than three occasions on the following applications:-

Agenda item 6.1 – Full application – Multiplex cinema, restaurants(5) and associated works at Broughton Shopping Park, Broughton (049857)

And

Agenda item 6.2 – Outline application – Erection of a cinema, hotel (up to 80 bedrooms) and Class A3 food and drink units, together with car parking (up to 454 spaces), landscaping and ancillary works on land to the north of Broughton Shopping Park, Broughton (049943)

195. FULL APPLICATION - ERECTION OF A TWO STOREY EXTENSION INCLUDING BALACONY TO EXISTING BARN AT DEER LODGE, CYMAU, WREXHAM, FLINTSHIRE (050430)

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 15 April 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report for the erection of a two storey extension. One letter of objection had been received and the recommendation was for refusal due to the scale, design and impact.

Mr. M. Price spoke in support of the application and explained that the extension was required to the family home following the arrival of his baby daughter. The two other properties in the area had been extended following approval of planning applications. He said that the application complied with policy HSG12 and that he would be happy to reduce the length of the extension to eight metres from ten metres which would amount to an increase in 60% floorspace instead of the 96% increase currently proposed. He did not feel that the additional impact justified refusal of the application and said that to refuse this application when others had been approved would not be consistent.

Councillor A.M. Halford proposed approval against officer recommendation which was duly seconded. She could not understand the reason for refusal of the application and asked for further information on the definition of agricultural character. She felt that the proposal would not have a detrimental impact on the area.

Councillor D. Evans said that the applicant had agreed to reduce the length by two metres which he felt was a compromise. He also felt that the proposal would not impact on the character of the building and said that he would support approval of the application.

Councillor R.C. Bithell raised concern at the proposed 96% increase in the floorspace compared to policy guidance of 50% increases and he felt that the increase would destroy the character of the dwelling. He said that reference had been made to other dwellings in the area but these had been changed without major extensions to them. He said that many applications had been refused on this basis and that this should also be refused as it did not comply with policy. Councillor P.G. Heesom commented on policies HSG5 and HSG12 stating that the scheme could be made acceptable but added that family matters were irrelevant.

The Head of Planning was mindful of the reduction in scale suggested by the applicant, but reminded Members that they needed to consider the application before them. However, Members could propose deferment to allow discussions to take place with the applicant about the proposal.

Councillor A.M. Halford proposed deferment of the application which was duly seconded.

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

RESOLVED:

That planning permission be deferred to allow discussions to take place with the applicant to negotiate an amended scheme.

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 24 JULY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **050531 - FULL APPLICATION - ERECTION OF 4 NO. 2 BED APARTMENTS AND 3 NO. 1 BED APARTMENTS WITH ASSOCIATED PARKING ON LAND REAR OF 3 CHURCH VIEW, QUEENSFERRY, DEESIDE**

APPLICATION NUMBER: **050531**

APPLICANT: **MR J WILLIAMS**

SITE: **LAND TO THE REAR OF 3 CHURCH VIEW, QUEENSFERRY**

APPLICATION VALID DATE: **01/03/13**

LOCAL MEMBERS: **COUNCILLOR D E WISINGER**

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES FOR MEMBERS TO SEE THE SITE AND TAKE INTO ACCOUNT THE HEIGHT OF THE DEVELOPMENT**

1.00 SUMMARY

- 1.01 This is a full planning application to erect a block of 7 apartments with associated car parking and bin store on land off Rectors Lane, to the rear of Church View, Pentre. The main issues in relation to the development of this site are residential development in a flood risk area, capacity of the sewage system, impact on residential amenity and access.
- 1.02 It is considered that the development provides an acceptable form of residential development in an existing settlement in accordance with the Council's standards. The applicant has demonstrated through the Flood Consequences Assessment that the consequences of flooding

in a breach event can be acceptable managed and the issue of flooding due to the capacity of the sewage network will be addressed by Welsh Water by 2014.

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 a commuted sum of £733 per unit to enhance recreation provision in the area in lieu of on site open space provision.

2.02 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.

2.03 The proposal is recommended for approval subject to the following conditions:

1. Time limit
2. In accordance with plans
3. No buildings on the application site shall be brought into beneficial use earlier than 31st March 2014 unless the upgrading of the public sewerage system into which the development shall drain has been completed.
4. Land Drainage
5. Surface water drainage scheme to be submitted
6. Foul and surface water discharges
7. No doors or windows to be fitted to the ground floor to enclose parking area
8. The floor level of the residential accommodation (first floor) shall be set at a minimum level of 7.41m AOD.
9. Flood Warning and Evacuation Plan to be prepared prior to occupation of the building.
10. Landscaping including boundary treatment
11. Code for Sustainable Homes Level 3 compliant
12. Materials

3.00 CONSULTATIONS

3.01 Local Member
Councillor D E Wisinger
Requests committee determination and a site visit in order for members to see the site and take into account the height of the development.

3.02 Queensferry Community Council
No response received.

3.03 Head of Assets and Transportation

No objection.

Public Footpath 5 abuts the site but is unaffected by the development.

3.04 Head of Public Protection

No objection.

3.05 Welsh Water/Dwr Cymru

The proposed development would overload the existing public sewerage system however improvements are planned for completion by 31st March 2014. A condition should be imposed on the development to ensure that no buildings on the application site shall be brought into beneficial use earlier than 31st March 2014 unless the upgrading of the public sewerage system into which the development shall drain has been completed. Other standard drainage conditions should also be imposed.

3.06 Natural Resources Wales

If the Local Planning Authority are minded to approve an application and are satisfied that the justifications outlined in Section 6.2 of TAN 15 are met then we would have no objection to the development as proposed within the Flood Consequence Assessment subject to appropriate planning conditions (primarily) finished floor levels. The floor level of the residential accommodation (first floor) shall be set at a minimum level of 7.41m AOD to account for the 0.5% annual probability tide plus an allowance for climate change over the 100 year lifetime of the development. Also request a condition to ensure that the lower floor car parking area cannot be converted into living accommodation without a further planning application or the removal of permitted development rights.

3.07 Public Open Spaces Manager

Requests a contribution of £733 per apartment towards improvements to recreation facilities in the area in lieu of on site open space provision.

3.08 Head of Emergency Planning

Taking into account the Flood Consequences Assessment and Flood Risk Note it is considered that the threat posed by a 1 in 200 year event is tolerable and in this instance is satisfied that the residents would either be able to self evacuate in a safe manner or stay put without harm.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

9 objections on the grounds of;

- apartments are not in keeping with the surrounding area
- drainage system is poor and development will put more pressure on it, already overloaded and flooding occurs from it

- existing parking issues, will lead to parking on Rectors Lane
- impact on privacy due to overlooking of rear gardens
- the building will obstruct visibility from the nearby works and on street parking may restrict access to HGV's
- parking arrangements underneath are not practical and will lead to parking on the road
- three storey development is not in keeping with the area
- proposed development is very close to the footpath and does not follow the building line of Church view
- flood risk, will reduce soakaway
- land has not been developed and has been used as a car park for 50 years by residents of Church View
- loss of light

- 4.02 A petition signed by 27 residents on the grounds of;
- impact on light to near by properties
 - overlooking to gardens on the left hand side of Church View
 - concern the development will lead to flooding to Church View and Gladstone Terrace as there have been several incidents of flooding in 2012 as the sewers and the pumping station cannot cope with extra flows.

5.00 SITE HISTORY

- 5.01 None.

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
 EWP17 – Flood Risk
 The proposal is in accordance with the above development plan policies.

7.00 PLANNING APPRAISAL

- 7.01 Introduction
 This is a full planning application to erect a block of 7 apartments with

associated car parking and bin store on land off Rectors Lane, to the rear of Church View, Pentre.

7.02 Site Description

The site is bounded to the north west by Rectors Lane, an industrial site to the north east, the rear garden of 7 Church View to the south east and the rear gardens of 3 and 5 Church View to the south west. The site is a flat vacant site. The site is located between predominately residential development in the form of two storey semi detached and terraced housing to the south and industrial uses with buildings of varying heights to the north. It is situated within the settlement boundary of Pentre within the Flintshire Unitary Development Plan.

7.03 On the boundary between the site and the 3 Church View there are four existing tall, thin conifer trees which are within the application site. The current boundary is marked by the trees and existing outbuildings and sheds in the rear garden of 3 Church View. The boundary with 5 Church View constitutes a brick wall and the rear wall of a brick outbuilding. To the south eastern boundary of the site with 7 Church View there is an approximately 1 metre high hedge and to the north eastern boundary with the industrial use there is approximately a 2m high chain link fence.

7.04 Proposal

It is proposed to erect a block of 4 two bedroom apartments and 3 one bedroom apartments with associated parking. The apartments are in one block which varies in height from three storey to two storey in the part of the building closest to the existing residential properties. The external appearance of the building would be red brick and render with a traditional style slate tile roof. The living accommodation is all at first and second floor with the ground floor designed to be open and utilised for parking. There is further parking to the rear of the building and a bin store to the side. The design solution with parking underneath has been led by the site's location within a flood risk area. The application is accompanied by a Flood Consequences Assessment.

7.05 Issues

The main issues in relation to the development of this site are residential development in a flood risk area, capacity of the sewage system, impact on residential amenity and access. These are dealt with in turn below.

7.06 Flood Risk – Fluvial and Tidal

The site is within zone C1 as defined by the Development Advice Maps which accompany Technical Advice Note 15: Development and Flood Risk (TAN 15). Zone C1 is defined by areas of the floodplain which are developed and served by significant defence infrastructure, including flood defences. Based on Natural Resources Wales (NRW)

extreme flood outline, Zone C1 has an extreme flood outline, equal to or greater than 0.1% (river, tidal or coastal).

- 7.07 New development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Section 6.2 of TAN15 states that development will only be justified if it can be demonstrated that;
- i. its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
 - ii. its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
 - iii. it concurs with the aims of Planning Policy Wales (PPW) and meets the definition of previously developed land (PPW fig 4.3);and
 - iv. the potential consequence of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 (vulnerability of development) and 7 and Appendix 1 (Assessing the consequences of flooding) of the TAN are found to be acceptable.
- 7.08 In terms of justifying the development, the site is located within the settlement boundary of Pentre in the Flintshire Unitary Development Plan. Pentre is a category B settlement which has a growth rate of 15% in accordance with Policy HSG3. The current growth rate for Pentre is at 0.5%. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (i) above.
- 7.09 In terms of meeting with the aims of PPW, the site is within an existing settlement which is accessible to a wide range of employment opportunities and services within the Deeside settlements and is well served by public transport. It is considered that the site does fall within the definition of previously developed land, as it is as area of hardstanding, although the exact previous use of the site is unknown. This therefore meets with criteria (iii).
- 7.10 A Flood Consequences Assessment (FCA) has been submitted with the application in accordance with criteria (iv) undertaken by Weetwood in February 2013 with a Flood Risk Note submitted in June 2013. This has been assessed by Natural Resources Wales and the Local Authority's Emergency Planning department.
- 7.11 In terms of fluvial flooding, historically, the site was located within the 1976 flood event derived from the channel capacity of Queensferry Drain being exceeded. However NRW has confirmed that modelled information for Broughton Brook, which includes Queensferry Drain and Pentre Drain shows that the site is now not at risk of flooding from

fluvial sources.

- 7.12 In terms of tidal flooding, the River Dee is located approximately 0.7km to the north of the proposed development site. This section of the River Dee is tidally dominated and benefits from suitable flood defence infrastructure. An overtopping and breach analysis study of the River Dee was undertaken by Weetwood in February 2010. Peak tidal level predictions within the River Dee have subsequently been reduced by NRW as part of the Coastal Flooding Boundary Conditions UK Mainland and Islands Report.
- 7.13 Current site levels are approximately 5.57m Above Ordnance Datum (AOD). Levels along Rectors Lane are in the region of 5.31 to 6.42m AOD. In the FCA Weetwood have re-run their model using the revised tidal level predictions set out by NRW for the scenarios of the River Dee defence being overtopped and breached. During the 1 in 200 year (2113) event, if overtopping of the flood defences occurred some inundation of the site is expected as a result of overland flow routes to the east and west. The peak flood level in such circumstances is expected to be 5.62m AOD with a mean flood depth and velocity of 0.09m and 0.03metres per second. Such depths and velocities are well below the indicative guideline figures in A1.15 of TAN 15 for what is considered tolerable conditions for residential development.
- 7.14 In the 1 in 200 (2113) year event if there was a breach of the defences a peak flood level of 5.81m AOD is expected at the site, with a mean flood depth and velocity of 0.23m and 0.25metres per second. Such depths and velocities are well below the indicative guideline figures in A1.15 of TAN 15 for what is considered tolerable conditions for residential development.
- 7.15 The finished floor level of the building at ground floor would be 5.92 AOD. This provides a freeboard of 300mm above the flood level expected in the 1 in 200 year overtopping event. However in order to provide a flood free living environment and a safe refuge all living accommodation is located on the first floor at a height of 2.5 metres, which is at over 8 metres AOD. This is also considered sufficient to mitigate against a 1 in 200 year breach event. This is above the 7.41 metres AOD required by Natural Resources Wales to account for the predicted level of the 0.5% annual probability tide plus an allowance for climate change over the 100 year development lifetime.
- 7.16 A Flood Risk Note was submitted in association with the FCA to demonstrate that safe evacuation could be achieved and to identify whether the proposed building will be able to withstand impacts from potential floating debris during a breach of the River Dee defences for the 1 in 200 year (2113) tidal event. This concludes that safe vehicular access/egress would be provided along Rectors Lane before merging with Hawarden Way to the southwest. Pedestrian

access/egress may also be provided along this route however in the event this is not possible safe refuge would be provided within the building. It has also been demonstrated that flow velocities during a breach event are unlikely to cause structural instability to the proposed development. In addition, the expected flood depths are unlikely to be significant enough to transport large debris that could damage the structure of the building.

7.17 The Local Authority's Emergency Planning Department is therefore satisfied that the threat posed by a 1 in 200 year breach event is tolerable and in this instance is satisfied that the residents would either be able to self evacuate in a safe manner or stay put without harm. It is recommended that prior to the occupation of the building a Flood Warning and Evacuation Plan is developed in consultation with the Council's Emergency Planning Department.

7.18 Natural Resources Wales also requested the imposition of a condition to ensure that the lower floor car parking area cannot be converted into living accommodation without a further planning application or the removal of permitted development rights. However, apartments do not benefit from any permitted development rights therefore this condition is not required as an application for any alteration to the building would require planning permission.

7.19 It is therefore considered that the potential consequence of a flooding event for the particular type of development have been considered and in terms of the criteria contained in TAN 15 sections 5 (vulnerability of development) and 7 and Appendix 1 (Assessing the consequences of flooding) the development is acceptable.

7.20 Capacity of sewage system

There have been incidents of flooding recently in the local area affecting residential properties in the vicinity of the site as mentioned in the objections to the application. This flooding is due to the lack of capacity in the sewage network. Welsh Water has stated that there are capacity issues in the network in the vicinity of the site and these works are scheduled to be resolved by 2014. No connection to the public sewer would be permitted before this time. A Grampian style condition is therefore requested to be imposed to ensure that the properties are not occupied prior to that time.

7.21 In terms of surface water, a separate scheme for surface water flows would need to be submitted. This would be dealt with by condition.

7.22 Impact on residential amenity

The site is bounded by residential properties to the south east and south west. The building is orientated facing Rector's Lane with the side elevation facing the residential properties on Church View. This elevation is blank and is 12 metres from the habitable rooms of 3 and 5 Church View. This element of the building has been moved forward

towards the road which slightly reduces the length of the building which faces the residential properties. The separation distances are in accordance with the Council's Local Planning Guidance Note 2 Space Around Dwellings. At present there are 4 existing conifer trees in the application site which provide some screening due to the height of the trees. The trees require pruning as they are tall and thin due to lack of maintenance. A condition can be imposed to require boundary treatment in the form of a fence to provide immediate screening at ground level and some hedge/tree plating to soften this view.

7.23 The development site is bounded to the south east by the rear garden of 7 Church View and beyond that are the gardens of the terraced properties on Church View. Residents are concerned about over looking from the proposed apartments into the private gardens of the existing residential properties. There would no direct overlooking from the proposed apartment block into the habitable rooms of the existing properties but there would be views into their gardens. There is a distance of 6 metres from the proposed building and the boundary of the garden of 7 Church View. There are no standards in relation to overlooking distances in relation to private gardens. The properties on Church View all have long rear gardens with a number of outbuildings and sheds and varying boundary treatments. It is not an unusual situation to have views into private gardens in urban areas.

7.24 Access

The application provides 12 car parking spaces. 8 spaces are provided underneath the three storey element of the building with a further 4 spaces provided to the rear of the building. These spaces are accessed by driving through the two storey section of the building.

7.25 Concerns have been raised that the nature of the parking layout will lead to parking on the highway which will cause obstructions to other road users particularly HGV's.

7.26 The Head of Assets and Transportation has been in ongoing dialogue with the applicants to agree a parking layout and access and egress arrangement that is acceptable in highways terms. The amended layout has moved the two storey element of the building forward to meet the building line of the three storey element and relocated the bin store from the rear of the site to create a parking and turning area to the rear of the building. Following the submission of a topographical survey it is considered that adequate visibility can be provided from the access points given the nature and classification of Rectors Lane.

7.27 The Local Planning Authority's maximum parking standard's require 1 space per unit and 1 car space per 2 units for visitors in accordance with UDP Policy AC18. This equates to a requirement of 10.5 spaces. The provision of 12 spaces therefore meets with the Council's standards in numerical terms.

7.28 The Head of Assets and Transportation has some reservations in relation to the parking layout within the building and the parking and turning area, in terms of the practicalities of parking underneath the building due to the location of the pillars, however it is not considered that this could be substantiated in a defensible reason for refusal, as it is not directly a highway safety reason. There is therefore no objection on highways grounds.

7.29 Design and scale

Objectors have raised the issue that the scale of the development is out of keeping with the area. The building is three storey in part, however the element nearest the existing residential properties is two storey. The site is positioned between two storey residential development to the west and industrial development of varying scales and forms to the east and north. It is therefore considered the form of the development is an acceptable form and design in this varied urban landscape.

7.30 It is proposed the building would be red brick and render with a traditional style slate roof. The nearby residential properties are a mixture of brick and render terraced properties with slate roofs and semi detached properties of render and concrete tile roofs. The industrial development is of varying materials and scales. It is therefore considered the proposed development is in keeping with the surrounding area.

7.31 Other matters

As the proposal is for less than five dwellings with two or more bedrooms a Section 106 contribution towards education is not required.

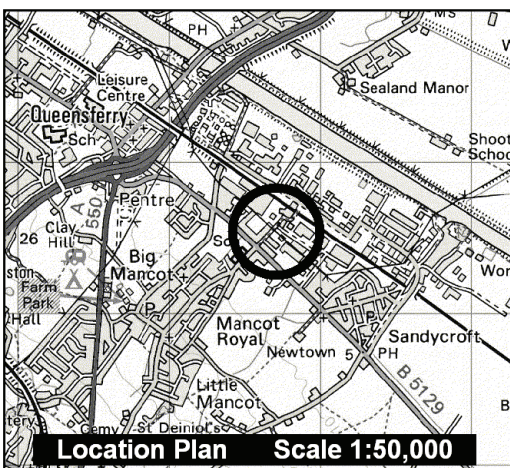
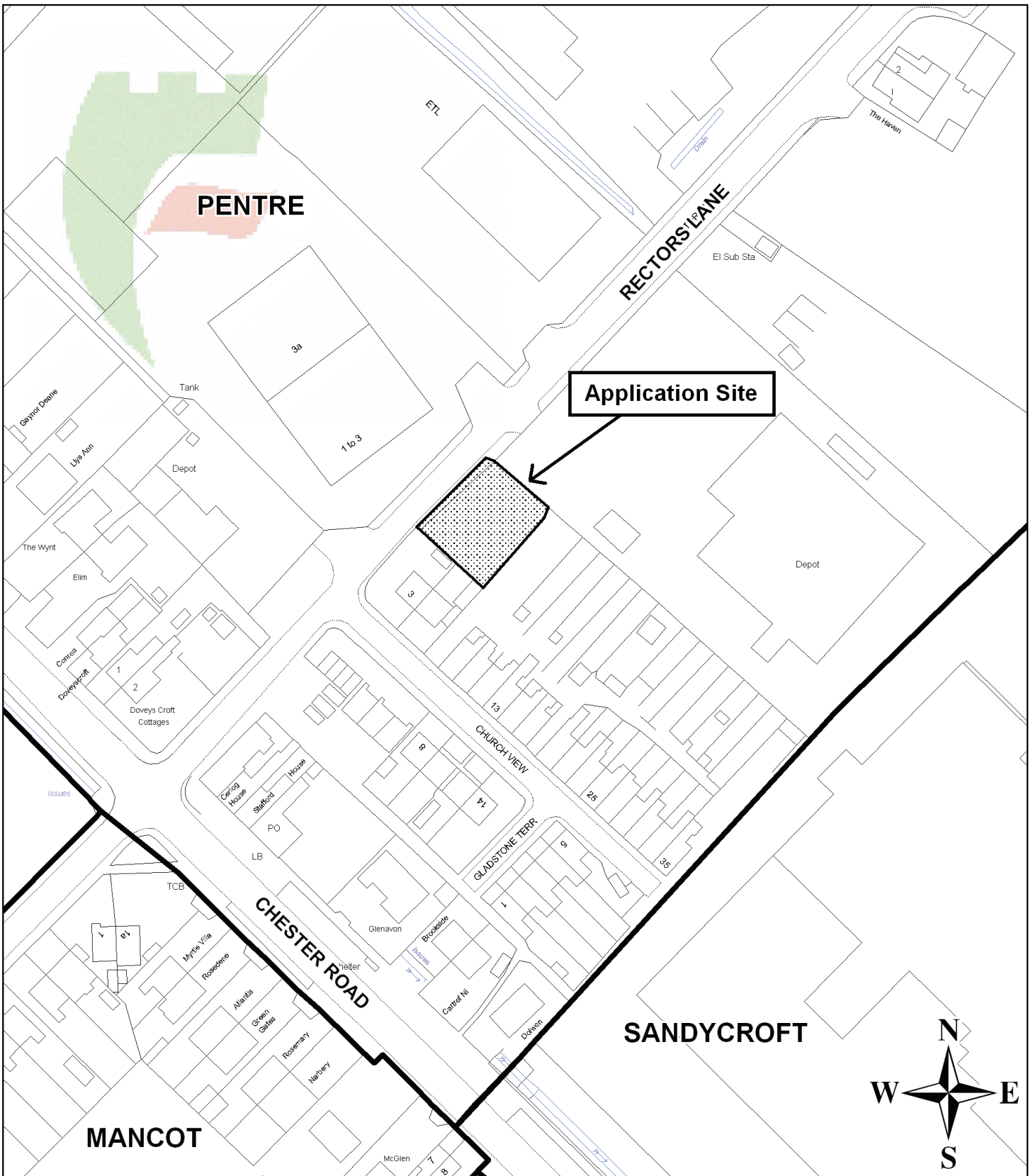
8.00 CONCLUSION

8.01 It is considered that the development provides an acceptable form of residential development in an existing settlement in accordance with the Council's standards. The applicant has demonstrated through the Flood Consequences Assessment that the consequences of flooding in a breach event can be acceptably managed and the issue of flooding due to the capacity of the sewage network will be addressed by Welsh Water by 2014. It is considered therefore that permission should be granted subject to conditions.

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	1:1250
OS Map ref	SJ 3267
Planning Application	50531

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**
DATE: **24th July 2013**
REPORT BY: **HEAD OF PLANNING**
SUBJECT: **CONSTRUCTION OF A NEW PETROL FILLING STATION AND ASSOCIATED ACCESS ROAD WITH ALTERATIONS TO EXISTING HIGHWAY AT W.M. MORRISON PLC, NEIGHBOURHOOD CENTRE, Ffordd Llanarth, ConnaH's Quay**

APPLICATION NUMBER: **050616**
APPLICANT: **WM MORRISON PLC**
SITE: **NEIGHBOURHOOD CENTRE, Ffordd Llanarth, ConnaHs Quay**
APPLICATION VALID DATE: **18/3/2013**
LOCAL MEMBERS: **CLLR .P. SHOTTON**
TOWN/COMMUNITY COUNCIL: **CONNAH QUAY TOWN COUNCIL**
REASON FOR COMMITTEE: **MEMBER REQUEST DUE TO SCALE OF DEVELOPMENT AND IMPACT ON LOCALITY.**
SITE VISIT: **YES**

1.00 SUMMARY

1.01 The proposed development is a full planning application for the construction of a new petrol filling station and associated access road on land adjacent to the Neighbourhood Centre, Ffordd Llanarth. The site is currently vacant and overgrown with vegetation. The site is surrounded by the existing shopping centre and residential properties. The issues for consideration are the principle of development/planning policy context, impacts on visual/residential amenities, highways and drainage.

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

- 2.01
1. Five year commencement
 2. Carried out in accordance with submitted details
 3. No land drainage into the public sewerage system
 4. No surface water to the public sewerage system unless otherwise agreed
 5. Foul and surface waters to be drained separately from site
 6. Submission & approval of a comprehensive/integrated drainage scheme for the site
 7. No buildings to be brought into use earlier than April 2014 unless upgrading works to wastewater treatment works has been completed beforehand
 8. Submission for approval further intrusive site investigation works and where necessary any remedial/mitigation works as regards previous mine workings on the site
 9. Hours of opening restricted to 06:00 to 22:30 Monday-Saturday and 08:00 to 22:00 Sundays/Bank Holidays
 10. External materials submitted for approval beforehand
 11. Implementation of submitted landscaping and to include reference to tree management
 12. Submission/approval of details for a root protection area to trees on boundaries
 13. Submission for approval of positive means of surface water run off onto public highway
 14. Submission and approval of full construction details for access including road markings on access/egress

3.00 CONSULTATIONS

3.01 Local Member :

Cllr P. Shotton

Requests a committee site visit due to the impact on the locality

Connah's Quay Town Council

Objects on the following grounds:

- access/egress for all vehicles will become even more difficult with the potential for road traffic accidents.
- access/egress will be problematic for petrol tankers and large service vehicles.
- entering/leaving the site will be almost impossible due to its poor junctions and the inadequacy of the mini-roundabout at the top of the access road.
- just one access road with one additional double exit from the petrol station is inadequate.
- there are local concerns about pollution, smell and public protection issues on nearby dwellings.
- the UDP designated this land for low cost housing rather than sui generis. How and where was this change decided and

designated.

Head of Assets and Transportation

No objections subject to conditions.

Environment Directorate (Rights of Way)

No observations.

Head of Public Protection

No adverse comments, however suggests restriction on hours of opening to those indicated on the planning application.

Welsh Water/Dwr Cymru

Request inclusion of conditions relating to land, surface water and foul drainage of the site and timing of connection of sewerage drain.

Natural Resources Wales (NRW)

Awaiting final response which shall be reported to planning committee as late observations

The Coal Authority

Coal Mining Risk Assessment Report demonstrates the site is or can be made safe and stable and would offer no objection. Recommends submission for approval further intrusive site investigation works and where necessary any remedial/mitigation works as regards previous mine workings on the site.

SP Energy Networks

Note to applicant regarding plant/apparatus in locality.

Health & Safety Executive

HSE does not advise on safety grounds against the granting of planning permission in this case.

4.00 PUBLICITY

4.01 The application has been advertised via press/site notice and neighbour letters. 21 letters/emails have been received including a petition signed by 97 people. The objections can be summarised as follows,

Impacts on residential Amenities

- Will be located within a densely populated area and will lead to petrol fumes, more car pollution, traffic and noise and be detrimental to health due to escape of fumes from pumps, fumes from cars visiting and a chance of higher risk of cancer due to escape of carcinogenic fumes and affect the air quality of people living directly adjacent to the site who suffer from asthma.

- Lighting of the site especially illuminated signs will be detrimental to adjacent residential amenity.
- Construction works will be detrimental to adjacent properties via noise dust and odour.
- The kiosk shop will lead to increased litter problems in locality.
- Is too close to residential properties which it backs directly onto.
- There could be water pollution from the car wash which will also be noisy and therefore detrimental to adjacent residential amenity.
- Times of the opening hours will create noise and disturbance for residential properties including delivery vehicles
- Concerned the road level and general built development within the site will allow for drivers to view into rear gardens/houses of adjacent properties causing loss of privacy.
- Various studies indicate that on health grounds petrol stations should be located at a minimum distance of 50 metres from housing – which is not the case with this proposal.
- Will attract anti social activity at night.

Highway Objections

- Questions the validity of the submitted Transport Statement and the level of traffic using Ffordd Llanarth which already causes chaos, is of the opinion that the proposal will exacerbate existing traffic problems and will lead to accidents.
- Will attract traffic from a much wider area than indicated by the applicant's Transport Statement.
- Questions level of staff car parking allocated to be provided on the site.
- Will pose a danger to the wheel chair bound or children going to school in the locality due to the proposed access points and volume of traffic generated onto a minor "b" road.

Other Issues

- Questions the need for the site to be risk assessed and access for emergency vehicles should there be an emergency.

- Proposal is clearly contrary to the development plan which allocates the site for residential use and contrary to Planning Policy Wales.
- Questions the safety of building on a site which has been subject to mine workings and consequent affects on ground stability/subsidence and drainage in area.
- Questions the health and safety implications of oil base chemicals stored on the site such as LPG.
- Concerned that the design and landscaping will not be finished to the required standard.
- Questions who will maintain the existing trees on the site.
- Would be detrimental to wildlife in the area and destroy the natural habitat of the birds, mammals and insects that live on the site – the site should be retained as a green space.
- Questions the need for a petrol station when there is already others nearby.
- Questions level of neighbour consultation.

In addition there was one letter of support and another letter was received raising no objections but requests that the hedgerow to site boundary be retained to aid screening of the development and in the interests of protecting wildlife.

5.00 SITE HISTORY

- 5.01 Planning permission ref. 046309 for the construction of a sub-station including associated access and landscaping, granted 28th July 2009.

The adjacent site has been subject to a number of applications relating to the redevelopment of the Neighbourhood Centre at Ffordd Llanarth.

050646 – Display of illuminated advertisements for a petrol filling station – undetermined.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
 Policy STR1 New Development
 Policy STR5 Shopping Centres and Commercial Development
 Policy GEN1 General Requirements for Development
 Policy D1 Design Quality, Location and Layout
 Policy D2 Design

Policy D3 Landscaping
Policy D4 Outdoor Lighting
Policy D5 Crime Prevention
Policy AC2 Pedestrian Provision and Public Rights of Way
Policy AC3 Cycling Provision
Policy AC4 Travel Plans for Major Traffic Generating Developments
Policy S3 Integrating New Commercial Development
Policy S4 Small Scale Shopping within Settlements
Policy S9 Non-Retail Commercial Development

Planning Policy Wales

7.00 PLANNING APPRAISAL

7.01 The Proposed Development and Principle of development

The proposed development is a full planning application for the construction of a new petrol filling station and associated access road on land adjacent to the Neighbourhood Centre, Ffordd Llanarth. The site is currently vacant and overgrown with vegetation. The site is surrounded by the existing shopping centre and residential properties.

In summary, the application is further detailed as follows:

- The petrol filling station kiosk will have a shop
- Canopy over the pumps
- Car wash
- Retention of existing trees to boundaries and augmentation with shrub planting and mixed native species planting
- Access to be via two points – an existing mini roundabout that serves the neighbourhood centre and from a new access onto the access road that serves the neighbourhood centre off Ffordd Llanarth

7.02 Principle of Development

The application is allocated in the UDP for housing and would be likely to accommodate approx. 15 dwellings.

The Planning and Compulsory Purchase Act 2004 states at S. 38(6) that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The proposed development has been advertised as a departure to the adopted UDP.

However, it is considered that other material considerations need to be taken into account and these are detailed as follows:

- The published housing land supply study undertaken in 2011 demonstrates that the Flintshire Housing Land Supply is in

excess of 5 years. Given the site would add only 15 dwellings, it is not significant in terms of housing supply.

- In regards to general housing provision in Connah's Quay it is considered to benefit from a good supply of residential sites with Ffordd Newydd being built out now providing 139 units, the allocated sites of Highmere Drive and Fair Oaks Drive providing 162 & 87 units respectively, and other unallocated sites such as Wepre Park all adding to a locally high provision of future units
- The development would already be adjacent to a newly built substation which due to the substation's size/location is considered to further reduce the attractiveness of the site for residential use
- The site has a coal mining legacy which will need to be addressed by whoever develops the site and which is likely to reduce its attractiveness for development as a residential site
- The proposed use would be complementary to the existing neighbourhood centre and it would be difficult to resist the loss of residential use to a commercial use

It would be challenging for the Council to seek to retain the site for housing development bearing in mind the relative insignificance of the site in housing supply terms either locally within Connah's Quay or Flintshire as a County, and given the particular constraints presented by the site which make it less attractive to residential development e.g. configuration of adjacent sub-station, levels on the site and the coal mining legacy. Given all of the above other material considerations and the complementary nature of the commercial development to the existing neighbourhood centre it would be difficult to resist the proposal on planning policy grounds. The proposed development is therefore considered to be acceptable in principle and matters of detail are assessed below.

7.03 Impacts on Residential/Visual Amenities

The proposed development directly abuts residential properties on two boundaries to the north and west (properties accessed off Highvale), whilst other residential properties are found to the east at properties on the other side of Ffordd Llanarth.

The site currently benefits from mature landscaping in the form of trees/hedging to the north and west. The applicant intends to retain existing trees to boundaries and augment these boundaries with additional shrub planting and mixed native species planting. The applicant's arboriculture report concludes that the trees, which include oaks, would benefit from works to improve their medium to long term condition i.e. tree management and pruning, and that the trees be

protected during construction with root protection areas – both of these issues can be addressed via a suitability worded planning condition.

The existing and proposed landscaping would aid the screening of the site from the adjacent properties. Part of the new landscaping would be sited on a mound which would further enhance its effectiveness as a visual screen. The residential properties at Highvale are set distances approximately ranging from 37-53 metres from the canopy over the pumps with the actual kiosk/shop building beyond that. The proposed car wash element of the scheme would be sited furthest away from properties on Highvale. The other residential properties adjacent to the site located to the eastern side of Ffordd Llanarth are located approximately 28 metres from the canopy structure and 36 metres from the kiosk/shop and 38 metres away from the car wash. As regards impacts on residential amenity it should be noted that the Council's Public Protection Manager has not objected to the proposed development either from a noise/disturbance perspective or in regards to the licensing arrangements for the siting of a petrol station. The Public Protection Manager has recommended a condition in regards to the hours of opening which would restrict the opening times to that stated at condition 9 at paragraph 2.01 of this report – this condition would assist in safeguarding the amenity of neighbouring residential properties during the night/early morning. It is considered that in conjunction with the existing/proposed landscaping, the separation distances from residential properties would be such that the amenity of those properties would be safeguarded.

Also bearing in mind the fact that the adjacent site is a neighbourhood centre which already generates a degree of commercial activity and proposed landscaping would visually enhance the site, it is considered the proposed development would be complementary in nature and would not look out of character in design terms.

7.04 Highways

Access to the site would be via two points – an existing mini roundabout that serves the neighbourhood centre and from a new access onto the access road that serves the neighbourhood centre off Ffordd Llanarth. Access from the mini roundabout will be entry only, whilst egress is proposed by way of a left and right turn exit only onto the existing link road located to the west of its junction with Ffordd Llanarth. A Transport Statement was submitted with the application with the assessment based upon robust assumptions including that all primary development trips to the petrol filling station are new to the highway network. The Transport Statement concludes the following,

- All junctions including the proposed site access arrangements will operate well within capacity
- Traffic likely to be generated can be satisfactorily accommodated without causing inconvenience to other road

users

- It is reasonable to assume that the majority of vehicle trips to the petrol filling station will be either linked trips i.e. vehicles visiting the Morrisons store or pass-by trips i.e. vehicles passing the site and therefore already using the local highway network
- The site is highly accessible and sustainable with excellent public transport and pedestrian links to encourage sustainable travel patterns by staff

Whilst objections have been raised locally regarding the highway impacts of the proposed development, the Head of Highways and Transportation having assessed the submitted Transport Statement has not raised any objections on highway grounds subject to appropriately worded conditions.

7.05 Drainage

As regards drainage matters, Welsh Water has not objected to the proposed development subject to appropriately worded conditions. Natural Resources Wales are in discussion with the applicants over the design of the fuel tanks and their final observations will be reported to Committee.

7.06 Coal Mining

The application site falls within an area where there are coal mining features and hazards which need to be considered in relation to the determination of the application. The applicant has obtained up to date coal mining information for the site and has used this information to inform the Coal Mining Risk Assessment Report. The Coal Authority concurred with the recommendations of the submitted report that coal mining legacy potentially poses a risk to the proposed development and that an appropriate mitigation strategy should be developed following further intrusive site investigation works (if necessary) undertaken prior to the development in order to establish the exact situation regarding coal mining issues. The Coal Authority recommend a condition requiring these details and any mitigation prior to commencement of development and in the event that site investigations confirm the need for remedial works to that the areas of shallow mining workings this should also be considered. The Coal Authority considered the content and conclusions of the submitted Coal Mining Risk Assessment Report demonstrate the site is or can be made safe and stable and would offer no objection.

7.07 Health and Safety Concerns

The applicant has confirmed the following,

- That the fuel tank would be sub-surface and double skinned, built in accordance with a recognised BS EN code and independently certified for structural integrity.
- Once the tanks are installed they are permanently monitored

by means of a leak detection system which monitors the space between the inner and outer tanks.

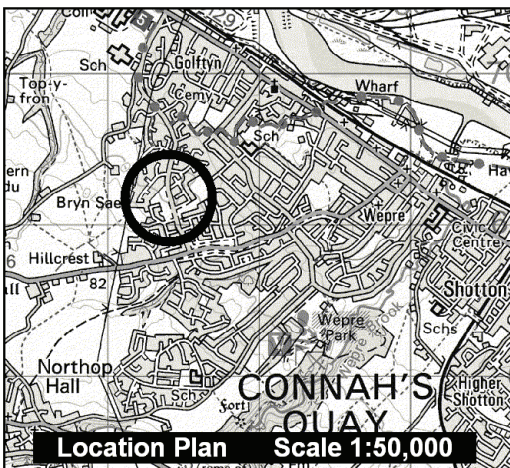
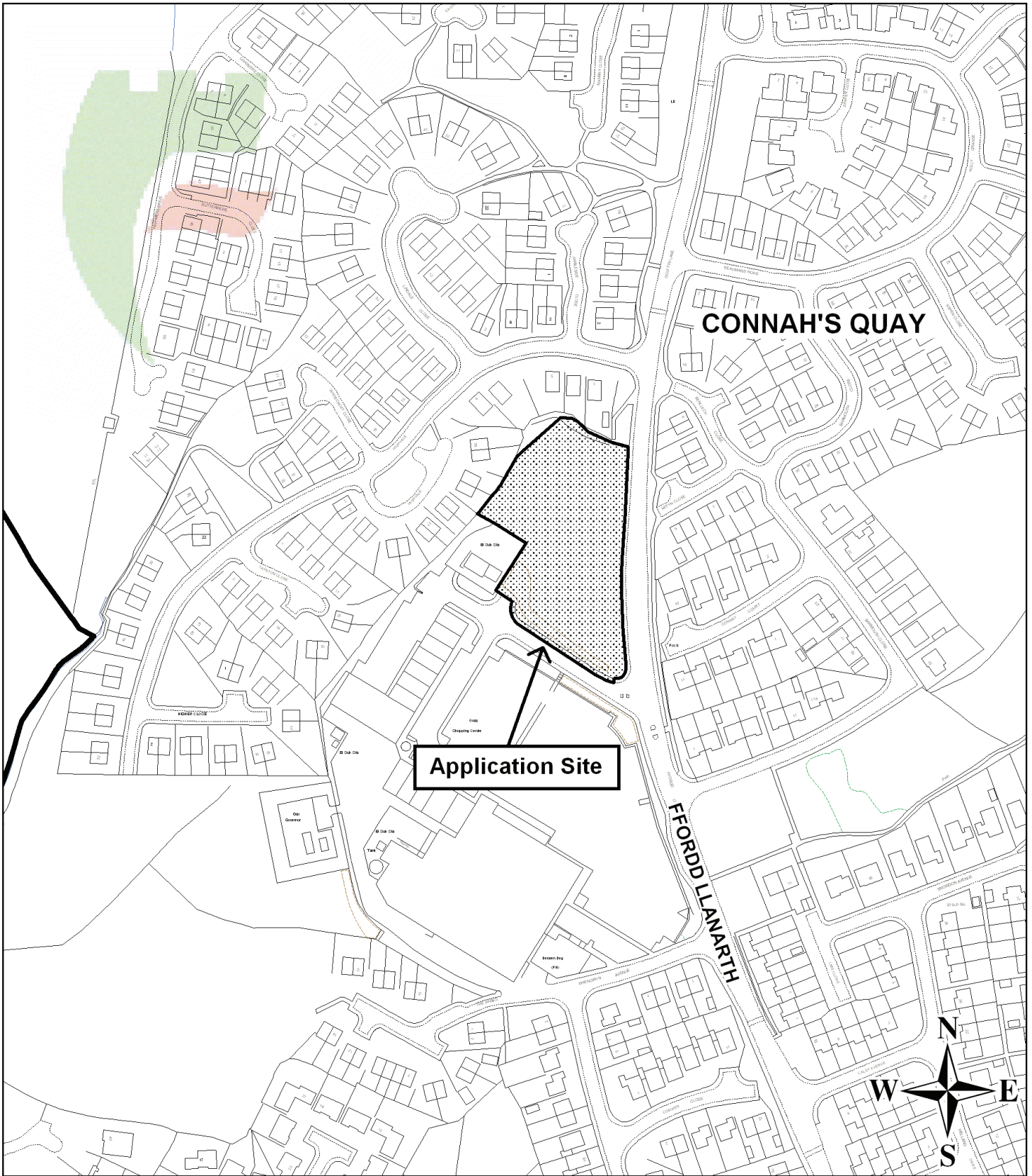
- All the site surface water will drain to a petrol interceptor.
- All equipment will be fitted with vapour recovery systems as required by the Petrol Vapour Recovery Directive which regulates the storage of petrol and dispensing of petrol in order to reduce emissions of volatile organic compounds by recovering the vapour.

8.01 **CONCLUSION**

In planning policy terms the proposed development is contrary to the adopted development plan, and s. 38(6) of the 2004 Act states determinations should be made in accordance with the plan unless material considerations indicate otherwise. However, the other material considerations highlighted detailed above would lead me to conclude that the proposed development is considered acceptable in principle and detail subject to the conditions stated at paragraph 2 of this report.

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

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



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 2869

Planning Application **50616**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH JULY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – RESIDENTIAL DEVELOPMENT CONSISTING OF THE ERECTION OF 11 NO. DWELLINGS AT BRYN GWALIA BOWLING CLUB, CLAYTON ROAD, MOLD**

APPLICATION NUMBER: **050662**

APPLICANT: **PARRY GRIFFITHS HOMES LIMITED**

SITE: **BRYN GWALIA BOWLING CLUB, CLAYTON ROAD, MOLD**

APPLICATION VALID DATE: **15/04/13**

LOCAL MEMBERS: **COUNCILLOR R GUEST**

TOWN/COMMUNITY COUNCIL: **MOLD**

REASON FOR COMMITTEE: **S106 AGREEMENT FOR EDUCATION AND RECREATION CONTRIBUTION**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection of eleven dwellings and associated access and parking at Bryn Gwalia Bowling Green, Clayton Road, Mold. The main issues to consider are the loss of the bowling green, development in a flood risk area, impact on the surrounding area and residential amenity and impacts on ecology.

The proposal meets Policy SR4 of the Unitary Development Plan in relation to development which would result in the loss of recreational open space. The issues of flood risk have been dealt with in the Flood Consequences Assessment and the layout meets with the Council's Local Planning Guidance Note 2: Space Around Dwellings

Guidance.

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;

- a commuted sum of £1,100 per unit to enhance recreation provision in the area in lieu of on site open space provision.
- a payment of £24,514 education contribution towards Ysgol Bryn Gwalia

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.

The proposal is recommended for approval subject to the following Conditions.

1. Time limit
2. In accordance with plans
3. No buildings on the application site shall be brought into beneficial use earlier than 31st March 2015 unless the upgrading of the public sewerage system into which the development shall drain has been completed.
4. Land Drainage
5. Surface water drainage system
6. Foul and surface water discharges
7. The finished floor level of the dwellings shall be set at a minimum level of 112.20m AOD unless the Flood Alleviation Scheme has been implemented prior to the commencement of this development.
8. No buildings on the application site shall be brought into beneficial use earlier than 31st March 2015 unless the upgrading of the public sewerage system into which the development shall drain has been completed.
9. Landscaping including boundary treatment
10. Code for Sustainable Homes Level 3 compliant
11. Materials
12. Tarmac footpath and self closing metal gate at the site boundary with Maes Bodlonfa playing fields.

3.00 CONSULTATIONS

3.01 Local Member
No response received.

Mold Town Council

No response received.

Head of Assets and Transportation

No objection in principle subject to conditions to follow.

Head of Public Protection

No adverse comments to make.

Welsh Water/Dwr Cymru

The proposed development would overload the existing public sewerage system however improvements are planned for completion by 31st March 2015. A condition should be imposed on the development to ensure that no buildings on the application site shall be brought into beneficial use earlier than 31st March 2015 unless the upgrading of the public sewerage system into which the development shall drain has been completed. Other standard drainage conditions should also be imposed.

Natural Resources Wales

The site has suffered from flooding previously from overloading of a culvert and/or a blockage on the culvert. We are aware that the local authority is promoting a Flood Alleviation Scheme for the watercourse and draft outputs from this informed the FCA.

Natural Resources Wales note that the topographic survey has a road level of 112.20m AOD and 112.03m AOD on Clayton Road adjacent to the proposed development. The FCA recommends that having FFL's 300mm above the highest part of the current site level gives a FFL of 112.05mAOD. As draft outputs were used, it is felt that the freeboard should be raised to 450mm which would give a FFL of 112.20m AOD unless clarification can be sought on the final outputs from the Council's modelling work. This would mean that the houses would be no lower than the adjacent carriageway.

Head of Public Open Spaces

In lieu of on site open space provision a payment of £1,100 per dwelling shall be paid to enhance existing recreation provision in the area. Request a tarmac footpath and self closing metal gate at the site boundary with Maes Bodlonfa playing fields.

Head of Education

The development would create the requirement for an estimated 3 Primary School Places and 2 Secondary School Places. Two of the three Primary age pupils expected from this development will take the surplus places at Ysgol Bryn Gwalia below 5% but would not have a significant effect on Secondary Education provision, namely Alun School, which has a surplus of 7%. Therefore there is a request for a financial contribution of £24,514 for Ysgol Bryn Gwalia.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

- 1 letter of objection on the grounds of;
- no footpath link to adjacent play areas
 - should be a footpath cycle path link through the site
 - inconsistencies in application with reference to hedges and surface water runoff

5.00 SITE HISTORY

- 5.01 050043 – Outline Residential Development. Withdrawn 30/11/12

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
- EWP17 – Flood Risk
- SR4 - Protecting Recreational Open Space

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

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of eleven dwellings and associated access and parking at Bryn Gwalia Bowling Green, Clayton Road, Mold.

Site Description

The site is a former bowling green, small storage building and parking areas, situated in a predominately residential area of Mold. The site is bounded to the north by Clayton Road, to the west is Ysgol Bryn Gwalia, to the south is public open space and to the east is a sheltered housing scheme with further residential properties beyond. Opposite the site are a mix of residential properties. The site is bounded by a thick leylandii hedge along its boundary with Clayton Road and its western boundary with the school. The southern

boundary has a mixed species hedge with a close boarded timber fence on the eastern boundary. The site was previously accessed via a private drive to the east which now serves Y Coetir. The bowling club is no longer in use.

Proposal

It is proposed to erect eleven 2/3 bedroom houses with associated parking provision. There are a total of 4 house types with 8 semi-detached properties and 4 detached properties. The houses would be built to Code Level 3 for Sustainable Homes. The proposed dwellings would be brick and render with tiled roofs. The development would be accessed from a new access point off Clayton Road. A pedestrian access to the adjacent public open space is to be created on the southern boundary. A Flood Consequences Assessment has been submitted with the application undertaken by Betts Associates.

Issues

The main issues to consider are the loss of the bowling green, development in a flood risk area, impact on the surrounding area and residential amenity and impacts on ecology.

Loss of bowling green

Policy SR4 of the Unitary Development Plan only permits development which would result in the loss of recreational open space where;

- a) there is adequate recreational open space in the surrounding area; and
- b) the Council is satisfied that the land will not be required in the longer term for school or community use; and
- c) the site has no visual or amenity value worthy of retention.

In terms of criteria a) the site is adjacent to an existing area of open space namely the Maes Bodlonfa Recreation Ground, which will be made more accessible to people in the local area by the provision of a footpath link through the site to link with the existing recreation area. This path will be paved and gated in accordance with the Council's standards.

With regard to criteria b) the bowling club ceased to operate from the site in 2009 and there is an existing bowling club at Maes Bodlonfa. It is therefore not considered to be required for use by the local community.

The site is currently well screened from Clayton Road visually by a substantial leylandii hedge and there are limited views of the site from Clayton Road through the fenced eastern boundary. It is not considered that the site has a visual or amenity value worthy of retention.

Flood Risk

The site is within zone C2 as defined by the Development Advice Maps which accompany Technical Advice Note 15: Development and Flood Risk (TAN 15). Zone C2 is defined by areas of the floodplain without significant flood defence infrastructure.

New development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Section 6.2 of TAN15 states that development will only be justified if it can be demonstrated that;

- i. its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- ii. its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii. it concurs with the aims of Planning Policy Wales (PPW) and meets the definition of previously developed land (PPW fig 4.3);and
- iv. the potential consequence of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 (vulnerability of development) and 7 and Appendix 1 (Assessing the consequences of flooding) of the TAN are found to be acceptable.

In terms of justifying the development, the site is located within the settlement boundary of Mold in the Flintshire Unitary Development Plan. Mold is a category A settlement which is a main settlement within the Flintshire Unitary Development Plan. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (i) above.

In terms of meeting with the aims of PPW, the site is within an existing settlement on the edge of the town centre which is accessible to a wide range of employment opportunities and services. It is considered that the site does not fall within the definition of previously developed land, due to its previous recreational uses. This therefore partially meets with criteria (iii).

A Flood Consequences Assessment (FCA) has been submitted with the application in accordance with criteria (iv) undertaken by Betts Associates in April 2013. This has been assessed by Natural Resources Wales.

The area has been subject to flooding events due to a blocked outfall 100 metres west of the site, which serves a land drain to the northwest.

In terms of fluvial flooding, the site is located within Flood Zone 3 of the Cae Bradcty system. Modelling exercises have been undertaken

by the Council to inform the Mold Flood Alleviation Scheme. This shows a greatly reduced flood risk and depth of flood water for the various storm events modelled to the information provided by Natural Resources Wales Development Advice Maps. It is considered that the development would remain flood free during the extreme storm event.

In terms of tidal flooding, due to the distance from the coast and estuarine waterways of the proposed development site, the risk of flooding from tidal sources is considered low. It is also considered that the risks from pluvial flood risk and groundwater flood risk are low and there has been no reports of flooding from the sewers.

However the FCA states that in consultation with NRW it was still considered prudent to provide a freeboard and raise finished floor levels by 300mm minimum to minimise the potential flood risk to the development. The FCA proposes that the finished floor level (FFL) of the proposed dwellings is 112.050m Above Ordnance Datum (AOD). This provides a freeboard of 300mm above the current site levels. This finished floor level minimises the impact should any local flooding occur due to blocked drainage systems or other minor flooding from other sources.

Natural Resources Wales note that the topographic survey has a road level of 112.20m AOD and 112.03m AOD on Clayton Road adjacent to the proposed development. The FCA recommends that having FFL's 300mm above the highest part of the current site level gives a FFL of 112.05m AOD. As such it is felt that the freeboard should be raised to 450mm which would give a FFL of 112.20m AOD. This would mean that the houses would be no lower than the adjacent carriageway.

The 'Mold Flood Alleviation Scheme' is due to be undertaken by the Council prior to 2015. Following discussions with the Council's drainage section it is understood that once this is completed there would be no issue in relation to flood risk and therefore the requirement for NRW's finished floor levels would not be required. Due to the minor differences in levels it is therefore considered that a condition be imposed stating that the FFL's should be 112.20m AOD as advised by NRW unless the Flood Alleviation Scheme has been implemented.

It is therefore considered that the potential consequence of a flooding event for the particular type of development have been considered and in terms of the criteria contained in TAN 15 sections 5 (vulnerability of development) and 7 and Appendix 1 (Assessing the consequences of flooding) the development is acceptable.

Capacity of sewage system

Welsh Water has stated that there are capacity issues in the network

in the vicinity of the site and these works are scheduled to be resolved by 2015. No connection to the public sewer would be permitted before this time. A Grampian style condition is therefore requested to be imposed to ensure that the properties are not occupied prior to that time.

In terms of surface water, a separate scheme for surface water flows would need to be submitted. This would be dealt with by condition.

Ecology

The key ecological interest on the site is the native mixed hedgerow on the southern boundary which includes hawthorn, blackthorn, hazel, holly, willow and a mature ash with abundant ivy. It is recommended that this hedge is retained and this is dealt with by condition. A surfaced path through the hedge will however need to be created to create the link to the adjacent public open space.

Site design and layout

The layout of the houses creates street frontage development of 4 dwellings with a further 5 dwellings served off a cul-de-sac. The houses are all 2 bedroom properties with a third small room upstairs for use as a study. The layout of the houses has been designed to minimise overlooking to the adjacent Y Coetir. Plot numbers 9 and 10 therefore have an alternative house type which has no habitable rooms at first floor overlooking Y Coetir. The bedroom windows at first floor level are therefore on the respective side elevations. It is therefore considered that the layout provides sufficient separation distances and private garden areas in accordance with the Council's Local Planning Guidance Note 2: Space Around Dwellings Guidance.

8.00 CONCLUSION

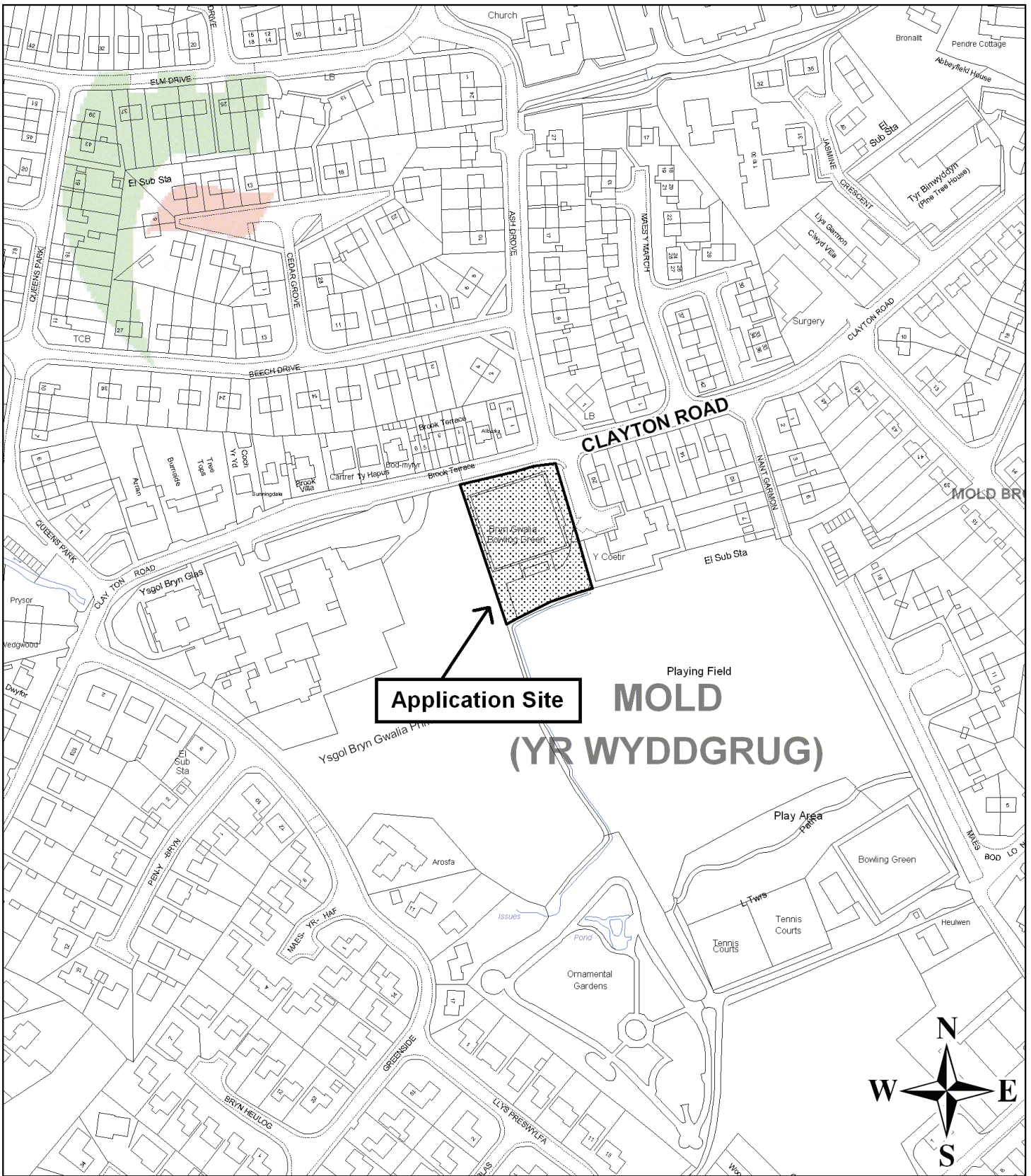
- 8.01 The proposal meets Policy SR4 of the Unitary Development Plan in relation to development which would result in the loss of recreational open space. The issues of flood risk have been dealt with in the Flood Consequences Assessment and the layout meets with the Council's Local Planning Guidance Note 2: Space Around Dwellings. A condition can be imposed in relation to the capacity of the sewage network to satisfy Welsh Water.

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
Telephone: (01352) 703254

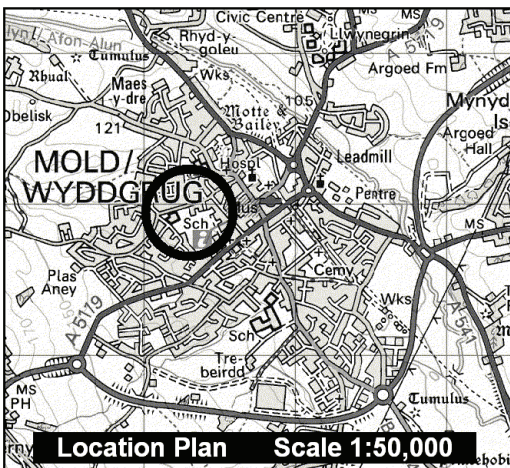
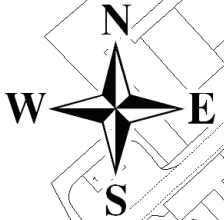
Email: emma.hancock@flintshire.gov.uk

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Application Site

**MOLD
(YR WYDDGRUG)**



Location Plan Scale 1:50,000

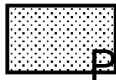


Environment Directorate,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
Development Plan
Settlement Boundary



Application Site Extent

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OS Map ref SJ 2363

Planning Application **50662**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 24 JULY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **050744 - OUTLINE APPLICATION - ERECTION OF A DORMER BUNGALOW AT 1 PYSTYLL COTTAGES, CYMAU**

APPLICATION NUMBER: **050744**

APPLICANT: **MR & MRS DELWYN HUGHES**

SITE: **LAND ADJACENT 1 PYSTYLL COTTAGES, CYMAU, FLINTSHIRE, LL11 5ER**

APPLICATION VALID DATE: **29TH MAY 2013**

LOCAL MEMBER: **COUNCILLOR MRS. H. T. ISHERWOOD**

TOWN/COMMUNITY COUNCIL: **LLANFYNYDD COMMUNITY COUNCIL**

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

SITE VISIT: **YES. REQUESTED BY LOCAL MEMBER IN ORDER THAT COMMITTEE MEMBERS CAN VIEW THE CONTEXT OF THE SITE**

1.00 SUMMARY

1.01 This outline application is submitted with all matters of detail reserved for future consideration and approval. It seeks to establish the principle of the development of the site for the erection of a detached dormer bungalow.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 1. If allowed, the proposed development would be located in the open countryside in an area where there is a general presumption against development of this nature. As such the proposal would be contrary to the provisions of Policies STR1, STR4, GEN1, GEN3, HSG4 and HSG5 of the Flintshire Unitary

Development Plan and the advice and guidance set out within Planning Policy Wales (Ed.5 Nov 2012) Paragraphs 9.3.2, 9.3.3 and 9.3.6 and contained within TAN6: Planning for Sustainable Rural Communities, Chapter 4. The applicant has provided no justification as to why the application should be approved contrary to these policies.

2. The proposal represents non-essential development in the open countryside which will be detrimental to the character and appearance of the locality. As such the development would be contrary to Policies STR7, GEN1, GEN3 and L1 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Mrs. H. T. Isherwood

Requests that the application be determined by committee in order that the applicant may present their case in relation to Policy HSG5.

Requests that a committee site visit is held to afford the opportunity to view the site in context.

Llanfynydd Community Council

No response at time of writing.

Head of Assets and Transportation

No adverse comments. Requests the imposition of conditions.

Public Footpath 11 abuts the site but appears to be unaffected by the proposals.

Head of Public Protection

No adverse comments.

Welsh Water/Dwr Cymru

No objection subject to conditions and notes.

Natural Resources Wales

No objection. Standard advice applies.

Coal Authority

No objection. Standard advice applies.

4.00 PUBLICITY

- 4.01 The proposal has been advertised by way of a press notice, display of a site notice and neighbour notification letters.

- 4.02 At time of writing, 2No. letters have been received in response to this

publicity exercise. One letter offers outright support to the proposal whilst the second is supportive provided the proposals comply with the applicable planning policies.

5.00 SITE HISTORY

5.01 No previous site history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan (FUDP)

Policy STR1 - New Development

Policy STR4 - Housing

Policy STR7 - Natural Environment

Policy GEN3 - Development in the Open Countryside

Policy L1 - Landscape Character

Policy AC13 - Access and Traffic Impact

Policy HSG4 - New Dwellings Outside Settlement Boundaries.

Policy HSG5 - Limited Infill Development Outside Settlement Boundaries

Planning Policy Wales. Section 9.3 especially.

TAN 6 : Planning for Sustainable Rural Communities. Chapter 4

6.02 The site is located outside of the settlement boundary of Cymau as defined within the FUDP. The site does not lie within any other defined settlement boundary and is therefore located in an area of open countryside.

6.03 The above policies relate to, and reflect the long established general planning presumption against new development within areas of open countryside. These policies focus upon new housing proposals in the open countryside in particular, and direct that only in the most exceptional, and clearly specified of circumstances, will such proposals be considered to be acceptable.

6.04 As will be demonstrated in the appraisal below, this proposal does not accord with the applicable policy guidance.

7.00 PLANNING APPRAISAL

7.01 Site Description

The site forms part of the domestic curtilage to No. 1 Pystyll Cottages. The site is currently used as garden and is predominantly laid to grass with a double drive width area of hardstanding to the eastern part of the site abutting the existing pre-fabricated concrete garage. The site contains a number of fruit trees of varying maturities and domestic ancillary structures. The site boundary to the south is formed by a mature and well established hedgerow. The northern boundary has a

similar appearance at first glance but is actually comprised of a stone wall with vegetation growing behind and over the wall. There are no formal demarcations of the western or eastern boundaries of the site.

7.02 The site slopes downhill from its northern boundary abutting the highway towards its southern boundary with open agricultural fields further to the south. The site has a slight slope from east to west and in both respects, is reflective of the topography of the surroundings.

7.03 The site is bounded to the west by the applicants' property, No.1 Pistyll Cottages which is the easternmost cottage of a terrace of 3 cottages, and its associated curtilage. The site is bounded to the south and west by areas of open countryside in the form of open agricultural fields. An un-adopted lane abuts the northern boundary, over which the route of Footpath 11 runs.

7.04 The Proposal

The proposal is submitted in outline, with all matters of detailed reserved for subsequent consideration, and seeks to establish the principle of the development of this 0.03 hectare site for the purposes of providing a dwelling. The description attributed to the application advises the intention relates to the provision of a detached dormer bungalow although, as advised, no details of the building area provided.

7.05 Main Planning Issues

Given the outline nature of the submissions, the main issue in this case is the impact of the proposal on policies designed to control the provision of housing and protect the countryside. However, there are also the issues of potential conflict between pedestrian users of Footpath 11 and additional traffic generated as a result of the proposal, and landscape impact to consider.

7.06 Policy Principle

The site lies within an area of open countryside. National planning guidance, contained within Planning Policy Wales (PPW), makes it clear that new development in the open countryside is generally inappropriate, except under certain specified circumstances. This general presumption is reinforced and the exceptions clearly identified within Policy GEN3 of the FUDP. Any proposals which cannot satisfy the criteria contained therein are therefore considered to be inappropriate development. Inappropriate development is, by definition, harmful to the character and appearance of the open countryside as should be resisted.

7.07 However, this policy does allow limited housing infill development to meet proven local need as an exception to GEN3. Policy HSG5 elaborates and says that limited infill development for one or two housing units will be allowed provided that the proposal is to meet a proven local housing need and subject to a number of criteria. These

include that the site comprises a small gap within a clearly identifiable small group of houses within a continuously developed frontage, does not constitute or extend existing ribbon development and respects adjacent properties and the surrounding area.

7.08 The site is located on the southern side of an unadopted lane and is located upon an area of land adjacent to a terrace of cottages. Other sporadic housing exists to the north and northwest of the site. The applicant suggests that this pattern of development supports the view that the site is a clearly identified gap, within what is a sporadic group of houses, which would satisfy the criteria identified within HSG5 and is therefore an infill plot.

7.09 Policy HSG5 is clear that for a gap to be considered as infill it must be a gap within a continuously developed frontage within a group of houses, and I consider that the site could not be considered as part of such a frontage and is therefore design not constituting infill development. Moreover the site, as described previously, is located on the end of a terrace of cottages, with a distinct gap between both the site and the existing terrace created as a result of the indicative siting. The proposed dwelling would therefore extend ribbon development in a westerly direction along the lane towards an area clearly open in character and devoid of further housing development. The proposal would seem an incongruous addition as a consequence.

7.10 Furthermore no evidence has been advanced in support of the application to suggest that there is a case of proven local need that would justify the application of the exception that policy HSG5 introduces.

7.11 Highway Issues

It is apparent that the lane is narrow and un-adopted, with no footways and in addition to providing access to the group of dwellings in this area, represents part of the route of Footpath 11. I am of the view that the development would introduce additional traffic and I consider that this would introduce an additional risk of conflict between vehicles and pedestrians. I consider that it would not be at such a level that road safety within the lane or at its junction with the adjacent highway would be significantly compromised, and the Head of Assets and Transportation shares this view, but it does add weight to my previous conclusions in respect of the unsuitability of this site for development.

Landscape Impact

7.12 The site is not well screened to views from the south, south west and south east. The development of buildings along the lane largely reflects the historic development of the area and its' agricultural workers cottages and to a great extent, the open spaces between the groups and terraces of cottages along the lane are an important part of this character and maintain the sense of rurality and spaciousness that characterises the area. The proposal would undermine this

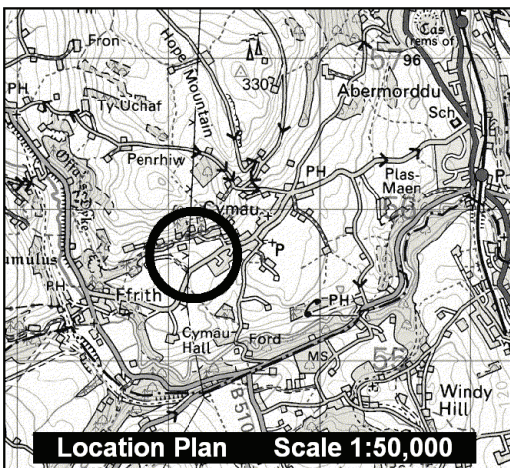
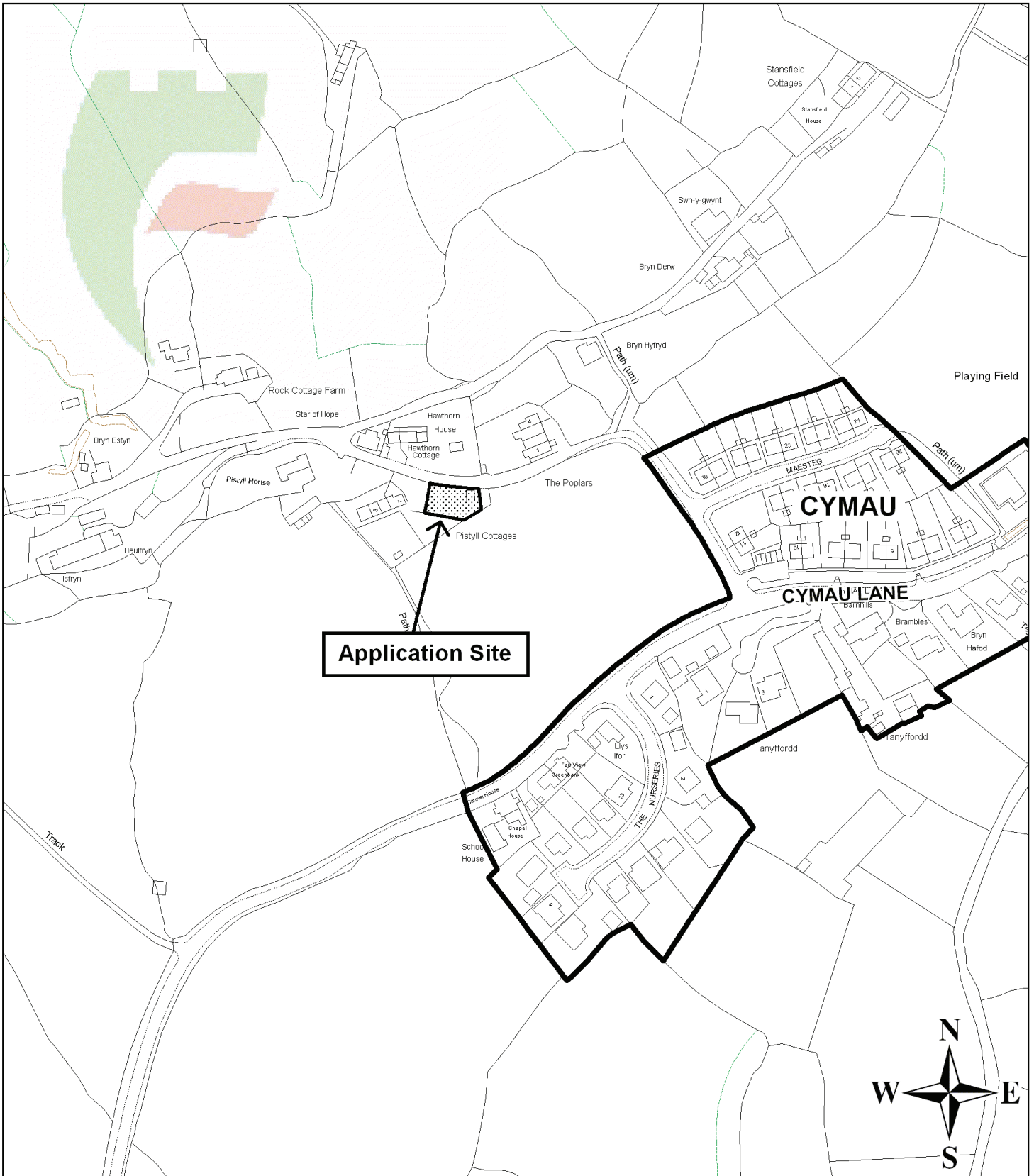
character and the openness of the open countryside as a result.

8.00 CONCLUSION

8.01 Overall, I conclude that the proposal does not therefore constitute infilling and I conclude that the proposal is inappropriate development in the open countryside contrary to Policy GEN3 of the FUDP and national planning guidance contained within PPW. There would also be some other harm to the character and appearance of the area and to pedestrian safety as a result of the proposal. There are no exceptional circumstances which clearly outweigh the harm.

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

Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: glyn_d_jones@flintshire.gov.uk

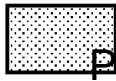


Environment Directorate,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
Development Plan
Settlement Boundary



Application Site Extent

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Map Scale 1:2500

OS Map ref SJ 2955

Planning Application 50744

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 24TH JULY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RE-PLAN TO 16NO. DWELLINGS AND ASSOCIATED GARAGES AND PARKING SPACES ON A PREVIOUSLY APPROVED SCHEME OF 44NO. DWELLINGS AT LAND AT OVERLEA DRIVE, HAWARDEN**

APPLICATION NUMBER: **050805**

APPLICANT: **REDROW HOMES NW AND MR AND MRS DUTTON**

SITE: **LAND AT OVERLEA DRIVE, HAWARDEN**

APPLICATION VALID DATE: **16/ 5/2013**

LOCAL MEMBER: **COUNCILLOR C. S. CARVER**

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

REASON FOR COMMITTEE: **THE APPLICATION REQUIRES LINKING TO THE S.106 AGREEMENT PREVIOUSLY AGREED IN RELATION TO THE DEVELOPMENT OF THIS SITE**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This application seeks permission to amend the approved house types upon 16 of the previously approved plots. The amendments do no result in any difference in the numbers of dwellings to be erected at this site.

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 supplemental S.106 agreement which links the permission granted under this planning application to the provisions of the S.106 agreement, offered unilaterally at the appeal allowing development under Permission Ref: 048032, providing for the

following;

a) The provision of 4 No. affordable homes by means of gifting the units to Flintshire County Council to be made available to people registered upon its Affordable Home Ownership Register.

b) Ensure the payment of a total educational contribution of £66,500 towards educational provisions in the locality. £38,500 towards primary educational provision/improvements, and £28,000 towards similar secondary education level provision.

The contributions shall be paid in 2 instalments of £33,250. The first instalment shall be paid upon the occupation of the 23rd dwelling and the second upon the occupation of the 35th dwelling.

c) Ensure payment of a commuted sum payment, part in lieu of on site recreation/open space provision of £25,000, such sum to be used to upgrade existing facilities within 3 miles of the site. This sum shall be paid upon the occupation of the 10th dwelling.

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed, a unilateral undertaking not received, or advance payment not made within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

Conditions (as imposed by the Inspector upon the appeal approval):

1. Time limit on commencement.
2. All dwellings to CFSH Level 3 and 1 credit under Ene1.
3. CFSH "Interim Certificate" before work commences.
4. CFSH "Final Certificate" before houses occupied.
5. Drainage details submitted and agreed prior to commencement.
6. No development until off site drainage works agreed. No dwellings occupied until complete.
7. Landscaping scheme prior to commencement.
8. Implementation of landscaping proposals.
9. Hedgerow and tree protection fences to be erected.
10. Construction method Statement prior to commencement.
11. Land contamination investigation prior to commencement.
12. Remediation measures prior to occupation.
13. Materials to be agreed.
14. Finished floor levels as approved unless otherwise agreed.
15. Removal of Permitted Development Rights in relation to roof windows etc upon plots 5 – 12 and 16 – 21 inclusive.
16. Removal of Permitted Development Rights in relation to extensions, enlargement or roof alterations upon plots 5 – 12 and 16 – 21 inclusive.
17. Enhanced glazing for plots 37 – 41 prior to commencement.
18. Highway details to be agreed prior to commencement.

- 19. Offsite highway visibility improvements before work commences.
- 20. Details of children's play area to be agreed.

3.00 CONSULTATIONS

3.01 Local Member
Councillor. C. S. Carver

Hawarden Community Council
Expresses concerns in relation to the position of the play area.

Head of Assets and Transportation
No objections. Has no recommendation on highways grounds.
Footpath No.s 33 and 34 cross the site. The applicant will be required to acquire a Temporary Closure Order during the construction period in the interests of public safety.

Head of Public Protection
No adverse comments.

Welsh Water/Dwr Cymru
No adverse comments. Advises of sewer crossing site and requests conditions.

Natural Resources Wales

Airbus

Coal Authority
No adverse comments.

4.00 PUBLICITY

4.01 The proposal has been advertised by way of a press notice, display of a site notice and neighbour notification letters.

4.02 At time of writing, 4No. letters have been received in response to this publicity exercise. These raise objections in relation to the following;

1. Location of children's play area to the rear of property will give rise to antisocial behaviour and disturbance to the detriment of existing residential amenity.
2. Overlooking from proposed dwellings.
3. Increased risk of flooding.

5.00 SITE HISTORY

5.01 **4/1/20795**
Outline - Residential Development.
Refused 3.12.1991

02/1/00549

Outline - Residential Development.

Refused 19.2.2003. Dismissed on Appeal 22.4.2004.

048032

Full application – Erection of 45 dwellings.

Refused 28.11.2011. Allowed on Appeal 17.08.2012.

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 HSG1 - New Housing Development Proposals

Policy HSG8 - Density of Development

Policy HSG9 - Housing Type and Mix

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy D3 - Landscaping

Policy AC2 - Pedestrian Provision and Public Rights of Way

Policy AC13 - Access and Traffic Impacts

Policy AC18 - Parking Provision and New Development

Policy SR5 - Outdoor Playing Space and New Residential Development

Policy EPW2 - Energy Efficiency in New Development

Policy HSG10 - Affordable Housing within Settlement Boundaries

6.02 The application site is located outside the settlement boundary of Hawarden as defined within the FUDP and is an allocated site for residential development.

7.00 PLANNING APPRAISAL

7.01 Introduction

This application seeks permission for the variation of the approved layout via the substitution of house types upon 14No. plots upon the site. No other modifications are sought via this application.

7.02 The Proposed Development

The proposals seek to substitute the house types approved upon 14 of the plots upon this site. The plots in question, No's 2 – 5 inc, 8-9 inc, 13, 17, 21 – 22 inc, 33, 37 and 41 all presently provide for detached dwellings. Plot 44 is a mid terrace affordable housing unit. The dwellings proposed to be substituted reflective of this approved position.

7.03 Principle of Development

The principle of the development of this site is established via the recent acquisition of permission, via appeal, under Reference 048032.

This application proposes no other modifications to the proposed development in any other regard and therefore there is no objection in principle to the proposals.

7.04 Design, Layout, Housing Mix & Affordability

The proposed dwellings to be introduced into this site are consistent with the design and appearance of the dwellings previously approved upon the identified plots. There are differences in the composition of the dwellings and some elevational differences but their design and appearance is consistent with the scheme as a whole. The proposals involve no alteration to the layout of the development site as a whole.

7.05 The proposals include one of the dwellings previously agreed to be an affordable dwelling. The proposals in respect of this plot (44) involve no alterations to size or layout but vary the internal composition to provide a 3 bed affordable unit rather than the approved 2 bed unit.

7.06 This proposed amendment has been discussed with the Council's Housing Strategy who has no objection to the proposed amendment.

7.07 Play Area Location

Queries have been raised in relation to the position of the play area as shown upon the submitted particulars. I would advise that this application concerns itself solely with the proposed re-plan of 16No. of the previously approved dwellings and makes no other alterations in relation to the play area.

7.08 The position of the play area indicated upon the proposals accords with that considered at the Appeal in relation to Application Ref: 048032, which secured permission for the development of this site. Members will recall that the size and location of the play space was a matter considered by the Inspector in his deliberation of the proposals. In examining this issue he considered that the proposed position of the play space and concluded that, notwithstanding his misgivings in relation to its location and size, these misgivings could be addressed via a condition to require the submission of play area details.

7.09 Given that the application does not direct itself to the play area issue, I propose to adopt the same course of action and reiterate this condition.

7.10 S.106 Matters

Members are advised that this application brings about no changes to the provisions offered via the S.106 agreement presented by the applicants' at the appeal into planning application reference 048032.

7.11 However, Members will appreciate that if permission is granted under this application, it would have the effect, upon implementation, of rendering the application the operative permission for the site. In those circumstances, unless a supplementary S.106 agreement is

secured in the terms set out in Section 2 of this report, the requirements of the original S.106 agreement are no longer linked to the operative permission and therefore the Authority would have no basis to compel compliance with such an agreement as the site is being developed pursuant to a different permission not linked to that agreement.

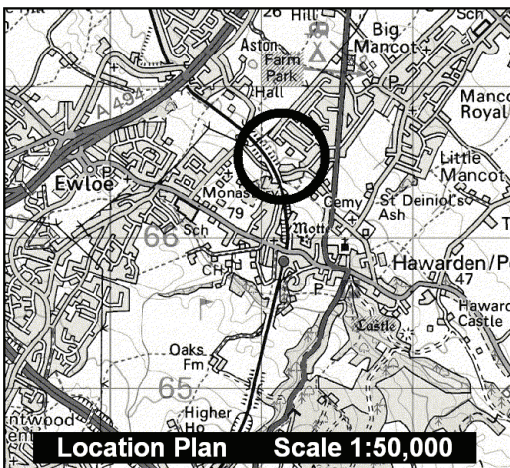
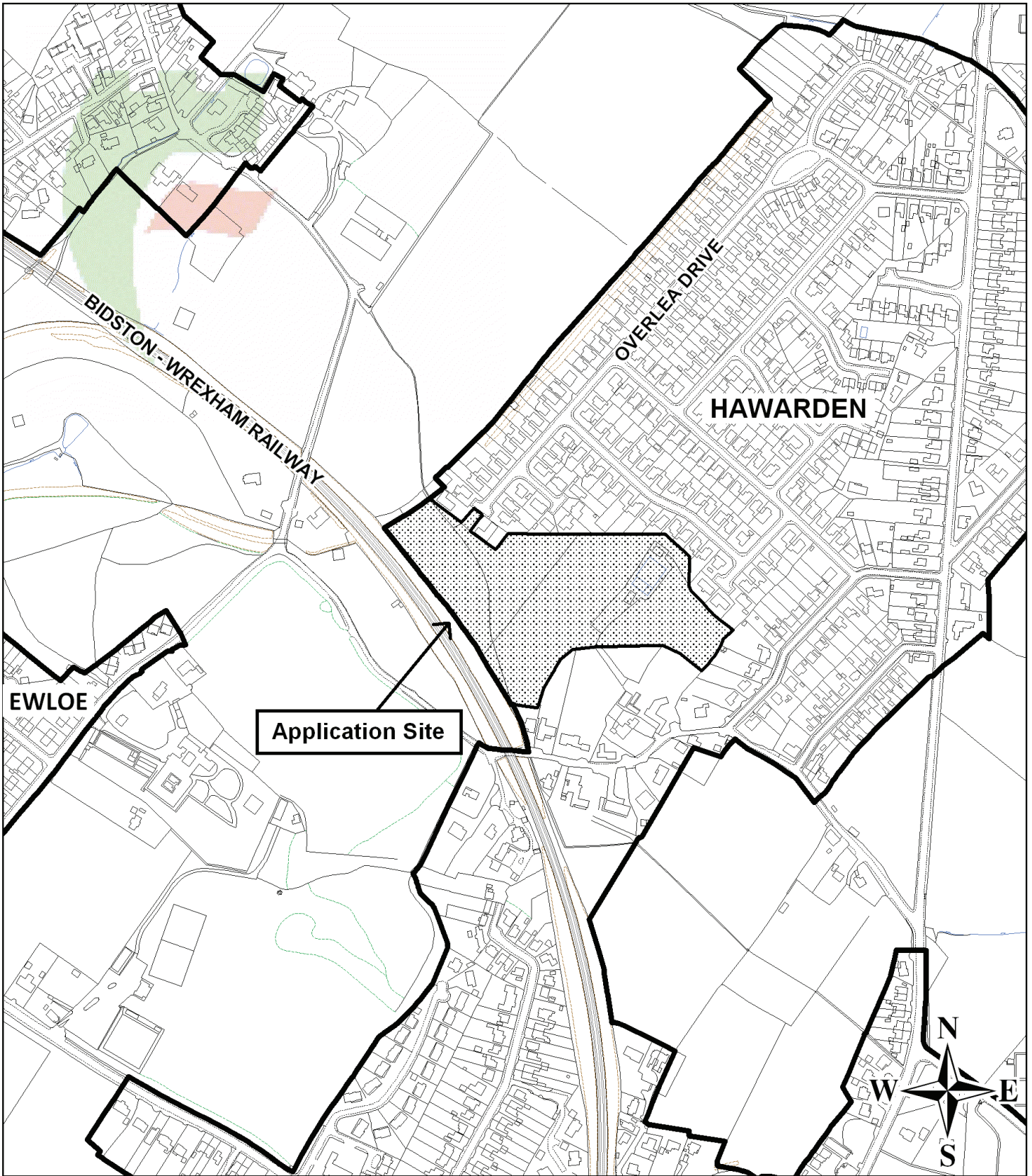
- 7.12 Members should be reassured that the proposed supplemental S.106 agreement will ensure that such a situation will not arise.

8.00 CONCLUSION

- 8.01 The proposals are in line with the applicable policy context and accord with the aims of the earlier granted planning permission for this site. I consider that, subject to the imposition of the previously agreed suite of conditions and the applicant entering into a supplemental S.106 agreement, the scheme is acceptable.

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

Contact Officer: David Glyn Jones
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Email: glyn_d_jones@flintshire.gov.uk



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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Planning Application 50805

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH JULY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEALS BY MR. SIMON PARKER AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR 049629 – EXTENSIONS & ALTERATIONS AND 049630 – ERECTION OF A REPLACEMENT DWELLING AT GELLI FARM, GELLI ROAD, PEN-YR-ALLT, HOLYWELL**

1.00 APPLICATION NUMBER

1.01 049629 & 049630

2.00 APPLICANT

2.01 Mr. Simon Parker

3.00 SITE

3.01 Gelli Farm, Gelli Road, Pen-yr Allt, Holywell.

4.00 APPLICATION VALID DATE

4.01 05.04.2012

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decisions, following refusal of planning permission at Committee on two applications, one for the demolition and replacement of the existing dwelling, which is a Building of Local Interest (BLI) and one for the retention and extension and alteration of the existing dwelling at Gelli Farm, Pen –yr-Allt, Holywell. The appeals were heard at a joint hearing and both were DISMISSED.

6.00 REPORT

- 6.01 The Inspector considered the main issue in relation to the retention of the existing dwelling and its extension and alteration to be the effect of the proposal on the existing farmhouse and on the character and appearance of its rural surroundings.

On the appeal in relation to the demolition and replacement dwelling, the Inspector considered there to be two main issues, first the effect of the proposals on the character and appearance of the rural surroundings, and second, whether the structural condition of the existing farmhouse is so poor that its demolition would be justified.

6.02 Background

The Inspector agreed with the Council that the most important considerations in relation to both proposals were the scale and the massing in relation to what existed.

The Inspector appreciated that the Appellant did not consider that Gelli farmhouse is worthy of being designated by the Council as a BLI, and had sought to have this overturned by way of judicial review, however, the judgement in that case was that the powers of the Court did not have the powers to review the matter since the BLI status is not a statutory designation.

The judgement did however indicate that in any section 78 appeal, that the Appellant would be able to deal with the question as to whether or not the farmhouse is of significant architectural or historical interest, and accordingly the Inspector, therefore paid particular attention to this matter.

The Inspector noted the present state of the building's poor repair and its boarding up, nevertheless, because the original parts of the building were probably built some 170 years ago, even without any particular historical connections, he considered that the original farmhouse and attached shippon are a good example of a basically unaltered, early C19 vernacular farm house and cow shed set in an agricultural landscape. From this he considered that as its designation as a BLI indicates, the farmhouse and cowshed are worthy of protection for their local historical interest.

6.03 Appeal in Relation to Retention, Extension and Alterations

The Inspector noted the reasons for refusal in relation to this proposal, and whilst he noted the differences in floor space calculations between the calculations of the Council and the Appellant, and whilst he considered that the proposals would not be out of scale with the existing dwelling in terms of the amount of floor space, nevertheless, he considered that the 2 storey part of the proposed extensions would be visually out of scale with the existing farm house. This was considered to be sufficient reason for the Inspector to conclude that

the proposals would not be in accordance with policy HSG12.

In relation to Policy HE4, the Inspector concluded that the south elevation of the proposed extension would not be subsidiary to the present principal elevation and therefore, would adversely affect the basic architectural form of this unpretentious rural farmhouse, which is considered worthy of its BLI status. As such it was considered that the proposal would not accord with Policy HE4.

6.04 Appeal in Relation to Demolition and Replacement Dwelling

In this case Policy HE4 indicates that demolition of a BLI will only be permitted where the building is structurally unsound and can not be repaired at a reasonable cost, and that the design of the proposed replacement building should match, or be better than, that of the building to be demolished.

The Inspector considered that the whilst the proposal would have a similar front elevation to that of the existing house , however , since most of the proposed south wing would be 2 storey, he did not consider that the design of the proposed replacement building would match, let alone be better than , that of the principal elevation of the existing farmhouse.

Much of this south elevation would be open to public views from the adjoining highways, as the depth of the 2 storey part of the replacement dwelling would be appreciably deeper than that of the present farmhouse, he considered that the proposed south gable would appear materially more bulky than the existing south gable.

He considered that the replacement dwelling would have a harmful effect on the BLI and also on the long established character and appearance of its rural surroundings and was therefore contrary to Policies HE4 and HSG6.

The Inspector did not consider it acceptable to demolish the existing dwelling, (with the exception of the unattractive, relatively modern, flat roofed rear extension). He considered that the existing dwelling could be repaired at a reasonable cost and that the structural condition of the existing farmhouse was not so poor as to justify its demolition. Whilst he noted that the proposed replacement would probably be more energy efficient than the existing farmhouse he did not consider that this factor outweighed the above considerations.

6.05 Other Material Considerations

The Inspector referred to 2 other material considerations in relation to these appeals, namely the existence of a planning permission already granted by the Council for the extension and alteration of the existing dwelling and secondly the personal circumstances of the Appellant in relation to his severely disabled brother in law.

In relation to the permission already granted the Inspector noted that the 2 storey element of the south elevation would be substantially less wide than the proposals in either of the appeals. As such the visual impact of the permitted scheme on the character and appearance of both the BLI and surrounding area would be materially less than that of the proposals, accordingly, in his view he considered that the permitted proposals did not justify allowing either of the appeals.

In relation to the personal circumstances cited in relation to the appellant's brother in law, the Inspector noted that the permitted scheme would provide a ground floor bedroom and adjoining bathroom as well as a carer's bedroom in a largely self-contained part of the rear wing of the permitted extended dwelling.

Costs Application

During the appeals the Appellant submitted an application for costs against the Council and in considering this the Inspector considered that in both appeals the reasons for refusal were sufficiently complete, precise, specific and relevant to their respective applications. Furthermore he considered that the Council had provided sufficient substantial evidence to justify the refusals of permission.

- 6.06 The Inspector considered that the Council had attached no more than minimal weight to the special personal circumstances advanced in respect of the Appellant's seriously disabled brother in law. However, since personal circumstances hardly ever override sound land use planning objections, he considered that this amounted to unreasonable behaviour.

The Inspector did however take issue with the fact that the percentage increase in volume calculated by officers and reported to Committee was in his view wrong. This disagreement between the appellant and the Council was essentially based on whether the rear detached range of out buildings should be included in the floorspace of the original dwelling for the purposes calculating the increase in volume. Having taken the appellant's view he decided that the Council's stance amounts to unreasonable behaviour. The Inspector concluded that such unreasonable conduct must have caused the Appellant to incur expense unnecessarily and he awarded partial costs against the Council on these grounds only.

NOTE: It should be noted that the officers calculated the increased volume in both proposals at over 100% and the report to committee made it clear that this included the floorspace of the original outbuildings as additional. The Appellant's case was that the outbuildings should be included in the original floorspace and thus discounted against the increased floorspace. giving a percentage increase in the region of 30%. As stated above the Inspector agreed with the appellant but it is disappointing that he considered that the Council had made "a serious error" rather than this being a difference

in interpretation. However, the only way to challenge this would be through judicial review and as the appeal decisions are favourable this action would not be warranted.

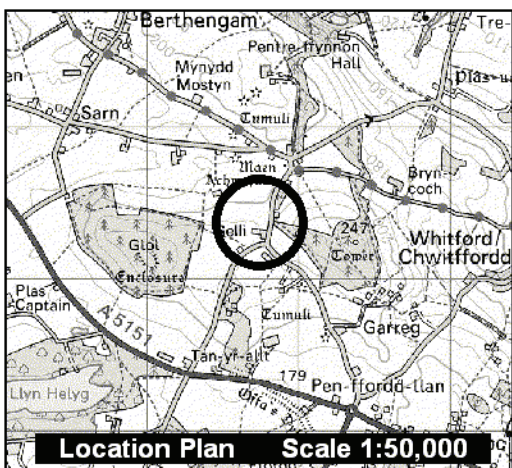
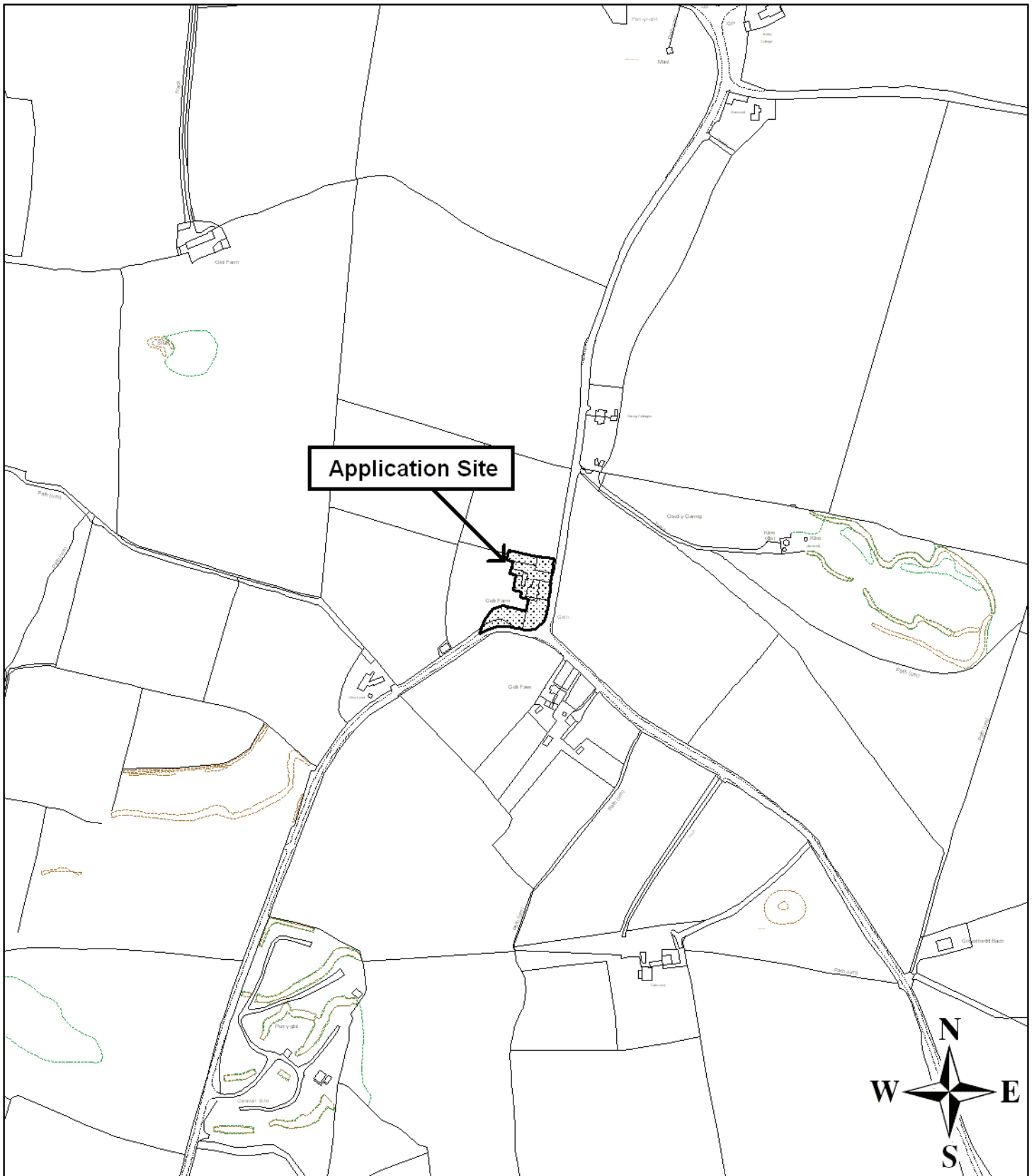
7.00 CONCLUSION

7.01 The Inspector was mindful of what had been permitted by the Council by way of extension and alteration to the property and he considered that the two proposals subject of the appeal were not acceptable in terms of the relevant policies because of the impact on the scale and character. None of the other material considerations, either individually or together, were of sufficient weight to override the sound and clear-cut development plan objections which he found to the proposals in both the appeals.

The Inspector took in to account all the other matters raised by the Appellant, including the distance of the listed building at Gelli Fawr from the appeal site, together with the other appeal decisions and case law the Appellant referred to, he DISMISSED both appeals, but ALLOWED an award of costs in part, with regard to the erroneous calculation of the amount of increase in the floor space proposed.

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

Legend

-  Adopted Flintshire Unitary Development Plan Settlement Boundary
-  Application Site Extent

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Planning Application 49629

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **24th JULY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR JONATHAN BARTON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A ONE PLANET DEVELOPMENT – ERECTION OF ONE DWELLING AND AGRICULTURAL BUILDINGS WITH ASSOCIATED WORKS AT WARREN DINGLE FARM, MOLD ROAD, PENYFFORDD – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 **049721**

2.00 APPLICANT

2.01 **MR JONATHAN BARTON**

3.00 SITE

3.01 **WARREN DINGLE FARM, MOLD ROAD, PENFFORDD, CHESTER CH4 0AB**

4.00 APPLICATION VALID DATE

4.01 **18TH JUNE 2012**

5.00 PURPOSE OF REPORT

5.01 To inform members of the appeal decision, against flintshire county council for failure to give notice, within the prescribed period of a decision on a full planning application for a one planet development – erection of one dwelling and agricultural buildings with associated works. the appeal was considered by way of an exchange of written representations and was dismissed.

6.00 REPORT

6.01 **Procedural Matter**

The Inspector noted that the appeal is against the failure of the Local Planning Authority (LPA) to determine the application within the statutory period. However the LPA indicated the grounds on which they would have refused the application.

The grounds given are that the Council do not consider that the Management Plan (MP) meets the requirements set out in the national guidance to justify the exceptional nature of the development or to provide a basis for ongoing monitoring and review. The Council do not consider that it has been conclusively shown that the proposed development would provide for the basic needs of the family.

6.02 **Main Issue**

The Inspector considered the main issue to be the impact of the proposal on policies designed to control the provision of housing and protect the countryside.

6.03 **Reasons**

In the report the Inspector outlines the requirements of Policy HSG4 and also refers to Technical Advice Note 6 – Planning for Sustainable Rural Communities (TAN6).

The Inspector notes that the application includes development of an agricultural dwelling but within the auspices of One Planet Development (OPD) and outlines the requirements for such development, mainly that over a reasonable length of time (no more than 5 years) it should provide for the minimum needs of the inhabitants in terms of income, food, energy and waste assimilation.

The requirements for ODP applications located in the open countryside and the need for such applications to be supported by robust evidence are detailed within the Inspectors report.

The Inspector notes that the appellant has provided a Business Plan, but comments on the lack detail within it. He also remarks that the food requirements of the family are not specifically quantified against the amounts of food produce grown or the surplus.

It is also noted that the Business Plan is dependant to a certain extent on land outside the application site, which, then questions whether the appeal site is capable of supporting the family's needs on its own. The Inspector accepts that the agricultural appraisal submitted with the appeal suggests that there is sufficient land within the appeal site to satisfy a family's needs, however this should be specifically quantified in the MP. He also questions how the agricultural appraisal relates to the requirements for OPD.

The role of volunteers within the proposed development and how their

food needs would be allocated is unclear. The Inspector refers to PG which states that the produce grown and reared on site must be the result of the labours of the occupants of the site and not hired hands.

The Inspector remarks on the lack of detail/quantified evidence submitted in regard to: the water requirements of the family and holding; the various energy sources to be used within the life of the MP.

The Inspector does not share the Council's concerns in regard to the ploytunnels, but does consider that there is a lack of information as to whether they and other agricultural buildings on site would be zero carbon in both construction and use.

The Inspector acknowledges that the appellant has provided a lot of the evidence required and that the PG was published after the submission of the application. However, there remain a number of weaknesses within the evidence and therefore does not comply with the requirements of the PG.

In addition the Inspector acknowledges that there are few examples of such development and of the process of completing a MP. Nevertheless the PG represents clear guidance as to the scope and detail of the evidence that is required.

The MP is a prerequisite for ODP and should adequately address the qualifying criteria contained within PG together with providing an acceptable monitoring process based on clearly stated indicators. The Inspector considers that such detail should not be the subject of conditions nor should the assessment of materials and construction of the dwelling.

The Inspector agrees that the appellant has shown that some of the requirements TAN 6 are capable of being satisfied and an OPD may be achievable on site. Even so the proposal lacks detail and a clear strategy for their achievement and development. A draft S106 agreement has been submitted with the appeal, but this is not complete and the Inspector considers that the MP does not represent an acceptable basis for such an agreement.

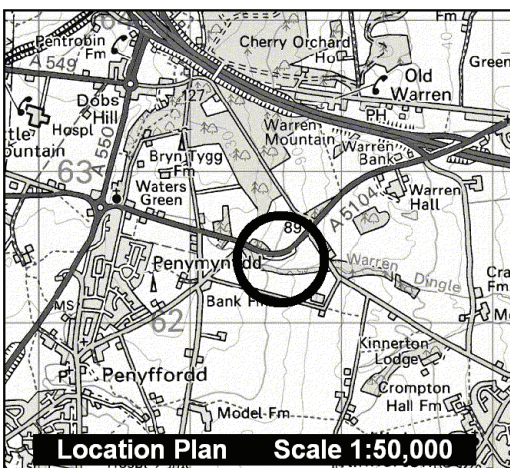
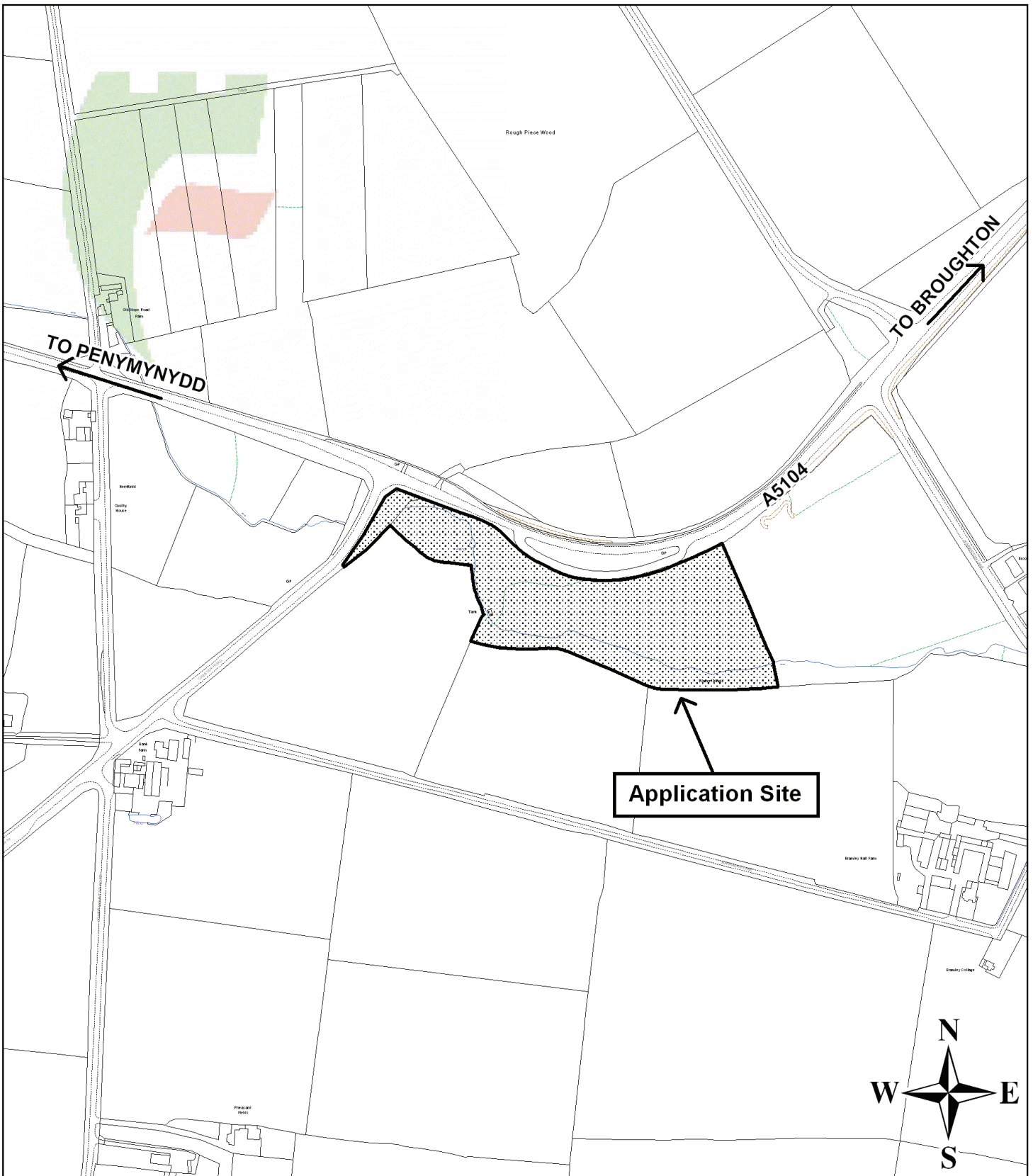
7.00 CONCLUSION

- 7.01 In conclusion the Inspector states that, overall, whilst the appellant has outlined a laudable proposal for OPD in this case, the MP lacks a clear and coherent strategy and structure that binds the individual assessments and reports together, and has a resilient and measurable monitoring process. The MP lacks detail in the key aspects that he has identified and as a result the evidence is insufficiently robust to satisfy the requirements of TAN 6 and the guidance contained within the PG.

For these reasons the proposal conflicts with the requirements of national guidance contained within TAN6. TAN 6 says where this cannot be demonstrated, proposals should be considered against policies which seek to control development in the open countryside. The proposal also therefore conflicts with policy HSG4 of the UDP.

Consequently for the reasons given above and having considered all other matters raised the Inspector concluded that the appeal should be DISMISSED.

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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 49721

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH JULY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: APPEAL BY MR L R BARKER AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE RETROSPECTIVE APPLICATION FOR THE RETENTION OF A DORMER BUNGALOW AT 10 WILLOWFIELD ESTATE, PENTRE HALKYN .

1.00 APPLICATION NUMBER

1.01 **050266**

2.00 APPLICANT

2.01 **MR L R BARKER**

3.00 SITE

3.01 **LAND ADJACENT TO 10 WILLOWFIELD, PENTRE HALKYN, HOLYWELL CH8 8HG**

4.00 APPLICATION VALID DATE

4.01 **5TH NOVEMBER 2012**

5.00 PURPOSE OF REPORT

5.01 To inform members of the appeal decision, for the above development following refusal of the application under delegated powers. the appeal was considered by way of an informal hearing and was dismissed.

6.00 REPORT

6.01 **Background**

The Inspector describes the site; outlines the relevant planning history and refers to issues relating to land ownership for the site. He remarks that the appeal site land is not within the ownership of the appellant but notes that notice was served on the owner, but the land purchase has

not been completed and is subject of the outcome of this appeal.

- 6.02 The three previous applications are detailed within the report which are summarised below:

2007 – Application for two storey dwelling refused permission on the grounds of character and appearance and living conditions in relation to usable garden space, dismissed at appeal.

2008 (044774) Application for two storey dwelling (dormer style, two bedroom). Planning permission granted and building works commenced, works suspended as development was not in accordance with approved plans.

2009 (045913) Application for two storey dwelling (part retrospective) refused permission on the grounds of useable garden space for three bedroom dwelling. Dismissed at appeal. The Inspector refers to the previous Inspectors comments that the third room at first floor level was annotated 'home office', but was capable of being used as a bedroom.

- 6.03 Planning permission 044774 granted in 2008 but lapsed on 11 June 2013. At the hearing it was agreed this permission could not be implemented unless the present dwelling house was demolished, since it had been built forward of the alignment of that previously approved. The 2008 planning permission is no longer a 'fallback' it can only be given limited weight

- 6.04 The Inspector noted that Council has also issued an enforcement notice requiring the dwelling house to be demolished and the site cleared. This notice has not been appealed against and is therefore in effect.

6.05 **Main Issue**

The Inspector considered the main issues to be the effect of the development on the character and appearance of the area, and the effect of the development on the living conditions of future occupiers of the dwelling in relation to outdoor amenity space.

6.06 **Character and Appearance**

The Inspector comments on the diversity of styles of buildings in the area and variety of scale and materials.

- 6.07 The Inspector describes the building on site to be proportionally awkward as it is not a full two storey dwelling or a single storey building. The roof appears proportionally larger than the wall plate and is higher than the previous 2009 application. The dwelling therefore appears visually unbalanced and incongruous on a corner plot which links two developments together, these being either two storey or single storey and the appeal dwelling house is an inappropriate mix of the two.

- 6.08 Having considered the appeal in light of the site history the Inspector concludes that the development harms the character and appearance of the area. He considers the development to conflict with Flintshire

Unitary Development Plan (UDP) Policies GEN1 and D2, which indicate that development should be a good standard of design and harmonise with the site and surroundings in terms of scale, design and external appearance.

6.09 Living Conditions

Referring to the Council's Local Planning Guidance (LPG) Note 2, the Inspector comments that this document has not been through public consultation and therefore gives it limited weight.

6.10 The Inspector notes that the LPG indicates that private garden space is important for quiet enjoyment and for a three bedroom dwelling it requires 70 square metres. In response to the Appellant's contention that the dwelling only has two bedrooms and a store, the Inspector states that *"Although very small, it is not so confined or restricted by headroom as to prevent it from being used as a bedroom."*

6.11 The Inspector refers to the Appellant's offer to acquire the land at the side, which forms part of the appeal site, and undertake to lower the levels and to build new retaining wall structures. At the hearing, the Appellant and the Council agreed that conditions could be imposed to ensure that this would take place should the appeal be allowed. In the Inspectors view the outcome of such engineering works would then provide sufficient private amenity space in accordance with the Council's published guidance, and would overcome the concern in relation to the issue of living conditions.

6.12 As such the Inspector does not consider the development conflicts with UPD policies in relation to the adequacy of the provision of amenity space. In this regard the Inspector concludes that the development would not harm the living conditions of future occupiers of the dwelling in terms of outdoor amenity space.

6.13 Costs

An application for a full award of costs was submitted in writing at the hearing, based on the contention that the Council was unreasonable in refusing planning permission and failed to show good reason why it was refused. The Council argued that the development was retrospective and the previous appeal decisions have been in the Council's favour. The dwelling could be used as a three bedroom dwelling without the need for further planning and as such it was reasonable to consider the application in this way.

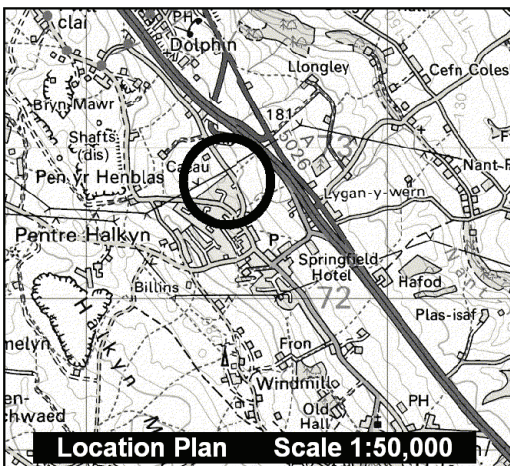
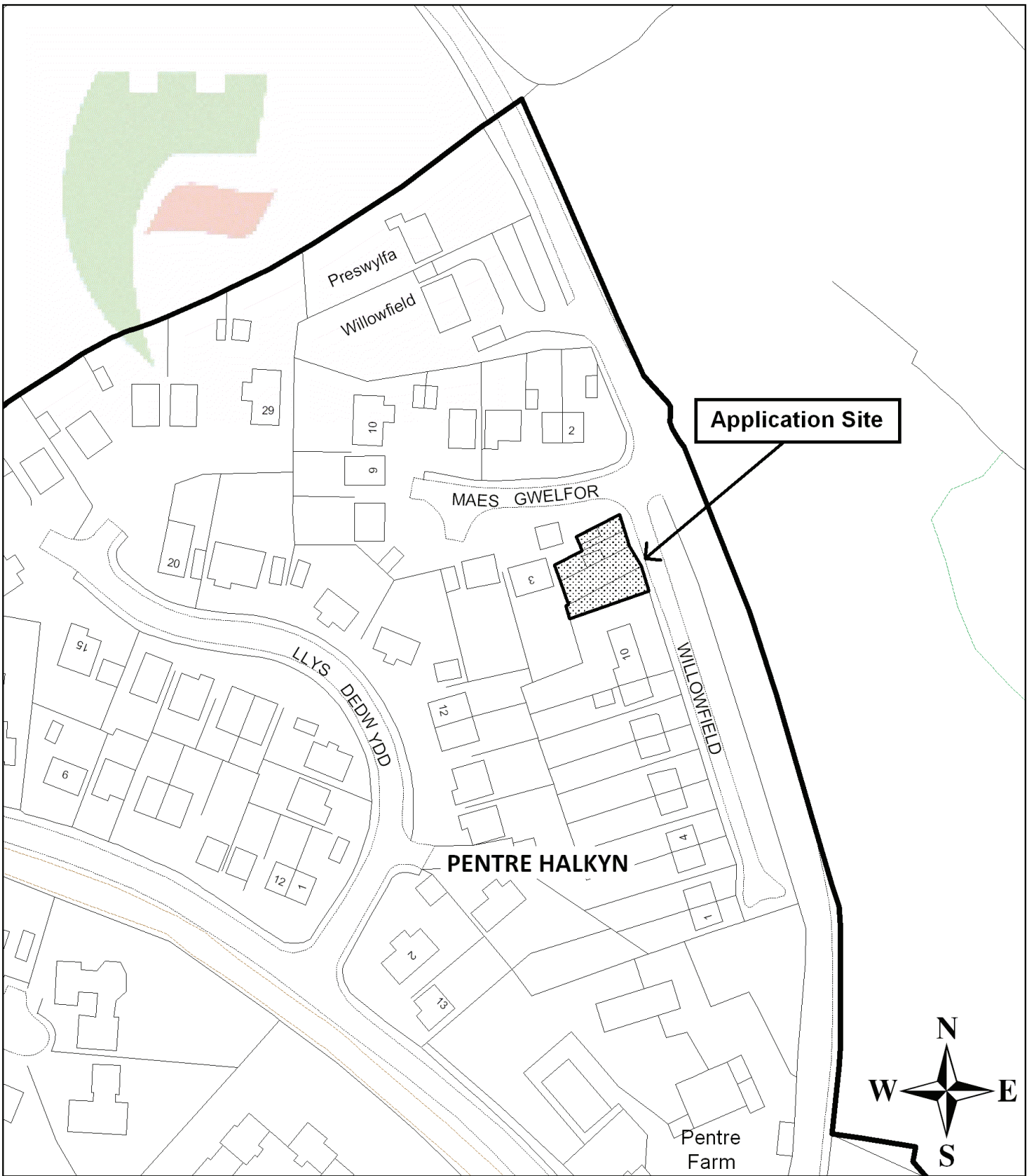
6.14 The Inspector concluded that the development was harmful to the character and appearance of the area and does not consider that the Council had behaved unreasonably in refusing planning permission. He did not consider it to be an unreasonable conclusion that the third room could be used as bedroom for the purposes of calculating the requirements of outdoor amenity space. As such unreasonable behaviour resulting in unnecessary expense had not been

demonstrated, costs were therefore unjustified. The award for costs was refused.

7.00 CONCLUSION

7.01 The Inspector concluded that although there was potentially a favourable conclusion for the Appellant on living conditions this did not outweigh concerns over character and appearance. This ground alone is sufficient to dismiss the appeal. He considered all other matters raised, including the personal need to reside close to the Appellant's elderly parent but concluded that the appeal should be dismissed.

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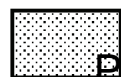


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Map Scale 1:1250

OS Map ref SJ 1972

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