

# Public Document Pack

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Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr David Wisinger (Chairman)

CS/NG

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

27 August 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, 4TH SEPTEMBER, 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 - 22)

To confirm as a correct record the minutes of the meeting held on 24<sup>th</sup> July 2013. (copy enclosed)

- 5 **ITEMS TO BE DEFERRED**

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

6 **REPORTS OF HEAD OF PLANNING**

The report of the Head of Planning is enclosed.

**REPORT OF HEAD OF PLANNING**  
**TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON**  
**4<sup>TH</sup> SEPTEMBER 2013**

Item No	File Reference	DESCRIPTION
<b>Applications reported for determination (A=reported for approval, R=reported for refusal)</b>		
6.1	050800 - R	Full Application - Erection of 42 No. Dwellings at Land Adjacent to Fair Oaks Drive, Connah's Quay (050800) (Pages 23 - 44)
6.2	050796 - A	Reserved Matters - Details of Appearance, Landscaping, Layout and Scale Submitted in Accordance with Condition No. 1 Attached to Planning Permission Ref: 038189 at Broughton Park, Broughton (050796) (Pages 45 - 54)
6.3	050921 - A	Variation of Condition Nos 6, 8, 9, 13, 15, 16 & 18 Imposed on Planning Permission Ref: 048780 to Allow for a Phased Approach for the Undertaking of (A) A Scheme for Facilities for the Parking, Turning and Unloading of Vehicles (B) Extended Lighting (C) A Scheme for the Comprehensive Drainage of the Site (D) A Scheme of Ecological Mitigation (E) The Provision of Tree/Hedgerow Protection (F) The Introduction of Replacement Windows/Doors and (G) Ventilation Equipment Rather than the Requirement for all Details to be Provided before the Use of Any Part of the Site Commences as Currently Permitted at "Bank Farm", Lower Mountain Road, Penyffordd, Near Chester (050921) (Pages 55 - 76)
6.4	050870 - A	Full Application - Construction of a New Modular Building to Provide 'Flying Start' Services at Linden Avenue, Connah's Quay (050870) (Pages 77 - 86)
6.5	050729 - A	Full Application - Change of Use from Chapel to Dwelling at Ffordd y Llan, Treuddyn (050729) (Pages 87 - 96)
6.6	050836 - A	Full Application - Landscaping Works to Practice Area and Erection of Practice Nets (In Retrospective) at Old Padeswood Golf Club, Station Lane, Padeswood, Buckley (050836) (Pages 97 - 104)
6.7	050976 - A	Full Application - Change of Use from A1 to A3 (Chinese Takeaway) at 12 High Street, Holywell (050976) (Pages 105 - 110)
6.8	050647 - A	Outline Application - Erection of a Single Storey Bungalow at Land Rear of Nos 8 & 6 Wepre Lane, Connah's Quay (050647) (Pages 111 - 118)
6.9	050880 - R	Full Application - Erection of an Anemometer Mast (up to 80m) for the Temporary Period of Three Years at Land at Ffrith y Garregwen, Caerwys (050880) (Pages 119 - 130)
6.10	051047 - A	Full Application - Erection of a Detached Single Garage at Ty Gwyn, 2 Paddocks Way, Gwernymynydd (051047) (Pages 131 - 136)
6.11	051101 - A	Full Application - Erection of a Side/Front Extension at Cherry Cottage, Upper Bryn Coch, Mold (051101) (Pages 137 - 142)
6.12	048042	General Matters - Outline Application - For the Demolition of 'Sunnyside' and 66A Mold Road and the Erection of 58 Houses Including Details of Access, Appearance, Layout and Scale at Land Rear of 66A Mold Road, Mynydd Isa (048042) (Pages 143 - 152)
6.13	047389	General Matters - Outline Application - Demolition of Existing Public House, Betting Office and Dwelling and Erection of 8 No. Apartments at 11 High Street & 'Bagillt Arms' High Street, Bagillt (047389) (Pages 153 - 164)
6.14		General Matters - Flintshire County Council's Northern Gateway Masterplan Framework (Pages 165 - 186)

Item No	File Reference	DESCRIPTION
<b><u>Appeal Decision</u></b>		
6.15	043948	Appeal by Brock PLC Against the Decision of Flintshire County Council to Refuse Planning Permission for the Construction and Operation of an Integrated Waste Management Facility at Pinfold Lane Quarry, Alltami - DISMISSED (043948) (Pages 187 - 192)
6.16	048595	Appeal by Mr. Stewart Rumney Against the Decision of Flintshire County Council to Refuse Planning Permission for a Retrospective Application for Change of Use from Agricultural Building to B2 in Part (50%) with Remaining 50% to Remain Agricultural at Bannel Dairy Farm, Bannel Lane, Penymynydd - DISMISSED (048595) (Pages 193 - 196)
6.17	050184	Appeal by Mr. Paul Schleising Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of a Balcony to Rear of Dwelling off Sunroom at 11 Manor Park, Sychdyn - DISMISSED (050184) (Pages 197 - 200)
6.18	050334	Appeal by Mr. Andrew Roberts Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of a Detached Double Garage at Sea View, Main Road, Ffynnongroyw - DISMISSED (050334) (Pages 201 - 204)



## PLANNING & DEVELOPMENT CONTROL COMMITTEE 24 JULY 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, 24th July, 2013

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

Councillors: Chris Bithell, David Cox, Ian Dunbar, Jim Falshaw, Veronica Gay, Alison Halford, Ron Hampson, Ray Hughes, Christine Jones, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts, Carolyn Thomas and Owen Thomas

### **SUBSTITUTIONS:**

Councillor: Marion Bateman for Carol Ellis and Brian Lloyd for Patrick Heesom

### **ALSO PRESENT:**

The following Councillors attended as local Members:

Councillor Hilary McGuill – agenda item 6.2, Councillor Sharon Williams – agenda item 6.3 and Councillor Clive Carver – agenda item 6.11

The following Councillors attended as observers:

Councillors Haydn Bateman and Hilary Isherwood

### **IN ATTENDANCE:**

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Planning Support Officers, Democracy & Governance Manager and Committee Officer

## 34. **DECLARATIONS OF INTEREST**

Councillor Neville Phillips declared a personal and prejudicial interest in the following application and indicated that following advice from the Democracy & Governance Manager, he would leave the chamber prior to discussion of the item:-

**Agenda item 6.2 – Application for Outline planning permission for the demolition of Sunnyside & 66A Mold Road and the erection of 58 houses including detail of access, appearance, layout and scale at land at rear of 66A Mold Road, Mynydd Isa (048042)**

## 35. **LATE OBSERVATIONS**

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

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

The Chairman explained that there would be a slight change in the order of business. Agenda item 6.7 would be considered at the end of the agenda and as he wanted to speak on the item, he would vacate the chair and the Vice-Chairman would take the chair for the remainder of the meeting.

37. **MINUTES**

The draft minutes of the meeting of the Committee held on 19 June 2013 had been circulated to Members with the agenda.

Councillor Mike Peers referred to the fourth line of the final paragraph on page 2 and requested that the words after 'said that' be removed and replaced with 'it was the intention to change house types on 52 plots and create 58 plots with similar house types already approved'.

On being put to the vote, the suggested amendment was CARRIED.

**RESOLVED:**

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

38. **ITEMS TO BE DEFERRED**

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

39. **GENERAL MATTERS - APPLICATION FOR OUTLINE PLANNING APPLICATION - ERECTION OF A SINGLE STOREY DWELLING AT LAND REAR OF 27 MAES GWYNFRYN, GWESPYR, HOLYWELL (047859)**

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

The officer explained that the application had been granted permission by the Committee on 22 June 2011 subject to conditions and subject to the applicant entering into a Section 106 Obligation. To date, the agreement had not been signed and therefore a resolution was sought from Members as to the decision to be made on the application. Due to the lack of progress made in respect of the Section 106 Obligation, it was recommended that planning permission be refused.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded.

In response to a query from Councillor Owen Thomas about whether the applicant could pay a commuted sum for affordable housing, the Planning Strategy Manager said that the site was in a Category C settlement and had been permitted on local need and would compromise policy if there was no local need.

Councillor Marion Bateman asked whether the site was part of the calculation for the Category C settlement. The Planning Strategy Manager said that as the original permission had lapsed it was considered again under policy.

**RESOLVED:**

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

40. **APPLICATION FOR OUTLINE PLANNING PERMISSION 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)**

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 22 July 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. Councillor Neville Phillips, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and drew Members' attention to the late observations where comments from consultees, clarification to the report, and removal/addition of conditions were reported. The recommendation was for approval of the application subject to conditions and completion of a section 106 obligation.

The Chairman explained that unusually he had, following officer advice, decided to allow two speakers against the application, who would each be entitled to speak for three minutes, and the speaker in favour of the application would either be allowed to speak for six minutes or have two speakers each speaking for three minutes.

Mr. K. Armstrong-Braun spoke against the application. He referred to the late observations that he had submitted detailing his grounds for objection, correcting the reference to the play area being designated as a newt habitat, and he referred to the existing pocket park. He referred to the EU Directive and that no physical newt habitat survey had been carried out which he felt was a legal requirement. He said that the site was rich in biodiversity and wetland and that the local authority had a legal duty under Natural Environment & Rural Communities (NERC) regulations to maintain the area. Mr. Armstrong-Braun said that the application would destroy the site and the main objection of Envirowatch was that no ecological survey had been carried out for all species on the site.

Mr. Parry spoke against the application and explained that his main objections to the application were the exit from the site onto Mold Road, and the removal of 66A Mold Road which he felt was unacceptable as it would cause safety issues, adding that the applicant had purchased the site without having access to it. He also referred to wetland in the area and a report which identified a collapsed sewer and works which had been undertaken which Mr. Parry was not aware of. He asked Members to take notice of the local residents and refuse the application.

Mr. C. Davy, the agent for the applicant, spoke in support of the application. In response to the comments made, he said that a newt survey had been undertaken on the site which was allocated for residential development in the Unitary Development Plan (UDP). He said that the site met the five year housing requirements and all issues had been fully resolved to the satisfaction of the Council and the concerns raised by the residents had been addressed. He reminded Members that the application had been under consideration for nearly three years. The application was for three and four bedroomed properties and the density of the site was broadly in line with the UDP and met the criteria for space around dwellings. The proposal included splitting the area of public open space to allow for retention of trees on the site covered by Tree Preservation Orders (TPO). Mr. Davy felt that the risks could be mitigated satisfactorily with no risk to health and would not result in the loss of habitats on the site. He said that the County Ecologist and Natural Resources Wales (NRW) had accepted that a commuted sum could be used specifically for the purposes of restoring the conservation status of the Great Crested Newt within the environs of the site as the likelihood of newts on the site was low. He said that a traffic assessment had been undertaken and considered by Highways and an independent traffic consultant. He commented on the commuted sum of £212,000 which was to be paid towards affordable housing, educational provision/improvements, open space area, mitigation land and towards a travel plan. The District Valuer had assessed the viability of the site and had advised that the site would not be viable if the usual payments under a Section 106 Obligation were requested and therefore the sum of £212,000 had been considered to be reasonable. Mr. Davy said that negotiations had taken place with officers both pre and post submission of the application and he asked Members to approve the application.

Mr. J. Norwood from Argoed Community Council spoke against the application. He raised concern on health and safety grounds about the entry and exit of the site onto the very busy main road. He felt that more than 50 extra vehicles would exit the site on a daily basis which would involve cutting across the driveway of 68 Mold Road and the resident of this property would have to reverse his vehicle out of his driveway into the path of any vehicles exiting this site. He felt that the access was dangerous and he spoke of the bus stop close to the proposed exit which would restrict the view of vehicles exiting the site. It had been suggested that the bus stop would be moved 10 to 15 yards nearer to Mercia Drive but Mr. Norwood felt that this would be more dangerous and would make the entry into Mercia Drive more difficult.

Councillor Alison Halford proposed refusal of the application, against officer recommendation, which was duly seconded.

In response to the comments made, the Senior Engineer - Highways Development Control advised that the traffic assessment undertaken had indicated that at its worst the additional vehicle movements from the site would be 13 arriving and 27 departing in the morning peak and 30 arriving and 18 departing in the evening peak. She felt that even though the proposal was for 58 dwellings, it did not mean that all of the residents would leave/arrive at the peak times and Highways were therefore satisfied with the proposal.

Councillor Halford felt that drainage issues had not been properly addressed and spoke of the pond on the site and the wildlife in the area. She

said that houses that were built around the pond area were built upside down to prevent the main areas from flooding. She queried whether an ecological survey had been undertaken and said that her reasons for refusal were flooding and highway issues. She felt that it would be difficult for the owner of 68 Mold Road to get in and out of his driveway and said that the application should be refused due to the number of unresolved issues.

Councillor Mike Peers said that his main concern was the complete absence of the appropriate level of affordable housing. The site exceeded the threshold for triggering affordable housing payments and the commuted sum based on 30% on site affordable provision was £674,526 but it had been decided that only £56,170 would be requested which was significantly below the amount required and in his opinion was unacceptable. It was reported that the scheme was not viable and Councillor Peers referred to the assessment undertaken by the District Valuer and asked for further information on the negotiations leading to accepting the 20% affordable housing provision. He also referred to a report by Mullers which detailed the levels that could be afforded to still allow a profit to be received by the developer. The District Valuer had commented on abnormal costs due to contamination on the site and had requested an investigation be carried out on the site but the Muller report had not advised of any problems. In conclusion, he said that the applicant had not considered the risks of the application and the figures suggested for the Section 106 Obligation did not comply with policy. He felt that the applicant should have factored in the costs of affordable housing and said that the application could not be approved with the suggested level of funding.

The local Member, Councillor Hilary McGuill, said that permission for the site had been sought for a number of years but applications had either been refused or withdrawn by the applicant at the last minute. Her main concerns about the site were that it was an old tip; it flooded; there was a pond on the site and the land sloped. A meeting had been held with the Planning and Highway Officers and residents on 11 July 2013 but no mention had been made of the application being submitted to this Committee. She added that the letter did not advise that only one person would be able to speak against the application. Councillor McGuill raised concern about the suggestion to move the bus stop nearer to Mercia Drive as the buses currently stopped across Mercia Drive and moving the bus stop would make the situation worse. The land had been included in the UDP by the Inspector who had indicated that access could be gained from a roundabout but Highways had disagreed with this suggestion. She felt that methane gas could be present on the site and asked that more testing be undertaken. The access to 68 Mold Road would also be very difficult for the occupier of the property. She also queried whether a survey had been carried out on other ways to access the site.

Councillor Owen Thomas concurred that the access onto Mold Road was dangerous and commented on the loss of light into the dining room of the adjacent property due to the proposed erection of an acoustic fence. He raised concern about the amount of the commuted sum for affordable housing and the non compliance with policy to comply with 30% provision.

Councillor Chris Bithell said that the site had been included in the UDP for housing provision but raised concern about the prematurity of the application. He

said that due to proposed treatment works by Welsh Water and the inclusion of a Grampian style condition to not allow the beneficial use of buildings earlier than 31 March 2014, he queried why the application had to be decided today. He suggested that the application be deferred due to the current economic climate to look at concerns raised including an ecological survey and to get a better deal for Mynydd Isa for affordable housing, play areas, educational contribution etc as the current request for the Section 106 Obligation was a loss of over £626,000 for the area. The proposal to defer the application was duly seconded.

The Democracy & Governance Manager reminded Members that the debate should now be confined to whether the application should be deferred or not.

Councillor Peers disagreed with the proposal to defer the application and said that it was clear from the report that there was no intention to provide sufficient affordable housing provision on the site. Councillor Bithell felt that the applicant would appeal if the application was refused and that it would be difficult to defend based on the comments made by Highways and NRW. He felt that deferral would allow time for further negotiations on the access/egress and to consider the ecological matters. Councillor Mullin concurred that deferment was the best option to address the issues that had been raised.

Councillor Halford agreed with deferment and withdrew her proposal to refuse the application. Councillor Peers as seconder agreed and asked that the developer be advised to take note of the policy for provision of 30% affordable housing. Councillor Gareth Roberts felt that a soil assessment to identify any possible contamination issues should also be undertaken. He added that deferring the decision would give the applicant an opportunity to meet policies and standards. Councillor Marion Bateman asked how much of the proposed site was on the area that was previously a tip as the agent had said a small area but the late observations reported that it was half the site. She also queried how many dwellings would be positioned on the area of the tip.

In response to the comments made, the officer said that the two viability assessments which had been submitted had been considered by the District Valuer. The reports showed a profit of 15% and 20% respectively for the developer but the District Valuer did not think that 30% affordable housing provision would make either proposal viable and therefore the total of £212,000 had been deemed reasonable.

The Planning Strategy Manager felt that Members should refuse or approve the application rather than deferring it. He advised that if it was contrary to policy then it should be refused but to defer on the grounds of prematurity could be seen as unreasonable behaviour. All issues raised had been considered during the three years since the application had been submitted and he questioned how long it would take to consider the items raised by Members at this meeting. He reminded Members that the site had been allocated for housing in the UDP. He spoke of inconsistency in decision making if deferral was on the grounds of prematurity due to works to be undertaken by Welsh Water as other applications had been approved with a Grampian style condition preventing beneficial use of the buildings earlier than 31 March 2014 unless the upgrading of the waste water treatment works had been completed; it was also a proposed

condition on this application. He urged Members to make a decision at this meeting.

In response to the comments of the Planning Strategy Manager, Councillor Bithell withdrew his proposal to defer the application. The seconder of the proposal agreed.

The Democracy & Governance Manager advised Members that there was now no proposal before Members and asked for a proposition.

Councillor Alison Halford again proposed refusal of the application, against officer recommendation, which was duly seconded. Her reasons for refusal were:-

- drainage issues not fully resolved;
- issues of access onto Mold Road;
- mitigation of ecological issues;
- ecological survey not being carried out;
- flooding issues;
- play area and open space issues;
- affordable housing being insufficient;
- soil contamination
- issue of parking

Councillor Gareth Roberts referred to the parking standards and the reduction from the guideline amount of 150 to 116 spaces. He highlighted paragraph 7.38 where it was reported that a Travel Plan would be produced to encourage sustainable travel to and from the site by residents via the use of walking, cycling, public transport and car sharing. Councillor Roberts felt that this would mean that residents would leave their cars at home therefore requiring an increase in the number of car parking spaces on site. The payment of £100 per dwelling towards the Travel Plan would be taken from the total commuted sum payment of £212,000.

The officer said that the contamination issues had been addressed in the report and the Council were satisfied that the appropriate wildlife surveys had been undertaken.

Following a discussion and on being put to the vote, the proposal to refuse the application on the following grounds against officer recommendation was CARRIED:-

- lack of affordable housing
- unsatisfactory access proposals
- inadequate ecological mitigation
- inadequate play and open space provision
- flooding and drainage issues
- under provision of car parking
- soil contamination.

**RESOLVED:**

That planning permission be refused on the following grounds:-

- lack of affordable housing
- unsatisfactory access proposals
- inadequate ecological mitigation
- inadequate play and open space provision
- flooding and drainage issues
- under provision of car parking
- soil contamination.

41. **FULL APPLICATION - CONVERSION OF WEST WING INTO 11 NO. APARTMENTS AT WESTBURY CASTLE, ABBEY DRIVE, GRONANT (050264)**

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 explaining that the application had been deferred at the meeting of the Committee held on 19<sup>th</sup> June 2013 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. Other options had been explored but none were acceptable and it was therefore considered that the original recommendation of approval was appropriate.

Mr. D. Scanlon, the agent for the applicant, spoke in support of the application. He said that the property was vacant and it was felt that the proposal for low density residential units was a viable solution. The access would remain as it was and he asked Members to accept the recommendation and approve the application.

Councillor Dowie from Llanasa Community Council spoke against the application. On the issue of access he expressed concern that Highways and Public Protection had not submitted objections to the application. He said that there were two grade II listed pillars at the entrance to the site which were only 10 feet apart and there was no pavement in the area. He added that due to the narrow width of the road, two cars were not able to pass each other and he felt that this was dangerous. Councillor Dowie said that the Community Council and the local MP were against the application and reminded Members that previous change of use proposals for the building had been refused.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He felt that this was the most suitable route to the site and that the pillars would provide traffic calming ensuring that traffic reduced its speed. The application complied with policy and Councillor Roberts therefore felt that it could not be refused.

The local Member, Councillor Sharon Williams, spoke in support of the application. She said that the proposed apartments would attract professional people to the area and added that the applicant had overcome the concerns raised. The proposal complied with highway standards and she therefore asked the Committee to support the officer's recommendation.



Councillor Mike Peers queried why the route from Llanasa Road was unacceptable as he felt that it would be a compromise. In response, the officer explained that this 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 and would result in a significant difference in levels.

**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 £733 per unit in lieu of on site play provision.

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 REUSE the application.

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

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 explained that this was the listed building application for the item which had just been approved by Committee. He said that once Committee had resolved to make a recommendation on the application, it would be forwarded to Cadw for formal consideration and determination.

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

**RESOLVED:**

That listed building consent be granted subject to the conditions detailed in the report of the Head of Planning.

43. **FULL APPLICATION - CONSTRUCTION OF A NEW RETAIL UNIT AND ASSOCIATED EXTERNAL WORKS AT MOLD AMBULANCE STATION, BYPASS ROAD, MOLD (050381)**

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

The Development Manager detailed the background to the report and explained that the proposal was for a single storey retail unit with parking and delivery areas. An amendment to the scheme to incorporate a pitched roof had

been agreed following discussion with the applicant. The main issues for consideration were the principle of development and highway issues. He referred to policies S3 and S6 which the application complied with and said that the principle of retail development was acceptable given its location within the defined town centre and given the fact that the proposal was the relocation of an existing retail store within the town. The steel roof would be coated to match the church buildings in the area and landscaping would be carried out. The Coal Authority had no objections to the site subject to a condition requiring ground investigations being undertaken and even though it was in a C1 flood plain, the risk of flooding was low. It was proposed that the existing access would be moved and would be designed so as to allow traffic into the site from a southerly direction only and exiting to the north to prevent traffic from turning across the highway.

The Senior Engineer - Highways Development Control confirmed that Highways did not have any objections to the application and that the traffic proposals mentioned by the Development Manager would ensure that there were no waiting vehicles on Leadmills.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He raised concern about the proposed signage for traffic and said that it needed to be enforced. He had asked whether an island could be erected in the middle of Leadmills to ensure that traffic did not cross the highway but he had been advised that there was insufficient room in the carriageway to do so. He welcomed keeping the retail store in the town and said that shoppers would be able to access it on foot. Councillor Owen Thomas concurred and felt that signage would not prevent vehicles turning right out of the site. The Senior Engineer - Highways Development Control confirmed that the proposed arrangement would force traffic to turn left onto Leadmills.

### **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 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 REUSE the application.

44. **FULL APPLICATION - ERECTION OF A TWO STOREY EXTENSION INCLUDING BALCONY TO EXISTING BARN AT DEER LODGE, CYMAU (050430)**

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 had been deferred by Committee on 17 April 2013 in order to negotiate an amended scheme to reduce the scale of the proposed extension. An amended scheme had been submitted but it was still considered to be out of scale and character with the original dwelling and the recommendation was for refusal of the application.

The applicant spoke in support of the application and explained some of the amendments that had been made to the scheme which included the removal of the balcony to the rear of the extension and the removal of the dormer windows. He stated that the changes had reduced the overall increase from the original footprint to 50% instead of the 96% increase proposed in the original application. Some of the features had been removed to create a more traditional finish and the length of the proposed extension had reduced from 10 metres to 8 metres. Mr. Price said that one objection had been received but that this had been withdrawn following submission of the amended plans provided that the drive parking area was finished and that the building was finished in stone and tyrollean. He felt that the new proposal complied with policy and was not an overdevelopment of the site.

Councillor Owen Thomas proposed approval of the application, against officer recommendation, which was duly seconded. He spoke of the negotiations between the applicant and officers and said that the applicant had made the requested amendments to the proposals. He felt that it should be approved as it was not affecting anybody and that approval was the best outcome. Councillor Mike Peers spoke of the site visit which had been undertaken and said that the applicant had made amendments to the scheme. He said that 50% increase in footprint was a guideline figure and that the proposed extension complied with the guideline and was therefore acceptable. Councillor Alison Halford concurred with the comments made and said that the applicant had worked hard to make the changes to the scheme and that the application should be approved.

Councillor Chris Bithell said that the property was in the countryside and it had been given permission to extend due to its agricultural or historic merit. He said that the proposals resulted in an increase in floorspace of 77% and that far exceeded what was permitted in the policy. He felt that the Committee had no option but to refuse the application. Councillor Gareth Roberts concurred with the comments of Councillor Bithell and spoke of the impact of the scale and design of the proposals.

In response to the comments made, the Planning Strategy Manager said that policies were in place for a reason and spoke of the guidance about change of use and alterations to agricultural buildings.

Councillor Billy Mullin requested a recorded vote and was supported by the requisite five Members.

The officer reminded Members that the scheme had been amended but the new proposals did not comply with policy.

In summing up, Councillor Thomas said that each application should be taken on its own merits and that he felt that this application was reasonable and well planned.

On being put to the vote, planning permission was refused by 9 votes to 8 with 1 abstention. The voting being as follows:-

#### **FOR – GRANTING PLANNING PERMISSION**

Councillors: Jim Falshaw, Veronica Gay, Alison Halford, Ron Hampson, Ray Hughes, Mike Peers, Carolyn Thomas and Owen Thomas

#### **AGAINST – GRANTING PLANNING PERMISSION**

Councillors: Marion Bateman, Chris Bithell, David Cox, Ian Dunbar, Christine Jones, Billy Mullin, Neville Phillips, Gareth Roberts and David Wisinger

#### **ABSTENTION**

Councillor Brian Lloyd

#### **RESOLVED:**

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

45. **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)**

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 22 July 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 Development Manager detailed the background to the report explaining that the main issues for consideration were the principle of development in terms of the planning policy context, the impacts on visual/residential amenities, highways issues and drainage. He explained that the land was allocated for housing (approximately 15 houses) in the Unitary Development Plan (UDP). He highlighted paragraph 7.02 which reported the considerations which had been taken into account such as the published housing land supply undertaken in 2011 which demonstrated that the Flintshire Housing

Land Supply was in excess of five years and given the site would only add 15 dwellings, it was not significant in terms of housing supply.

He added that the development would be adjacent to a newly built substation, which would further reduce its suitability for housing and the proposed commercial development would be complementary to the existing neighbourhood centre. The existing trees/hedging would be retained and further planting would also be included to screen the site from the residential properties on the three sides of the site. The Development Manager commented on the coal mining, highway and drainage issues and explained that proposed development had been advertised as a departure to the adopted UDP. On the issue of health and safety, he said that a number of residents had raised concerns about vapours and emissions and added that these had been addressed. The fuel tanks would be located underground and would be monitored by means of a leak detection system and were designed to collect a minimum of 85% of the vapour.

In conclusion, the Development Manager said that the principle of development was acceptable and subject to the conditions in the report, the recommendation was for approval. He advised that during consultation, it had been requested that the opening hours of the petrol station not exceed the hours of the store. He referred Members to condition 9 about the proposed opening hours and said that even if the store was opening for longer than the times shown, the petrol station would be tied to the hours in condition 9.

Mrs. S.A. Wilcox spoke against the application as the representative for over 90 local residents. She raised concern about noise and pollution and said that it was incorrect to suggest that only those visiting the store would use the petrol station. She felt that the traffic congestion would increase and expressed concern about the coal mining features in the area which could cause catastrophic damage if they moved. Mrs. Wilcox felt that the kiosk would encourage the use of alcohol and cigarettes and queried why it was proposed to be built only 50 metres from neighbouring properties. She spoke of the impact on health and property values and said that even though residents had welcomed the shopping centre, a petrol station was not required. She asked the Committee to refuse the application.

Councillor A. Dunbobbin from Connah's Quay Town Council spoke against the application. He raised concern about the effect of the noise and increased traffic on the local residents and the effect on the environment; he felt that a risk assessment was required. Ffordd Llanarth was a busy road particularly at school times and he felt that the petrol station would increase the risk of school children being involved in a traffic accident if the proposal was approved.

The Democracy and Governance Manager advised Members to disregard the reference to property values in their determination of the application.

Councillor Ian Dunbar proposed refusal of the application, against officer recommendation, which was duly seconded. He felt that the proposal went against policy as it was allocated for housing and acknowledged the fears of residents, reiterating that the application should be refused.

Councillor Mike Peers felt that the comments of the Town Council should be taken into account and queried whether the UDP Inspector had to be notified about the departure from policy. He felt that low cost housing would benefit local people and that a commercial use should not be considered over the allocation in the UDP.

Councillor Owen Thomas felt that the public would want to see a petrol station on the site and that it would be well used and added that the site did not suit houses. Councillor Billy Mullin said that the residents were opposed to the application and queried whether there was a need for a petrol station on the site. Councillor Chris Bithell asked when the last mining took place in Connah's Quay. Councillor Gareth Roberts referred to properties in his ward located near to petrol stations and said that the residents had never experienced any problems; he supported approval of the application.

In response to the comments made, the Development Manager said that on the issue of coal mining, a condition had been included for submission of intrusive site investigation works but added that any coal mining works were less likely to have an impact on this proposal than on housing. He felt that the petrol station was an extension of the existing retail park which would compliment what was already in place but advised Members against refusing on the grounds of need. It was felt that the proposal was acceptable in the area and the Development Manager spoke of the distances to neighbouring properties and the screening which was to be undertaken.

The Senior Engineer - Highways Development Control confirmed that Highways did not have any objections subject to appropriate conditions and added that following completion of a detailed transport assessment, there were no capacity issues on the existing network.

The Planning Strategy Manager said that the retail centre had been welcomed by residents and reminded Members that this site was part of a larger allocation and the principle of commercial development had been established. On the issue of low cost housing mentioned by Councillor Peers, he reminded Members that the site was only for 15 units so affordable housing regulations did not apply. In response to a question from Councillor Neville Phillips on the need for opening hours referred to in condition 9, the Development Manager said that it had been included to protect the residential amenity and was appropriate for the location.

In summing up, Councillor Dunbar raised concern about the narrowness of the road up to the mini roundabout and felt that it would be impossible for petrol tankers to turn into the site. He spoke of the increased traffic which would be generated if the proposal was approved and asked the Senior Engineer - Highways Development Control to comment on the traffic audit which had been undertaken. He said that a petrol station which was open 24 hours a day was situated less than a mile from the site. Councillor Dunbar felt that this proposal would be an added danger to residents as they used the land to cut across to the retail centre.

The Senior Engineer - Highways Development Control said that the existing arrangement for the access road and roundabout and pedestrian refuge

were the subject of a traffic assessment and met the requirements set so there were no special measures to be put in place to facilitate this application.

The Democracy & Governance Manager asked Councillor Dunbar to clarify that his reason for refusal was non-compliance with the UDP; Councillor Dunbar confirmed the reason.

**RESOLVED:**

That planning permission be refused due to non-compliance with the Unitary Development Plan.

Councillor Gareth Roberts indicated that he wished it to be recorded in the minutes that he had voted against refusal of the application.

46. **FULL APPLICATION - RESIDENTIAL DEVELOPMENT CONSISTING OF THE ERECTION OF 11 NO. DWELLINGS AT BRYN GWALIA BOWLING CLUB, CLAYTON ROAD, MOLD (050662)**

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 drew Members' attention to the late observations where the objection from Mold Town Council and the comment and additional conditions suggested by the Head of Assets & Transportation were reported. The proposal complied with Policy SR4 as there were existing recreational facilities in close proximity and the site was adjacent to an existing area of open space which would be made more accessible to people in the local area by the provision of a footpath link through the site. The site was in a flood risk area but a Flood Consequences Assessment had been submitted with the application and had been assessed by Natural Resources Wales and found to be acceptable. Welsh Water had stated that there were capacity issues in the network in the vicinity and these works were scheduled to be resolved by 2015; a Grampian style condition had been requested to ensure that the properties were not occupied prior to that time. The application complied with the Policy on Space Around Dwellings and was therefore recommended for approval.

Councillor Gaffey from Mold Town Council spoke against the application. He said that it had been considered by the Town Council on a number of occasions and had been rejected each time. He was surprised to see that their comments had not been reported but welcomed their inclusion in the late observations. The main concerns raised were on highway grounds as they felt that access should be onto Y Coetir and not into Brooke Terrace. Councillor Gaffey said that the proposed access was next to a primary school and onto a road which provided access to the hospital. He also raised concern about the density. He asked that Members reject the access onto Brooke Terrace and reiterated his comment that it would be preferable to have the access onto Y Coetir.

Councillor Chris Bithell proposed refusal of the application against officer recommendation which was duly seconded. He queried the density of the site and asked whether it complied with policy and also asked about the parking allocation for each dwelling. Councillor Bithell felt that putting the access onto Clayton Road would create traffic problems in the area due to its location next to Bryn Gwalia school and as an access and egress point for the hospital. The owners of the properties in Brook Terrace parked in the road as they did not have any alternative parking area and additional vehicle movements to Clayton Road was a cause for concern. He added that he was not against the redevelopment of the land but felt that the access point should be moved. Councillor Marion Bateman felt that access onto Y Coetir was not suitable and said that she supported approval of the application. Councillor Owen Thomas queried whether the contributions from the Section 106 Obligation would be received prior to the development of the site.

In response to the comments made, the officer said that there were two parking spaces per dwelling which was in accordance with Council standards. The density was 50 dwellings per hectare and this was not considered to be out of character with the location. Payment from the Section 106 Obligation would be received at the time of the first occupation of the dwellings. The Head of Planning said that the Section 106 Obligation would set out when it was required and that controls would be in place to trigger the requirements of the Obligation.

The Senior Engineer - Highways Development Control confirmed that Highways did not have any objections to the proposals subject to conditions and that the proposed route met the standards of Technical Advice Note 18. The Planning Strategy Manager said that refusal of the application on highway grounds could not be justified and it would be difficult to defend on appeal.

In summing up, Councillor Bithell referred to the density of the proposal and said that 50 dwellings per hectare was overdevelopment as the guidelines in the policy was for 30 per hectare. He reiterated his comments that the access should be onto Y Coetir and asked that the Committee refuse the application.

The Planning Strategy Manager reminded Members that 30 dwellings per hectare was a minimum guideline and that there was no upper limit and that if the application was refused, reasons would need to be provided as to what harm the proposed density would cause.

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

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, the Highways condition in the late observations and 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 REUSE the application.

47. **APPLICATION FOR OUTLINE PLANNING PERMISSION - ERECTION OF A DORMER BUNGALOW AT 1 PYSTYLL COTTAGES, CYMAU (050744)**

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 22 July 2013. The usual consultations had been undertaken and the responses received detailed in the report.

Councillor Gareth Roberts proposed the recommendation for refusal which was duly seconded. He said that the site was outside the settlement boundary and was for a new building in the countryside. He expressed his surprise at its inclusion on the agenda and the request for a site visit. Councillor Alison Halford said that the Chairman had the final decision about which sites were visited. The Democracy & Governance Manager responded that local Members had a right to call for a site visit if they had planning reasons to do so.

**RESOLVED:**

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

48. **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)**

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 explaining that it was proposed to amend the approved house types on 14 of the 44 previously approved plots.

Commander B. Pearce advised that he suffered from ill health and spoke against the positioning of the play area which was to be sited on an area to the rear of his garden. He said that his garden was currently a quiet space but that he would be forced out of his garden by the noise from children using the play area and teenagers vandalising the area. He said that the play area was not needed and asked that it either be relocated or scrapped.

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

The Democracy and Governance Manager explained that Councillor Clive Carver had been granted a dispensation by the Standards Committee permitting him to speak on the application.

The local Member, Councillor Clive Carver, said that he had no objection to the amendment of house types but wanted to speak about the play area. He said that the proposed site was not a suitable location as it was located in a hollow next to a public footpath. He highlighted paragraphs 13, 14 and 15 of the appeal Inspector's report which said that the play area was poorly positioned and that changes on the site could allow the applicant to find an alternative location. Councillor Carver felt that it would be better sited nearer to the affordable housing or split into two areas on the site. The Inspector had felt that there was ample open space in the scheme for formal and informal areas. Councillor Carver highlighted condition 20 and quoted from Policy SR5 of the Unitary Development Plan and requested that the Committee exercise its right to relocate the play area to a more suitable location which would please residents and comply with the comments of the Planning Inspector. He referred to the late observations and said that Hawarden Infants and Rector Drew VA School, which would benefit from the Section 106 contributions, were to close in the summer; he asked that the names be checked to ensure that the correct school received the contributions.

Councillor Alison Halford queried the payment of the contributions so far into the building of the development and asked why the monies were not sought at the start of the build. Councillor David Cox asked if the application could be deferred to allow further negotiations to take place on the siting of the play area.

The officer responded that the application before the Committee today was only for the substitution of house types. The location of the play area had been the subject of lengthy negotiations and had been referred to in the Inspector's decision where he had imposed a condition referring to its siting. That condition was being replicated in the recommendation on this application. In response to the issue raised by Councillor Halford, the officer said that the staggering of the payments for the section 106 agreement had already been agreed.

The Head of Planning confirmed that the condition imposed by the Inspector would be replicated in the conditions.

**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 supplemental S.106 agreement which links the permission granted under this 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 23<sup>rd</sup> dwelling and the second upon the occupation of the 35<sup>th</sup> 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 10<sup>th</sup> 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.

49. **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)**

Prior to consideration of the application, the Chairman vacated the chair and the Vice-Chairman took the chair for the remainder of the meeting.

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 22 July 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. She explained that the ground floor of the apartment block would be used for parking due to the risk of flooding in the area and a Flood Consequences Assessment had been submitted with the application. There were two types of flooding in the area which had been assessed in detail. It was reported that Natural Resources Wales had no objections to the development as proposed subject to the appropriate conditions if the Local Planning Authority were minded to approve an application and were satisfied that the justifications outlined in Section 6.02 of TAN 15 were met. On the issue of the recent flooding due to the lack of capacity in the sewage network, the officer advised that Welsh Water had stated that works in the network in the vicinity of the site were scheduled to be resolved by 2014. A Grampian style condition had been requested to be imposed to ensure that the properties were not occupied prior to that time. It was reported that the side elevation was blank and was 12 metres from the habitable rooms of 3 and 5 Church View and that the separation distances were in accordance with the Council's guidance note on Space Around Dwellings. The officer added that the form of development was acceptable and therefore the recommendation was for approval with a Section 106 Obligation.

Mrs. H. Dodd spoke against the application as she felt that the development was overbearing. Most of the properties in the area were two storey but the proposed apartment blocks were three storey. She expressed concern about the flooding in the area which had been acknowledged by Welsh Water and said that the new development would overload the system and no proof had been provided of the works to be undertaken. Mrs. Dodd said that she was not against development on the site but she felt that a three storey building would be visually overbearing and the visual amenity would be compromised. She felt that the development was out of character and contrary to the existing properties in the area.

The local Member, Councillor David Wisinger, proposed refusal of the application, against officer recommendation, which was duly seconded. He said that the site was in a high risk flood area and expressed concern that Welsh Water had not provided details of the works that they intended to undertake. He felt that allowing more properties in the area would increase the problems experienced by existing residents although he accepted that such a reason could not be sustained on appeal. He commented on the proposed apartments being out of keeping with the area and said that they would overlook existing properties. Councillor Wisinger felt that the application should be refused on the grounds of unacceptable height and overlooking existing residential properties.

Councillor Christine Jones concurred with the comments made and queried whether the works on the sewage network would be carried out by 2014 and raised concern about proposed condition 9. She felt that the visual impact was unacceptable. Councillor Alison Halford felt that no applications should be permitted in the area until the flooding in the area ceased. Councillor Owen Thomas felt that it was an overdevelopment of the site and that the main issue was privacy for the existing residents as the windows of the proposed building overlooked the living quarters of the existing dwellings. Councillor Chris Bithell felt that the application was premature as Welsh Water might not be able to deliver their programme of works to complete the necessary changes to the network by 31 March 2014. Councillor Gareth Roberts said that the apartment block was proposed to be built on stilts due to the problems of flooding in the area. He suggested an amendment to the wording in condition 3, which was duly seconded, that 'no buildings on the application site shall be brought into beneficial use until completion of the works proposed by Welsh Water'.

In summing up, Councillor Wisinger said that Grampian style conditions had not always been applied in the past and he felt that the problem of flooding would not be solved in 2014. The Democracy & Governance Manager sought clarification from Councillor Wisinger that he was proposing refusal of the application on the grounds of inappropriate scale of development and out of character leading to overlooking of adjacent properties to the detriment of residential amenity; Councillor Wisinger confirmed the reason.

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

**RESOLVED:**

That planning permission be refused on the grounds of inappropriate scale of development and out of character leading to overlooking of adjacent properties to detriment of residential amenity.

50. **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**  
**RESOLVED:**

That the decision of the Inspector to dismiss both of these appeals be noted.

51. **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**

**RESOLVED:**

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

52. **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.**

**RESOLVED:**

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

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

There were 27 members of the public and 4 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 5.17 pm)

.....  
**Chairman**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 4 SEPTEMBER 2013**

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

**SUBJECT:** **050800 - FULL APPLICATION - ERECTION OF 42 NO. DWELLINGS AT LAND ADJACENT TO FAIROAKS DRIVE, CONNAH'S QUAY.**

**APPLICATION NUMBER:** **050800**

**APPLICANT:** **M.J. DAVIES (NORTHERN) LTD FAIROAKS HOMES LTD**

**SITE:** **LAND OFF FAIROAKS DRIVE, CONNAH'S QUAY, CH5 4RR**

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

**LOCAL MEMBERS:** **COUNCILLOR A. DUNBOBBIN**  
**COUNCILLOR P. SHOTTON**

**TOWN/COMMUNITY COUNCIL:** **CONNAH'S QUAY TOWN COUNCIL**

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

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

### **1.00 SUMMARY**

- 1.01 This is a full application for the erection of 42 dwellings on land off Fair Oaks Drive, Connaah's Quay. The main issues for consideration in this application relate to the principle of development in planning policy terms, whether the site is viable, the provision of open space and affordable housing together with educational contributions, the effects of the development upon the character and appearance of the area, the impact upon adjoining residents, the adequacy of foul/surface drainage and flood risk, and the highway and ecological implications.

1.02 As the site forms part of the wider housing allocation in the Flintshire Unitary Development Plan, the principle of the development is considered acceptable in planning policy terms. Issues in respect of design, layout, access, residential amenity and ecology have been negotiated and resolved.

1.03 However, the requisite community benefits in terms of public open space, affordable housing and educational contributions are not being provided, thereby restricting the community's accessibility to these facilities, hence the recommendation to refuse this application.

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

2.01 1. The Local Planning Authority considers that the development does not provide the requisite community benefits in terms of public open space, affordable housing and educational contributions, thereby restricting the community's accessibility to these facilities, and thereby contrary to Policies HSG1, STR1, SR5, HSG10 and IMP1 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 13 'Open Space Requirements', Local Planning Guidance Note 9 'Affordable Housing' and Supplementary Planning Guidance 23 – 'Developer Contributions to Education'.

## **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor A. Dunbobbin  
No response received to date.

Councillor P. Shotton  
No response received to date.

Connah's Quay Town Council  
Reiterates its previous objections to this application and respectfully requests a site visit through Local Member. Previous comments were a request that any further development should be in character and reflect the nature and types of existing development in the area.

Head of Assets and Transportation  
Amended site layout, now acceptable as it addresses concerns regarding lack of any horizontal curve linking between proposed and existing alignments. Drawings do not include any detail regarding vertical alignment of roads or street lighting proposals, drainage included but not supported by any ground investigation reports.

Shortfall in number of car parking spaces for the 4 bedded properties. Given no justification and no opportunity to include this provision, suggests requirement for travel plan and commuted sum in managing



the plan. £100 per unit required to promote, monitor and evaluate the plan.

Environment Directorate  
(Rights of Way)

No affected public footpaths or bridleways in the vicinity. No observations to make.

Head of Public Protection

No adverse comments to make regarding the proposals.

Director of Lifelong Learning

Impact on pupil numbers that this proposed development will have, indicate that Wepre CP School has the greatest need for additional capacity. Therefore the financial contribution requested is £122,570 for Wepre CP School.

Public Open Spaces Manager

Given size of proposed development and in accordance with PGN 13, Council will require on site POS. POS of not less than 2352 m<sup>2</sup> and as to the south of the development there is a further allocation of land for development, the location of the POS would be best located to that boundary. A children's equipped play area would be required to be located within the POS, the specification is to be approved by the Council. Should the developer require the Council to adopt the POS, a ten year commuted sum payment for maintenance would be required upon adoption. Not support any of the POS being provided within 25 m of the overhead cables.

Housing Strategy Manager

There are 258 applicants registered for 2 bedroom accommodation in the Connah's Quay area and 79 applicants registered for 3 bedroomed accommodation. Requests 13, 3 bedroomed affordable rental units on site.

Natural Resources Wales

Considers soakaways may not be appropriate as adjoining land is a wetland nature reserve and the proposed artificial badger sett is to be constructed above current ground level as the site can be wet underfoot. Suggests Grampian condition be placed upon any planning permission granted.

Flintshire County Council must make a Habitats Regulation Assessment before deciding to approve the proposal, which is likely to have a significant effect on a European Site. Mitigation proposals are required for the purposes of addressing direct and indirect impacts.

In relation to the amended badger report, consider the proposals to be satisfactory. Suggest implementation subject to condition.

With regard to the GCN Report, consider it to be satisfactory generally. However, do not consider use of risk assessment to be appropriate e.g., does not consider issues in report of incidental capture killing. Biosecurity not considered. All the above can be addressed by conditions.

The North Wales Wildlife Trust

Objects due to concerns on impacts on wildlife and what appears to be a case of appropriate 'Green gain' from the development.

Clwyd Badger Group

Objects to this development. Two badger setts on this site. Developers suggest that an artificial sett be constructed but the land allocated for this is waterlogged and unsuitable. To push badgers further west would be to place them in the territory of neighbouring badgers which would be totally unsatisfactory for both families and cause territorial fights.

Welsh Water/Dwr Cymru

Requests that if minded to grant planning consent for the above development that suggested conditions and advisory notes are included within the consent. Proposed development would overload the existing waste water treatment works. Improvements are planned for completion by 1<sup>st</sup> April 2014. Suggests imposition of Grampian condition.

North Wales Police

Have requested that this site go for Part 2 Codes For Sustainable Homes Secured By Design as a condition.

Wales & West Utilities

No objections to these proposals. Application may be at risk during construction works and should planning permission be granted, then requires the promoter of the works to contact them directly to discuss their requirements in details should diversion works be required these will be fully chargeable to the developer.

SP Energy Networks

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

National Grid

No response received to date.

Airbus

No response received to date.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

128 letters of objection received. The grounds of objection being:-

- Development not in keeping with area.
- Volume of traffic is going to turn Fair Oaks Drive into a major thoroughfare which will compromise pedestrians and vehicular safety.
- Not enough parking provided which will lead to parking on highway which will be detrimental to highway and pedestrian safety.
- Existing road not brought up to adoptable standard.
- Badgers and newts will be detrimentally affected.
- Existing drainage system is already exacerbated.
- Need to protect open character and appearance of area.
- Impact of noise upon residents of the proposed pumping station.
- Effects of electromagnetic fields upon proposed residents.
- Implications of moving the gas pipeline need to be understood.
- Erection of high brick walls will create dark areas which will lead to more crime.
- Nature reserve is marshland and not correct for badgers to be relocated to.
- Questions viability assessment.
- During heavy snowfall, more cars will be parked on Mold Road causing further safety issues.
- Impact upon flora and fauna.
- Electricity sub station needs to be upgraded to take account of the proposed development.
- Questions need for the development given other significant residential developments in the area. Also a number of empty properties that could be used.
- Were told that no more than 20 houses would be built on land.

- Overdevelopment of the site.
- Flintshire County Council has already agreed to rent these properties. If they were there would be serious implications of underhandedness on the part of the Council.
- Proposed new pumping station may cause additional noise and smells. Who will be responsible for maintenance?
- Concerns workmen may die when working underneath the high voltage power lines.
- Changes to road layout would leave some residents without a legal right of access to their properties.
- Low cost homes would lead to anti social behaviour.
- Development has no provision for single storey homes for the elderly or disabled.
- Loss of light, privacy, obtrusiveness upon adjoining residents.
- Effect upon amenities of residents whilst the development is under construction, e.g., noise, dust, vibration, etc.
- The void land will not be maintained by the developer.
- Alterations to the road cannot be made without the separate legal consent of the existing residents.
- No street lighting is being provided which will lead to crime.
- No provision of community facilities.
- Plans do not show a play area. Increase in danger to children crossing roads to gain access to existing play areas.

## **5.00 SITE HISTORY**

- 5.01 **048610** – Erection of 20 No. semi-detached dwellings, part reconfiguration of existing (unadopted) road and extending to form new road layout – Refused 25<sup>th</sup> February 2013.

### **Adjoining Site**

**034942** – Erection of 8 No. detached dwellings and estate road – Granted 12<sup>th</sup> February 2003.

**01/5/391** – Outline erection of 7 No. dwellings – Granted 29<sup>th</sup>

November 2001.

## **6.00 PLANNING POLICIES**

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

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy STR7 – Natural Environment.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy TWH2 – Protection of Hedgerows.

Policy L1 – Landscape Character.

Policy WB1 – Species Protection.

Policy WB2 – Sites of International Importance.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG1 (7) – New Housing Proposals – Adj. Fair Oaks Drive, Mold Road, Connah's Quay.

Policy EWP12 – Pollution.

Policy EWP13 – Nuisance.

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Mix & Type.

Policy HSG10 – Affordable Housing within Settlement Boundaries.

Policy SR5 – Outdoor Playing Space & New Residential Development.

Policy IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note 2 – Space Around Dwellings.

Local Planning Guidance Note 13 – Open Space Requirements.

Local Planning Guidance Note 22 – Planning Obligations.

Adopted Supplementary Planning Guidance 23 – Developer Contributions to Education.

### **National**

Planning Policy Wales (Edition 5, November 2012)

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

Technical Advice Note 5, Nature Conservation & Planning (2009).

Technical Advice Note (TAN) 11: Noise (1997).

Technical Advice Note (TAN) 12: Design (2009).

Technical Advice Note 16: Sport, Recreation & Open Space (2009).

Technical Advice Note 22: Sustainable Buildings (2010).

As the site forms part of the larger housing allocation of HSG1 (7), the principle of residential development on the site is acceptable in principle, subject to open space, affordable housing and educational contributions being provided.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description & Proposals**

The site comprises 1.12 ha of gently sloping land. It is of an irregular shape, with its eastern boundary bordering onto an access road and rear gardens to residential dwellings, its northern, southern and western boundaries lie adjacent to fields bordered by fencing and hedgerows. Electricity power lines are above the site to the east which runs across in a north-south direction with a gas main below ground to the south which runs in an east-west direction. The site is located in a predominantly rural area. To the east, the site is located adjacent to a late 20<sup>th</sup> century housing estate and a small private residential development. Adjoining the application site to the north is the Connah's Quay wetland nature reserve, which is located to the rear of Ffordd Llanarth.

7.02 It is located upon the western limits of the built up area of Connah's Quay, off an unadopted estate road servicing a small residential development of Fair Oaks Drive. This in turn is served off Mold Road.

7.03 The development is for the erection of 42 No. detached and semi-detached dwellings, of which 28 units will be 3 bed roomed with the remaining 14 units being 4 bed roomed. Of the 3 bed roomed units, 8 are proposed to be for affordable rental, spread throughout the development. At present, there is no vehicular access onto the site. To the eastern boundary, an adopted highway, Fair Oaks Drive terminates at the boundary and an existing unadopted road continues from this point northwards to serve the 8 No. existing dwellings. It is proposed to reconfigure the section of the unadopted road that links Fair Oaks Drive to the proposed access road within the site.

7.04 The proposals also include the provision of a pumping station within the north east corner of the site, near the head of the existing cul-de-sac. This is the only practicable way of draining the site properly. The alternative of a gravity-fed system crossing the adjoining nature reserve would not be appropriate.

### **7.05 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 effects of the development upon the character and appearance of the area, the impact upon adjoining residents, the adequacy of foul/surface drainage and flood risk, and the highway and ecological implications.

### **7.06 Background**

The site forms the northern part of the wider housing allocation – HSG1(7) land adjacent Fair Oaks Drive, Mold Road, Connah's Quay

within the Flintshire Unitary Development Plan, nominally providing for 87 units at a ratio of 30 units per hectare.

- 7.07 Members will recall that planning application 048610 on the southern part of this current application site for 20 semi-detached dwellings was refused permission at the Planning & Development Control Committee on 20<sup>th</sup> February 2013. As the proposals only formed part of the northern section of the housing allocation where it was considered as piecemeal development not providing the requisite community benefits in terms of public open space, affordable housing and educational contributions, thereby restricting the community's accessibility to these facilities.
- 7.08 This current application on the whole of the northern section of the housing allocation under the joint control of the applicant companies seeks to overcome the reason for refusal on planning application 048610.
- 7.09 Principle of Development  
The site forms the whole of the northern part of the housing allocation HSG1(7) land adjacent Fairoaks Drive, Mold Road, Connah's Quay within the Flintshire Unitary Development Plan.
- 7.10 It is also located within the settlement boundary for Connah's Quay in the Flintshire Unitary Development Plan which is a Category 'A' settlement with an array of facilities and services as the site's allocation for residential development reflects both the strategy of the Flintshire Unitary Development Plan and the principles embodied in Planning Policy Wales. In this context therefore, there 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 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 The viability assessment undertaken by the developer has been the subject of independent assessment by the District Valuer (DV). This assessment concludes that the viability assessment is 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 (diversion of gas main, provision of pumping station and ecological mitigation), 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 With regard to the abnormal costs associated with the development, consultation with Wales & West Utilities indicates that an intermediate/high pressure gas main runs across the site in an east-west direction to the south of the site. To accommodate the southern part of the submitted layout scheme, the developers are having to divert the gas main at the cost of £237,500. In addition, a pumping station within the north east corner of the site is having to be provided. This is the only practicable way of draining the site properly. The alternative of a gravity-fed system crossing the adjoining nature reserve would not be appropriate. Also, there is the cost of £10,000 associated with Badger Mitigation to relocate an existing badger sett.
- 7.14 The District Valuer has been asked to assess viability on the basis of the submitted layout and 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.
- 7.15 In order to bring this part of the allocation forward, the applicants are however prepared to offer the following community benefits/contributions:-
- The provision within the proposed development of 8 No. 3-bedroom affordable homes, to be integrated within the scheme and to be provided on an affordable rental basis.
  - Payment of a commuted sum of £46,200 towards enhanced play provision within the locality in lieu of on-site POS provision.
  - Payment of a sum of £61,000 towards enhanced education facilities within the locality.
  - Payment of a contribution to the Council in the sum of £40,000 towards mitigation of impacts on Great Crested Newts, which may or may not be present on the land.
- 7.16 The District Valuer's assessment is based upon the submitted viability report from the developer which assumes the diversion of the gas main to accommodate the proposed dwellings to the south of the site and therefore the abnormal cost of £237,500. In planning terms, it is considered that the development should be designed around this. Indeed this lay behind the refusal of the previous application for 20 dwellings as the larger site should allow greater flexibility in taking account of the site constraints.
- 7.17 The contributions requested with the actual ones being provided are detailed elsewhere within this report, but are summarised in the table below.



<u>Department</u>	<u>Requested Amount</u>	<u>Actual</u>
<u>Education</u> Wepre CP School	£122,570	£61,000
<u>Ecology</u> Management and enhancement of adjoining wetland.	£40,000	£40,000
<u>Recreation &amp; Open Space</u>	2,352 m <sup>2</sup> (on site)	£46,200
<u>Housing</u>	13 No. 3 bedroom affordable rental units.	8 No. 3 bedroom affordable rental units.
<u>Highways</u> Promotion, monitoring and evaluation of travel plan	£1,400	Nil

7.18 Recreation & Public Open Space Provision

Consultation with the Open Spaces Manager indicates that based on 42 units, an area of land measuring approximately 2,352 m<sup>2</sup> be provided on site which has to be located to the south of the site adjacent to the proposed open space to be required of the developers of the southern section of the allocation. The open space would need to be enclosed, equipped with children's play equipment and landscaped to the satisfaction of the Authority.

7.19 These requirements are based upon Policy SR5 of the Flintshire Unitary Development Plan and the Local Planning Guidance Note 13 'Open Space Requirements' which is calculated upon 56.65 sq m per dwelling given that the open space is required to be provided on site given the lack of open space nearby.

7.20 The submitted layout of the scheme does not however provide for any public open space on the site as requested by the Open Spaces Manager.

7.21 The proposals are therefore contrary to Policy SR5 of the Flintshire Unitary Development Plan and the Local Planning Guidance Note 13 'Open Space Requirements'.

7.22 In the applicant's view, this requirement is both unreasonable and impracticable, and would further compromise the viability of delivering any form of housing development on the application site.

7.23 Notwithstanding the above, however, the applicant is offering a payment of a commuted sum of £46,200 towards enhanced play provision within the locality in lieu of on-site POS provision.

7.24 In terms of viability, it is noted that the requested open space and location of it by the Open Spaces Manager, is where the applicants are having to divert the gas main to accommodate the proposed dwellings and the abnormal cost of £237,500 as submitted in their viability assessment.

The District Valuer has subsequently based his viability assessment on the submitted viability assessment by the applicant for a scheme of 42 dwellings, with the provision of no on site public open space and the abnormal cost of moving the gas main. As this layout is not considered to be acceptable in planning terms, then it is considered that the viability presented by the applicants is flawed.

7.25 Affordable Housing

The Head of Housing Strategy advises that in terms of housing need, there are 258 applicants registered for 2 bedroomed accommodation in the Connah's Quay area and 79 applicants registered for 3 bedroomed accommodation.

7.26 The affordable housing requirement based on 42 units, 30% affordable provision is 13, 3 bedroomed affordable rental units on site. These requirements reflect the approach within Policy HSG10 and Local Planning Guidance Note 9 'Affordable Housing'.

7.27 For the reasons given in paragraph 7.12, the applicants' view is that the scheme does not have sufficient residual value to this extent.

7.28 Notwithstanding the above, the applicants are prepared to provide 8 No. 3 bedroom affordable homes, to be integrated within the scheme and to be provided on an affordable rental basis.

7.29 However, for the reasons set out above it is considered that the assessment by the District Valuer is based on a layout which is unacceptable in planning terms and an acceptable layout might not result in the same conclusion regarding viability.

7.30 Educational Contributions

Consultation with the Director of lifelong Learning indicates the impact of pupil numbers that this development will have, indicates that Wepre CP School will have the greatest need for additional capacity. Therefore, the financial contributions requested is £122,570 for Wepre CP School. These requirements reflect the approach within Policy IMP1 of the Flintshire Unitary Development Plan and adopted Supplementary Planning Guidance 23 'Developer Contributions to Education'.

- 7.31 For the reasons given in paragraph 7.12, the applicants view is that the scheme does not have sufficient residual value to this extent. Notwithstanding the above, the applicants are willing to pay £61,000 for Wepre CP School.
- 7.32 However, for the reasons outlined previously it is considered that the assessment is based on an unacceptable layout in planning terms and an acceptable layout might not result in the same conclusions regarding viability.
- 7.33 Character & Appearance  
The site and areas to the west, north and south are predominantly rural in character. However, to the east lies residential development whereby the prevailing house types are large, detached and of two storey.
- 7.34 The development will be a mix of 2 – 2.5 storey predominantly semi-detached dwellings with pitched roofs and dormers. The external materials of which will be concrete tiled roofs with facing brick walls and soldier course detailing to window and door openings. This combination of varying 2 – 2.5 storey ridge heights, dormer roof details, brick opening details and porch features adds variation and interest to the development.
- 7.35 The site layout is continental in style and it is considered reflects the general layout of surrounding roads and properties where the dwellings directly front onto the main access road.
- 7.36 The character and design of the proposed development has been informed in part by the pattern and appearance of the existing nearby late 20<sup>th</sup> century dwellings, which are of a modern suburban appearance, and in part by the need for a development that responds not only to the perceived physical constraints of the site (gas main, overhead power lines, proximity to adjoining residents etc) but also to current housing market requirements. The latter indicates that there is no shortage of larger, detached four or five bedroom ‘executive-style’ houses, but a general need for smaller, more affordable family dwellings with three bedrooms.
- 7.37 A repetition of these adjoining larger, detached, ‘executive-style’ houses would be contrary to both national and local planning policies, which seek to ensure that new housing developments include a reasonable mix and balance of house types and sizes so as to cater for a range of housing needs.
- 7.38 The density of development equates to approximately 37.5 dwellings per hectare. HSG8 of the Flintshire Unitary Development Plan advises that on allocated sites in Category A settlements, the general minimum net housing density should aim to achieve 30 dwellings per

hectare. This is a minimum figure, with the density of development upon this site being actually lower compared to other developments in the vicinity e.g., Machynlleth Way and Coniston Close where the density is approximately 47 dwellings per hectare.

7.39 A landscaping scheme is proposed which will comprise of grass and shrubbery strips to the sides of the driveways to provide visual interest as well as demarcate the boundaries between public and private spaces and between units. The existing hedgerows located on the western, southern and northern boundaries will be retained, additional shrubbery and a mixture of trees to front gardens and a large landscaped area in the north eastern corner of the site will add to the rural feel of the development.

7.40 Impact Upon Adjoining Residents

The site is set at a higher level than those adjoining properties to the east on Fair Oaks Drive. Plot Nos 17 – 28 will back onto the front of the properties Nos. 26 – 34 Fair Oaks Drive. The proposed dwellings on these plot numbers will also be a mix of 2 – 2.5 storeys in height. However, the separation distances between the proposed and the existing dwellings will vary between 29 – 45 m. Given these separation distances, it is considered that there will be no significant detrimental impact upon these existing properties on Fair Oaks Drive in terms of loss of privacy, overshadowing etc.

7.41 Those existing properties considered most affected by the proposals are Nos. 26 & 28 Fair Oaks Drive and Nos 2 & 4 The Highcroft which lie immediately adjacent to the site, to the north-east and east of the development respectively. The site in this location is approximately 2 m high from No. 26 Fair Oaks Drive to Plots 1 & 2. Plot Nos 1 – 4 will be two storey at the front.

7.42 The separation distance between the front first floor windows of plots 1 & 2 and the front windows of No. 26 Fair Oaks Drive is approximately 25 m with the distance between the side of proposed plot 1 and No. 2 The Highcroft being approximately 13 m away. The rear of both plots 17 & 18 will be approximately 37 m away from the front of No. 26 with the rear of both plots 19 & 20 being located approximately 34 m away from the side of No. 26.

7.43 The above distances meet the minimum distance separation guidelines outlined in Local Planning Guidance Note 2 ‘Space Around Dwellings’ and also take into account the difference in levels as detailed in paragraphs 7.40 & 7.41 above.

7.44 Given the above, it is considered that there will not be a significant detrimental impact upon either the amenities of the existing and proposed occupiers in terms of loss of light, privacy and obtrusiveness.

- 7.45 In terms of the size of the proposed garden areas, separation distances between the proposed dwellings etc these also meet the guidelines within the Local Planning Guidance Note 2 'Space Around Dwellings'.
- 7.46 Adequacy of Foul/Surface Drainage & Flood Risk  
Representations have been made to the effect that the existing drainage infrastructure in the locality is inadequate to serve the proposed scale of the development. The proposals have been the subject of consultation with Dwr Cymru/Welsh Water who advise that in relation to foul drainage that a programme of system improvements are planned and are expected to be completed by 1<sup>st</sup> April 2014.
- 7.47 Accordingly, they request that a Grampian style condition restricting the occupation of the proposed dwellings to a point not earlier than the 1<sup>st</sup> April 2014. Subject to the imposition of other conditions in respect of the submission, agreement and implementation of detailed drainage schemes, there is no objection to the proposal on drainage grounds. It is proposed to pump into the foul sewer but such an arrangement is not unusual and is acceptable to Dwr Cymru/Welsh Water.
- 7.48 The site lies outside of any flood zone but consultation has been undertaken with Natural Resources Wales, who accordingly advise that they raise no objection on these grounds. However, they note that surface water will be drained via individual soakaways of undetermined size and that soakaway tests and drainage calculations have yet to be carried out. They also note that the site adjoins a wetland nature reserve and that the proposed artificial badger sett is to be constructed above current ground level as the site can be wet underfoot. In view of this soakaway systems may not be appropriate and alternative means of attenuation may need to be considered. They suggest a condition be placed upon any consent granted requiring a detailed scheme of the provision and implementation of a surface water regulation system to be submitted and approved by the Local Planning Authority prior to the commencement of the development.
- 7.49 Highways  
The access to the site is proposed off the unadopted road serving the existing development of 8 houses off Fair Oaks Drive to the south east of the site. The existing road will be reconfigured to allow access to both the proposed development and the existing residential properties. This will, in part leave a piece of land in front of No. 26 Fair Oaks Drive 'vacant' and still in the ownership of the applicant who has indicated that this will be landscaped as part of the development. Internal roads are also proposed within the site serving the proposed houses, with two proposed car parking spaces per unit coming off them.

- 7.50 The Head of Assets & Transportation considers the amended layout satisfactorily addresses the previous concerns regarding the lack of any horizontal curve linking between the proposed and existing road alignments. The submitted drawings do not include any detail regarding vertical alignment of the proposed roads or street lighting. The drainage proposals are included but not supported by any ground investigation issues. A condition could be placed upon any grant of planning permission that these details are further submitted and approved prior to any commencement of works taking place.
- 7.51 There will be a shortfall in the number of car parking spaces for the 14 No., 4 bedroom properties, of one space per property. No justification for this shortfall has been provided and there appears to be no opportunity to increase the parking provision to reduce the number of car parking spaces on site. It is suggested that the applicants submit a travel plan together with the payment of a commuted sum be paid to cover the Authority's costs to promote, monitor and evaluate it. The total cost being £1,400. The aim of the travel plan is to encourage the use of other modes of transport other than by car of the residents, thereby reducing the number of car parking spaces.
- 7.52 The existing road and footways serving the exiting small development is still unadopted. Condition No. 8 attached to planning permission 34942 required these roads and footways be brought up to an adoptable standard upon occupation of the final dwelling on the development. This had been breached and as a result action has been taken by the Enforcement Section. The footway and the lighting columns have now, however, been completed up to the point of the proposed new access of the development to the satisfaction of the highway inspector. It is noted that some of the residents of the existing 8 houses have stated that they will not allow the realignment of the private road but this is not a factor to be taken into consideration in the determination of this application.
- 7.53 Ecology  
The Deeside & Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) designated for great crested newts (GCN) and known breeding sites occur within 500 m to the south of the site.
- 7.54 The application site consists of semi-improved natural grassland bounded by mature hedgerows, an unmanaged wetland to the north and housing to the east. The unmanaged wetland has the potential to provide an 'accessible natural green space' for informal recreation as well as terrestrial habitat for newts and other amphibians. The site has a number of well walked desire lines and the Public Right of Way to the west of the site is well used.
- 7.55 A well used badger sett occurs on the northern boundary of the site, with 7 entrances, 4 of which are located on the neighbouring land to

the north. The sett is protected by the protection of Badgers Act 1992 and the Wildlife & Countryside Act 1981.

- 7.56 The application is accompanied by the relevant ecological assessments in relation to great crested newts and badgers.
- 7.57 There are hedgerows along the northern, southern and western boundaries of the site. A mature oak tree is located also upon the northern boundary of the site.
- 7.58 Due to the proximity of the planned development to both the SAC and SSSI, records of smooth/palmate larvae in a pond 150 m of the north east of the site and records of GCN within the nearby SAC/SSSI, both the direct and indirect effects on great crested newts needs to be which included surveys of nearby ponds assessed. An extended Phase 1 habitat survey has been submitted with the application and has identified that no aquatic features will be directly affected by the development. The presence of Mold Road to the south of the site represents a significant barrier to movement of amphibian species. Due to the above, it is considered that there will be no adverse direct impact of the development upon the GCN population.
- 7.59 The indirect effects on the great crested newt population in relation to the designated sites and its value as terrestrial habitat, as a link to the wider countryside and the increased recreational pressures especially when considered in conjunction with other developments in the Deeside and Buckley area (“in combination effects”) have also been assessed.
- 7.60 The applicant intends to implement an amphibian exclusion fence around the boundary of the development, to be kept in place, monitored and maintained throughout the duration of works on site. The developer also proposes funding (£40,000) for the management, and enhancement works of the adjacent wetland and to provide a link to the existing public rights of way network. Therefore, any displacement caused by the development is locally offset by the improvement and access to it of this adjacent green space land.
- 7.61 The above proposals will therefore prevent harm to GCN, if present on site, ensure maintenance of the range and dispersal route for GCN and provide for the long term prospects of the nearby wetland as terrestrial habitat while enhancing local recreation through public right of way and local green space enhancements.
- 7.62 European Protected Species (EPS) such as GCN and their breeding sites and resting places are protected under Regulation 41 of the Conservation of Habitats & Species Regulations 2010 (as amended) and under Article 12 of the EC Directive 92/43/EEC in the United Kingdom. Plans or projects that could affect EPS must satisfy the appropriate Article 16 derogation and two mandatory tests.

Disturbance to a EPS whilst occupying a place of shelter and/or obstruction of access to a place or shelter are also prohibited under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000).

- 7.63 Regulation 9(1) and 9(5) of the Conservation of Habitats & Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to ensure compliance with and to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC). Consequently the Local Planning Authority decision making must be undertaken in accordance with the compliance of the Habitats Directive.
- 7.64 The Local Planning Authority must be satisfied that a proposal satisfies that appropriate Article 16 derogation and two mandatory tests as part of the planning decision process. The need is to consider this derogation is specifically identified in TAN5 and Regulation 53 of the Conservation & Habitats and Species Regulations 2010. In consideration to these requirements it is considered that the proposals seek to establish the principle of the use of the site for the purposes of residential development. The site lies within the identified settlement boundary of Connah's Quay and is identified as part of a site specifically allocated for residential development. National Planning Policies seek to direct the majority of new development of this form to existing urban centres upon sites which, by virtue of their location in close proximity to existing infrastructure and services, would also satisfy the sustainability aims of national policy.
- 7.65 The application site comprises an area of land which is part of an allocation in the Flintshire Unitary Development Plan. First allocated in 2003 in the deposit plan, the site has been through the full scrutiny process associated with the plan including public consultation and public inquiry. The site and its circumstances have been judged against a number of sustainability criteria via the strategic environmental assessment carried out on sites in the plan. This noted the potential for EPS, in this case GCN and recognised the need to carry out appropriate surveys prior to development. Having assessed the site in this way, both the development plan process and public inquiry has allowed for alternative local sites to be both considered and evaluated with none having been found to be more suitable than the application site. The site was therefore retained within the plan as an allocated site, identified to meet both local and County wide housing needs.
- 7.66 A well used badger sett is located on the northern boundary of the development. Proposals have been put forward in consultation with the Clwyd Badger Group, Natural Resources Wales and the Council's Ecologist to maintain a corridor to the adjacent pasture land for foraging, temporary exclusion of badgers and the provision of an artificial sett within 50 m of the existing sett, and provision of badger



fencing on the northern boundary of the development. Given these mitigation measures, it is considered there should be no long term effects of the development upon the badgers in this locality which reconcile the objections referred to by the residents and the Clwyd Badger Group.

7.67 The existing hedgerows upon the boundaries of the site together with the mature oak tree located on the northern boundary will be retained and therefore there will be no detrimental impact upon these habitats for bats or breeding birds.

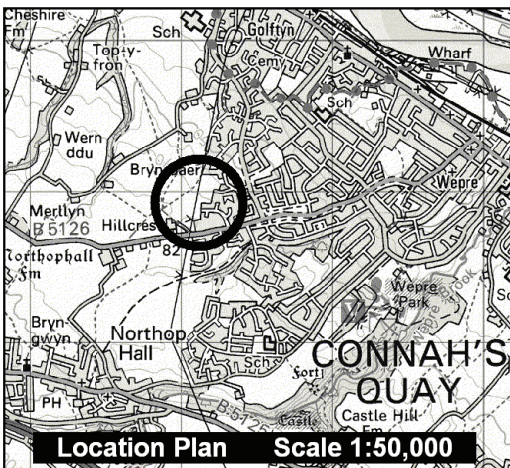
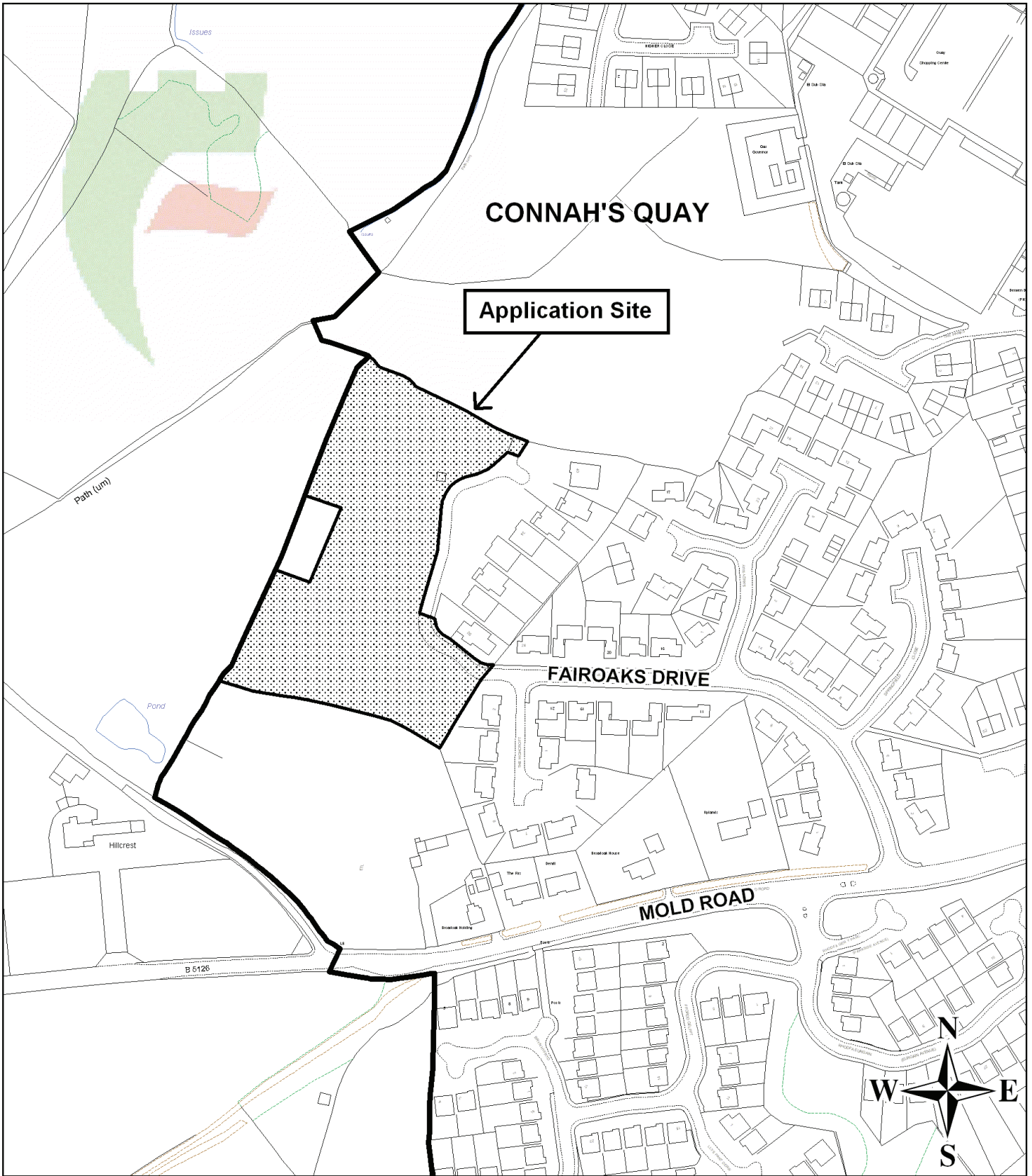
## **8.00 CONCLUSION**

8.01 As the site forms part of a housing allocation within the Flintshire Unitary Development Plan, the principle of residential development is acceptable. However, it is considered the site should not be developed without the requisite community benefits and the viability case presented by the applicants is considered to be flawed for the reasons set out above. Consequently my recommendation is one of refusal for the reasons given.

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

**Contact Officer: Alan Wells**  
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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 2868
Planning Application	<b>50800</b>

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## FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: WEDNESDAY 4<sup>TH</sup> SEPTEMBER 2013

REPORT BY: HEAD OF PLANNING

SUBJECT: RESERVED MATTERS APPLICATION – DETAILS OF APPEARANCE LANDSCAPING, LAYOUT AND SCALE SUBMITTED IN ACCORDANCE WITH CONDITION NO.1 ATTACHED TO PLANNING PERMISSION REF. 038189 AT BROUGHTON PARK, BROUGHTON, FLINTSHIRE

APPLICATION NUMBER: 050796

APPLICANT: BLOOR AND BELLWAY HOMES

SITE: BROUGHTON PARK, BROUGHTON, FLINTSHIRE

APPLICATION VALID DATE: 13/05/2013

LOCAL MEMBERS: COUNCILLOR W. MULLIN  
COUNCILLOR D. BUTLER (ADJACENT WARD)  
COUNCILLOR M. LOWE (ADJACENT WARD)

TOWN/COMMUNITY COUNCIL: BROUGHTON & BRETTON COMMUNITY COUNCIL

REASON FOR COMMITTEE: MEMBER REQUEST DUE TO THE LARGE SCALE OF DEVELOPMENT WHICH RAISES ISSUES OF PUBLIC CONCERN

SITE VISIT: YES - FOR SAME REASONS AS ABOVE

### **1.00 SUMMARY**

- 1.01 The proposal is a reserved matters application and was originally submitted for 272 dwellings (later reduced to 271). The application follows on from the grant of outline planning permission in September 2012. The reserved matters application relates to appearance, landscaping, layout, and scale. Access to the site was granted at the time of the outline planning permission. The site is currently grassed

over, is relatively level, and bordered to the south & east by the A55/slip road, to the west by the existing dwellings and to the north by Broughton Retail Park. The issues for consideration are the principle of development/planning policy context, impacts on visual amenity, impacts on residential amenities, highways, ecology and drainage.

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

- 2.01
1. Five year permission
  2. Carried out in accordance with submitted details
  3. Samples of external materials to be agreed beforehand
  5. 1.8 m high close boarded fencing fitted to the rear of those proposed properties along the western boundary
  6. Identification of specimen trees to be planted at entrance to site and at important view points within the site.
  7. Prior to occupation details submitted for future footpath link from site into the adjacent Town Council Park and timeframe for implementation
  8. Exact specification of play equipment and MUGA to be further agreed
  9. Submission/implementation of a biosecurity risk assessment to consider disease prevention or the introduction/colonisation of invasive species
  10. The dense hedging along western boundary shall continue up to the proposed pumping station (unless varied by condition 7 above)

**3.00 CONSULTATIONS**

3.01 Local Members

Councillor W. Mullin

Requests the application be referred to Planning Committee due to scale of development.

Councillor D. Butler

Requests the application be referred to Planning Committee with a Committee Site Visit as it is a large development with issues and public concern.

Councillor M. Lowe

Requests the application be referred to Planning Committee due to scale of development.

Broughton & Bretton Community Council

No objection subject to the erection of a fence to ensure the integrity of the landscaped barrier between the development and properties on the Parkfield Estate.

Head of Assets and Transportation

No objection subject to conditions

Public Rights of Way

No observations

Head of Public Protection

No adverse comments

Natural Environment Wales

Not likely to cause any adverse impacts on any natural heritage interests. No objection to the proposal

Airbus

Awaiting final response

Clwyd-Powys Archaeological Trust

No comments

Coal Authority

No observations

British Pipelines Agency

Will not affect pipeline interests in area

**4.00 PUBLICITY**

Press Notice, Site Notice, Neighbour Notification

4.01 The proposed development has been advertised by way of press and site notices and neighbour letters. 5 letters have been received, summarised as follows,

- Objects to the development in principle as it would lead to development on a green field site and will generate more traffic and put increase pressure on local services such as the school and doctors surgery
- Requests that more public open space is provided with landscaping for amenity, recreational and conservation reasons
- Considers the landscaped buffer strip to the western boundary should be enlarged in the interests of residential amenity
- Objects to the type/mix of planting which is considered inadequate in landscape amenity terms and concerned over any future maintenance arrangement
- Existing landscaping on the site should be retained
- Object to the landscaped buffer zone being used as a future walkway and considers there should be a metal fence boundary separating the buffer from the proposed dwellings to prevent access and generally lead to a safer environment.
- The proposed housing mix is inadequate as it lacks

- bungalows for the elderly
- Construction hours and dust suppression should be restricted as per the outline planning permission
- There should be no storage of construction material in the open
- Concerned over traffic impacts and congestion and noise from the increase in vehicles visiting the site and the fact that the site will have only one point of access onto the Broughton Hall Road at a point where large volumes of traffic converge
- Hooded street lighting should be utilised in the interests of residential amenity, questions if the lighting can be switched off late at night to prevent light pollution
- Concerned over the drainage arrangements for the site and the impacts on wildlife and protected species
- Queries the height of the proposed landscaped acoustic bund
- Concern raised over the design and height of houses which may look intrusive in the Broughton skyline

## **5.00 SITE HISTORY**

5.01 The site most recent and relevant planning history is detailed as follows,

### **038189**

Outline for residential development together with formation of new access granted on appeal subject to conditions on 25<sup>th</sup> September 2012.

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
 Policy STR1 New Development  
 Policy STR2 Transport and Communications  
 Policy STR4 Housing  
 Policy STR11 Sport, Leisure and Recreation  
 Policy GEN1 General Requirements for Development  
 Policy GEN2 Development Inside Settlement Boundaries  
 Policy D1 Design Quality, Location and Layout  
 Policy D2 Design  
 Policy D3 Landscaping  
 Policy D4 Outdoor Lighting  
 Policy D5 Crime Prevention  
 Policy AC2 Pedestrian Provision and Public Rights of Way  
 Policy AC3 Cycling Provision  
 Policy AC13 Access and Traffic Impact  
 Policy AC18 Parking Provision and New Developments  
 Policy HSG8 Density of Development  
 Policy HSG9 Housing Mix and Type



Policy HSG10 Affordable Housing Within Development Boundaries  
Policy SR1 Sports, Recreation or Cultural Facilities  
Policy EWP17 Flood Risk

Planning Policy Wales

## **7.00 PLANNING APPRAISAL**

### The Proposed Development

7.01 The proposal is a reserved matters application for 271 dwellings following on from the grant of outline planning permission in September 2012. The reserved matters application relates to appearance, landscaping, layout, and scale. Access to the site was granted at the time of the outline planning permission. The site, which is roughly triangular in shape, is currently grassed over, is relatively level and bordered to the south & east by the A55/slip road, to the west by the existing dwellings and to the north by Broughton Retail Park.

7.02 In summary, the application is further detailed as follows

- A mixture of 2, 3, 4 & 5 bed dwellings. 30% will be made available for affordable housing in line with the outline planning permission.
- Properties will be either two or two and a half storey in scale
- External materials will vary from brick to render with tiles to the roof
- The main public open space will take the form of a “village green” which will be the focus of both informal and formal play and recreation within the development
- A hard surfaced area for informal/formal outdoor recreation will take the form of a multi use games area (MUGA) which will be located near to the site entrance to maximise its accessibility for children living in the local vicinity
- A landscaped buffer to the western boundary along with a close boarded fence shall separate the development from the existing residential properties
- An acoustic mound/screen along the southern boundary with the A55 is to be provided

### The Principal of Development

7.03 The Flintshire Unitary Development Plan (FUDP) shows the land as a housing commitment and outline planning permission has now been issued. The proposed development is therefore considered acceptable in principle.

### Impact on Residential Amenity

7.04 The proposed site is triangular shaped which is bordered on one side by the A55, the other by the A55 slip road/roundabout and to the other

by the community council park/existing residential properties. The proposed dwellings are considered to be located at some distance from existing residential properties with average separation distances well in excess of the Council's standards. The existing residential properties will also have a planted landscaped buffer and close boarded fencing separating it from the existing residential properties. The proposed development is therefore not considered to be detrimental to the amenities of adjacent properties.

- 7.05 As regards future residential amenities, the proposed dwellings are considered to provide adequate private amenity space in addition to space about dwellings, whilst at the same time benefiting from formal and informal open space within the site.

#### Highways

- 7.06 The proposed development would be accessed via the existing roundabout onto the Broughton Hall Road. Access for the development was permitted as part of the granting of the outline planning permission. In line with the requirements of the outline planning permission the proposed development also provides for the following,

- The provision of a bus stop/layby within the site together with associated bus shelter and real time information display. The Head of Assets and Transportation has not raised any objections to the detailed design of the highway works associated with the proposed development.
- The provision of a pedestrian/cycle crossing from the site over to the northern side of the Trunk Road slip roads or the Trunk Link Road (a detail to be discharged as part of the outline planning permission)
- The provision of a pedestrian and cycle route linking the site with Broughton Hall Road (a detail to be discharged as part of the outline planning permission)

#### Design and Appearance

- 7.07 The proposed dwellings would vary in height from 2 to 2 1/2 storey and would include a mixture of external materials including brick and render. The density and character of the proposed properties varies within the site from two bed FOGS (flat over garage) up to 5 bed dwellings. There are apartments, terraces, semi detached and detached properties. The density of properties across the site is in line with the requirements of the outline planning permission which stated that the development should not exceed 282 dwellings (the proposed development falls short of that by 11 dwellings).

- 7.08 In design terms the observer's eye should be drawn down the main internal road which serves the site. The proposed designs included brick band courses, variations to head/cill treatments, contrasting use of ridge tiles, and a unifying palette of materials including brick and

render. The primary street scenes are considered to have an active frontage and a sense of enclosure in places. The proposed development is therefore acceptable in design and appearance.

#### Provision of Public Open Space

- 7.09 The site would benefit from a central formally laid out public open space which the developer describes as a “village green”. This area will be mainly grassed over, however there would be some tree planting and also hedging to its boundaries. The main area of public open space would also have a children play area with a minimum of twelve pieces of play equipment and a mini football pitch.
- 7.10 A hard surfaced area for informal/formal outdoor recreation will take the form of a multi use games area (MUGA) which will be located near to the site entrance to maximise its accessibility for children living in the local vicinity. The Council’s Public Open Spaces Manager is satisfied the proposed POS areas are acceptable subject to a condition on the exact detail of the specification for the twelve pieces of play equipment and MUGA.
- 7.11 Within the overall site there are other areas of informal landscaping e.g. the entrance to the site/roundabouts and many trees/shrubs are to be planted within the street scenes across the site.
- 7.12 Both principal areas of POS are considered to benefit from passive surveillance from nearby dwellings and also in the main benefit from adjacent active frontages which assist in providing safer environments.

#### Affordable Housing

- 7.13 The outline planning permission required 30% affordable housing in line with the FUDP. The overall site will have 271 dwellings on it which equates to a total of 81 affordable units. The exact location of the affordable units within the site has been identified as part of the details submitted. The affordable units shall be on a shared equity basis. The Council’s Affordable Housing Officer confirms the mix/tenure of units is acceptable. The proposed units are reasonably spread across the site and in the main relate to 3 bed dwellings.

#### Other Issues

- 7.14 As part of the outline planning permission the applicant was required to pay a sum of £500,000 with the monies being paid prior to the occupation of the first dwelling on the site being occupied. The educational contribution shall provide for increased classroom provision in primary and/or secondary schools that would potentially cater for occupants of the development. The allocation of this resource would be the responsibility of Education’s Head of Resources.
- 7.15 As regards ecology matters, Natural Resources Wales has not raised

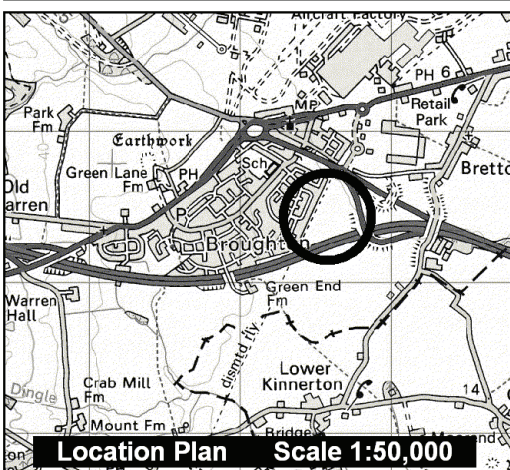
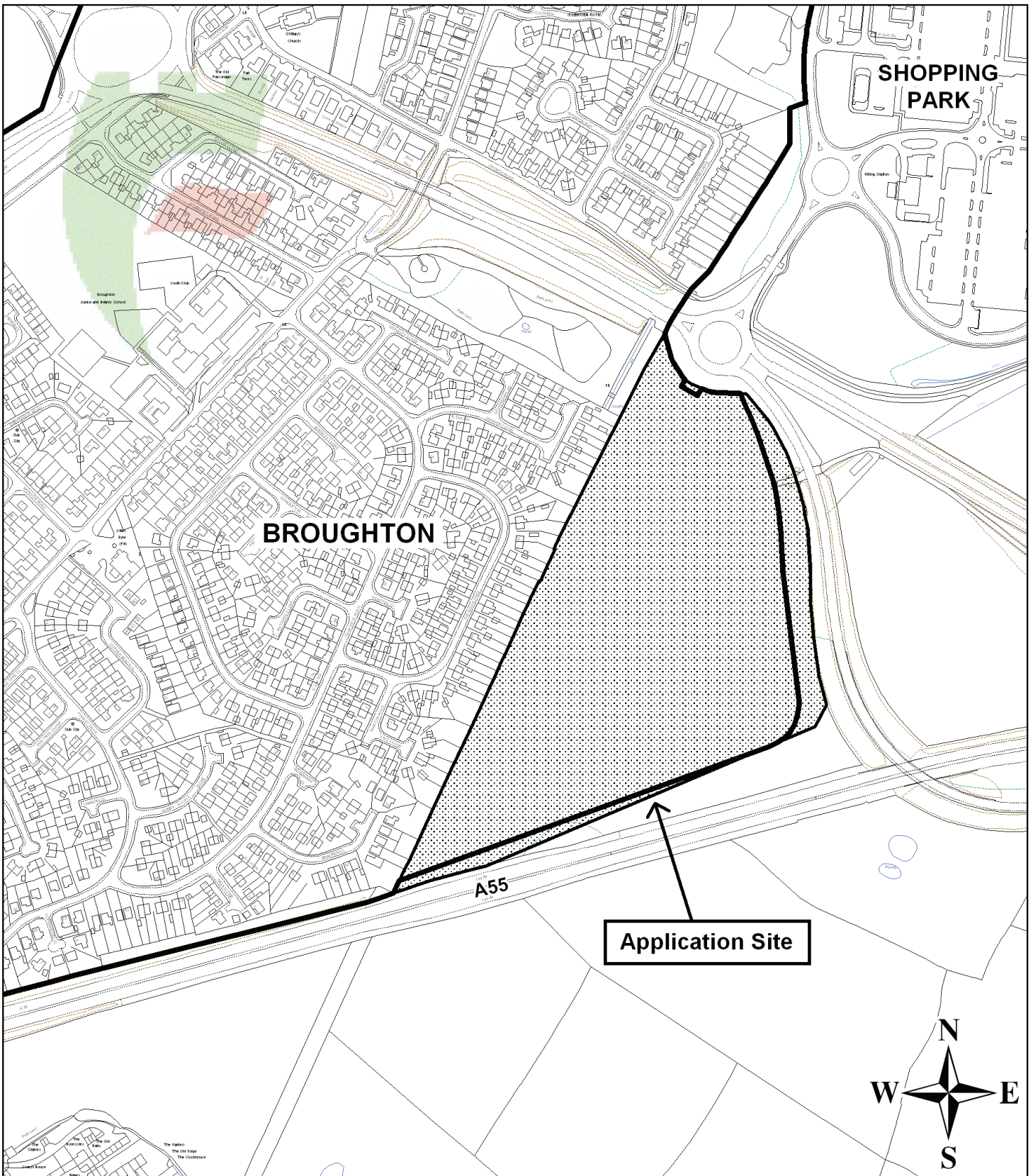
any objections to the proposed development. Drainage for the development is subject to the requirement of conditions imposed on the outline planning permission.

8.00 **CONCLUSION**

8.01 The proposed development is considered acceptable subject to the conditions referred to at paragraph 2.01 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](mailto:Declan.beggan@flintshire.gov.uk)

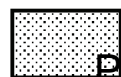


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:5000

OS Map ref SJ 3463

Planning Application 50796

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>th</sup> SEPTEMBER 2013**

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

**SUBJECT:** **050921 - VARIATION OF CONDITION NOS.6,8,9,13,15,16 AND 18 IMPOSED ON PLANNING PERMISSION REF: 048780 TO ALLOW FOR A PHASED APPROACH FOR THE UNDERTAKING OF (A) A SCHEME FOR FACILITIES FOR THE PARKING, TURNING AND UNLOADING OF VEHICLES (B) EXTERNAL LIGHTING (C) A SCHEME FOR THE COMPREHENSIVE DRAINAGE OF THE SITE (D) A SCHEME OF ECOLOGICAL MITIGATION (E) THE PROVISION OF TREE/HEDGEROW PROTECTION (F) THE INTRODUCTION OF REPLACEMENT WINDOWS/DOORS AND (G) VENTILATION EQUIPMENT RATHER THAN THE REQUIREMENT FOR ALL DETAILS TO BE PROVIDED BEFORE THE USE OF ANY PART OF THE SITE COMMENCES AS CURRENTLY PERMITTED AT "BANK FARM", LOWER MOUNTAIN ROAD, PENYFFORDD, NR. CHESTER, FLINTSHIRE**

**APPLICATION NUMBER:** **050921**

**APPLICANT:** **HOLTS CONSERVATORIES LTD**

**SITE:** **"BANK FARM", LOWER MOUNTAIN ROAD, PENYFFORDD, NR. CHESTER, FLINTSHIRE**

**APPLICATION VALID DATE:** **19.06.13**

**LOCAL MEMBERS:** **COUNCILLOR P. LIGHTFOOT**

**TOWN/COMMUNITY COUNCIL:** **HIGHER KINNERTON COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **CALLED-IN BY COUNCILLOR D.T.M. WILLIAMS AS ADJOINING WARD MEMBER**

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

## **1.00 SUMMARY**

- 1.01 The application seeks to vary condition numbers 6, 8, 9, 13, 15, 16 and 18 of planning permission reference 048780 which approved the change of use of agricultural buildings to light industrial use at Bank Farm, Lower Mountain Road, Penyffordd. All these conditions are pre-commencement conditions requiring submission of details of parking, loading and turning areas; external lighting; drainage; mitigation for safeguarding swallows; tree and hedgerow protection; window and door details and finishes; and, ventilation and fume extraction equipment. The current wording on all these conditions require details to be submitted prior to commencement of the development and also require their implementation in full before the use of any part the site commences. A copy of the current conditions is produced in full as Appendix 1 to this report.

The planning permission granted under reference 048780 allowed the change of use of 6 buildings on the site for light industrial use with Bank Farmhouse to be renovated and a further building demolished.

This proposal to vary conditions 6, 8, 9, 13, 15, 16 and 18 would still require the submission and approval of the details required under the conditions but would allow for the phased development of the site.

The main issues to be considered in the determination of this application are the impact of the variation of the conditions on road safety, the visual amenity of the area, and, the protection of protected species.

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

- 2.01 To vary conditions 6,8,9,13,15,16 and 18 to read:-

6) Prior to the commencement of the development hereby approved, a scheme indicating the provision of facilities for the parking, turning, loading and unloading of vehicles and the phasing of the provision of those facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and thereafter retained for those purposes.

8) Prior to the occupancy of any of the buildings an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall include the phasing of the provision of the lighting scheme, measures to monitor the lux levels when the lighting becomes operational, and where necessary include remedial measures to reduce unnecessary light loss. The agreed



lighting plan shall be implemented in accordance with the approved scheme.

9) Prior to the commencement of the development hereby approved, a scheme for the comprehensive drainage of the site, indicating the proposed methods of disposal of foul, surface and land drainage waters from the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the phasing of the provision of the drainage of the site. Thereafter, the development shall be carried out in strict accordance with the approved scheme, or any such details as may subsequently be agreed in writing with the Local Planning Authority.

13) Prior to the commencement of the development hereby approved, a scheme of mitigation shall be submitted to and approved in writing with the Local Planning Authority which provides for the safeguarding of swallows. The approved scheme shall be implemented in full in accordance with the timetable to be agreed with the Local Planning Authority.

15) No development shall commence until a scheme for the provision of tree and hedgerow protection measures including the phasing of their provision has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in strict accordance with the approved details. No works (e.g. excavation, trenching, storage of materials, fires/burning, movement of machinery (associated with the development of the site) shall be undertaken within the root protection areas unless they have been subject to a method statement that has been approved in writing by the Local Planning Authority. The implemented protection measures in relation to each part of the site shall be thereafter retained for the duration of the development works on that part of the site unless the prior written approval of the Local Planning Authority is obtained to any variation.

16) Prior to the commencement of development hereby approved, full details of any new or proposed replacement windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. For the traditional brick buildings edged in thick black on the plan attached to this permission such scheme shall provide for windows and doors of a timber construction with painted finish, the colour of which shall also be specified within the submitted details. The agreed scheme shall thereafter be implemented in full and there shall be no deviation from these agreed details without the prior written approval of the Local Planning Authority. (The traditional buildings referred to are as shown on the plan attached as Appendix 2 to this report).

18) Prior to the commencement of the development hereby approved, precise details of all ventilation and fume extraction equipment,

ducting, vents and cowls, including their precise location within or upon the buildings hereby approved, shall be submitted to and agreed in writing with the Local Planning Authority. The use of each building shall not commence until the agreed scheme for that particular building has been implemented in accordance with the approved scheme.

### **3.00 CONSULTATIONS**

3.01 Local Member: Councillor P. Lightfoot  
No response at time of preparing report

Adjacent Ward Member: Councillor D.T.M. Williams

Requests planning committee determination. Preliminary views that conditions were carefully applied on the original application and accepted at the time. Removal of the conditions before the development has started could lead to further applications that may not be supported.

Adjacent Ward Member: Councillor C. Hinds

Requests planning committee determination. Preliminary views are that as the building has been left to go to rack and ruin over many years the whole site needs to be developed and not just in part. The site is a disgrace and should have been tidied up years ago. The house and buildings could have been converted to houses to make a courtyard as long as it complies with planning policy. The planning committee previously gave permission with conditions and that should be it.

Higher Kinnerton Community Council

Support the planning application

In view of the proximity of the site to the adjoining communities of Penyffordd and Penymynydd, consultation has also been undertaken with the local members and Community Council for this area.

Penyffordd Community Council

No response at time of preparing report

Head of Assets and Transportation

No objection subject to conditions requiring detailed design of new access and drainage ditch crossing from Barracks Lane to be submitted and approved; permanent closure of existing access from Barracks lane; and, adequate facilities to be provided and retained internally within the site for the loading, unloading, parking and turning of vehicles.

Head of Public Protection

No objection to the proposed variation of condition 18 in respect of extraction, filtration and ventilation equipment subject to a condition

that the use of each building shall not commence until the agreed scheme for that particular building has been commenced.

Welsh Water/Dwr Cymru

No response at time of writing report

Natural Resources Wales

No objection.

**4.00 PUBLICITY**

4.01 Site, Notice and Neighbour Notification

No responses at time of writing report.

**5.00 SITE HISTORY**

5.01 **048780** Change of use of agricultural buildings to light industrial use. Permitted 06.01.2012

**040627** Certificate of lawfulness – residential, retail and associated storage. Refused 14.02.06

**038067** Outline, Demolition of existing buildings and erection of new dwellings. Application called in by Welsh Government and refused 13.10.05

**00/00733** Outline, Erection of 12 No. detached dwellings. Refused 05.09.00

**4/2/14925** Change of use of piggery to boarding kennels and cattery. Withdrawn 06.02.90

**050003** OUTLINE APPLICATION - ERECTION OF 12NO. DWELLINGS INCLUDING DEMOLITION OF EXISTING OUTBUILDINGS AND CREATION OF A NEW ACCESS AT "BANK FARM", LOWER MOUNTAIN ROAD, PENYFFORDD, NR. CHESTER, FLINTSHIRE. Withdrawn

**6.00 PLANNING POLICIES**

6.01 **Flintshire Unitary Development Plan**

Policy STR1 – New Development

Policy STR 2 – Transport and Communications

Policy STR 7 – Natural Environment

Policy STR 8 – Built Environment

Policy GEN1 – General Requirements for Development

Policy STR10 – Resources

Policy GEN3 – Development in the Open Countryside

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy L1 – Landscape Character

Policy WB1 – Species Protection  
Policy AC13 – Access and Traffic Impact  
Policy AC18 – Parking Provision and New Development

## **ADDITIONAL GUIDANCE**

Planning Policy Wales Edition 5 – November 2012

### **7.00 PLANNING APPRAISAL**

#### **7.01 Introduction**

This application proposes the variation of a number of pre-commencement conditions on planning permission no. 048780 which approved the change of use of agricultural buildings to light industrial use at Bank Farm, Lower Mountain Road, Penyffordd.

#### **7.02 Site Description**

The site which is approximately 0.9 hectares in area, is located on the south eastern side of Chester Road, at its junction with Barracks Lane and Lower Mountain Road, approximately 0.5km to the east of Penyffordd.

The site accommodates a redundant farm dwelling with associated buildings in various state of repair. These buildings comprise a mix of older brick/timber frame outbuildings and more modern buildings constructed of breeze block and corrugated sheeting external walls. The site is bounded to the north by a mature and well established hedgerow, which also exists in part to the southerly end of the western site boundary with the remainder formed by the flank wall of one of the buildings. The demarcation of boundaries to the south and east is by way of a 1.2m high post and wire fence. The area surrounding the site is predominantly agricultural, although there are a number of scattered residential properties.

#### **7.03 Principle of Development**

The principle of the change of use of the buildings at Bank Farm to light industrial use is acceptable and has been established through the grant of planning permission under reference 048780.

#### **7.04 Main Planning Issues**

Given that the principle of the development has been established the main planning issues to be considered on this application relate to the potential impact of the variation of the conditions on:

- Highways and access issues
- Safeguarding of protected birds and their nests
- Impacts on the visual amenities of the area

Assessment of the application must consider whether the conditions as currently worded meet the tests set out in Welsh Office Circular 35/95 on “The Use of Planning Conditions”.

#### **7.05 Highways and Access Issues**

Condition 6 as currently worded requires the submission of a scheme indicating the provision of facilities for the parking, turning and loading of vehicles prior to commencement of the development and then requires the implementation of that scheme in full prior to the first use of the development.

Should the developer want to carry out the development in phases, a phased scheme allowing for the creation of parking, loading and turning areas for each of those phases could be implemented ensuring that there is no detriment to road safety.

The proposed variation to condition 6 would still require the submission and approval of all details relating to the provision of parking, loading and turning areas prior to commencement of the development but would be amended to also require details of the phasing of the provision of those facilities. The approved scheme would then have to be implemented in accordance with those phased details.

In this way it is envisaged that prior to the occupation of any particular building, the parking, turning and loading area for that particular building should be implemented.

There are no variations proposed to conditions requiring the provision of details of the new access points and closure of access points to the public highway.

#### **7.06 External Lighting**

Condition 8 requires the details of all external lighting to be submitted and approved prior to the occupancy of the buildings. As currently worded the condition requires the implementation of the approved scheme in full prior to the occupation of any of the buildings.

The proposed variation to condition 8 would again require the approval of the external lighting scheme for the entire site prior to the occupancy of any buildings. The variation would allow for a phased implementation allowing for the occupancy of buildings in a phased manner.

#### **7.07 Drainage**

Condition 9 requires the submission and approval of a scheme for the

comprehensive drainage of the site prior commencement of the development and also its implementation in full prior to the first occupation of any of the buildings.

The proposed variation of condition 9 would allow for its phased implementation. Whilst the drainage scheme for one particular part of the site might ultimately be linked to the site as a whole it is clearly possible for the foul and surface water drainage scheme for a particular building to work adequately in isolation. On that basis it would be acceptable for the drainage scheme relating to individual buildings to be implemented prior to the implementation of the drainage scheme for all the buildings.

#### **7.08 Ecology Issues**

The change of use application was supported by a Great Crested Newt survey and found that there is no recorded GCN activity or breeding ponds within 500m of the site.

Survey data also indicated that there was no bat activity on the site.

Evidence of the use of part of one of the buildings (Building 7) by swallows was found and this led to the imposition of condition 13 requiring the submission and approval of a scheme for mitigation for the safeguarding of swallows. The condition as currently worded requires the implementation of the scheme in full prior to the first use of the development.

The proposed variation of condition 13 would still require the mitigation scheme to be submitted prior to the commencement of development but would allow its implementation in accordance with a timetable to be agreed with the Local Planning Authority. This could then, for example, allow for the implementation of a change of use of one of the buildings where swallows were not present, provided the scheme submitted to discharge the condition showed that there would be no adverse impact on the nesting swallows.

#### **7.09 Tree and Hedgerow Protection**

Condition 15 requires the submission and approval of a scheme for the protection of trees and hedgerow and requires its implementation and retention in full in accordance with the approved details.

The proposed amendment to this condition would add some clarity in making it clear that the submitted scheme can again take account of the likelihood that the development may now be implemented in phases.

The variation to the condition would not reduce the level of protection afforded to any of the trees and hedgerows on the site and sufficient

control over trees can be provided over the whole site through the approval of the phased details.

#### **7.09 External Materials**

Condition 16 requires the submission of details of any replacement external windows and doors and also stipulates that the submitted scheme shall provide for windows and doors of a timber construction with painted finish. The condition also requires the implementation of the approved details in full.

The proposed amended condition put forward by the applicant seeks the deletion of the requirement that the proposed replacement windows and doors be of a timber construction with timber finish. There is no justification put forward in the submission for this change and the Conservation and Design Officer raises an objection to this change.

The site comprises an attractive early 19<sup>th</sup> Century farm complex with more recently added steel framed barns. Traditional painted windows make an important contribution to the character of the property, in particular to the character of the 19<sup>th</sup> Century brick buildings.

Whilst no justification has been submitted to support the removal of that part of condition 16 that deals with materials and finishes to windows and doors the condition as re-drafted still allows the Local Planning Authority to retain control over the approval of detailed finishes.

The retention of timber painted windows and doors in the traditional buildings is important and the proposed amended condition makes a distinction between these buildings and the more recent buildings. However, a more contemporary solution may be acceptable for the later steel framed barns. Variation of the condition as proposed would allow for this flexibility.

The amendment of this condition therefore does not preclude the Local Planning Authority requiring appropriate painted timber finished windows and doors on the traditional brick buildings at the time details are submitted.

#### **7.10 Ventilation and Fume Extraction**

Condition 18 requires the details of ventilation and extraction equipments including ducting and vents and cowls prior to commencement of development. The reason for the imposition of the condition was in the interest of the visual amenity of the area. The condition requires the implementation of the scheme in full prior to the first use of the development.

The proposed variation of the condition again allows for a phased implementation of the development and proposed that the use of each building shall not commence until the agreed scheme for that particular building has been implemented in accordance with the approved details.

This variation is consistent with the reason for imposing the condition on the original consent and still ensures that any ventilation equipment, ducts or cowls respect the character and appearance of the traditional buildings, thus safeguarding the visual amenity of the area.

#### 7.11 **Welsh Office Circular 35/95**

Any planning condition should be considered under tests set out within Welsh Office Circular 35/95. Those tests include the tests of necessity and reasonableness.

In this case the applicants state that the conditions as currently set out fail those tests as they require implementation of a number of matters in full prior to the occupation of any part of the development.

At the time the change of use application was submitted the application was presented on the basis of occupancy by a single user. However, the consent does not preclude the occupation of the site by a number of different light industrial users. On that basis the applicants have tried to secure funding for the development of the site and maintain that the conditions requiring completion of the development in full places an unnecessary and unreasonable burden on the applicant. As a result they have been unable to secure development funding.

Assessed against the tests in Circular 35/95 the retention of the conditions in their current form could fail the tests of necessity and reasonableness.

#### 8.00 **CONCLUSION**

8.01 Having regard to the above it is clear that the reasons for imposing the conditions in the first place can still be achieved through the proposed amended conditions as there would be no detriment to highway safety, visual amenity or the safeguarding of protected species.

8.02 Given the foregoing it is clear that the variation of the conditions forming the subject of this application is acceptable and complies with planning policy.

8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the



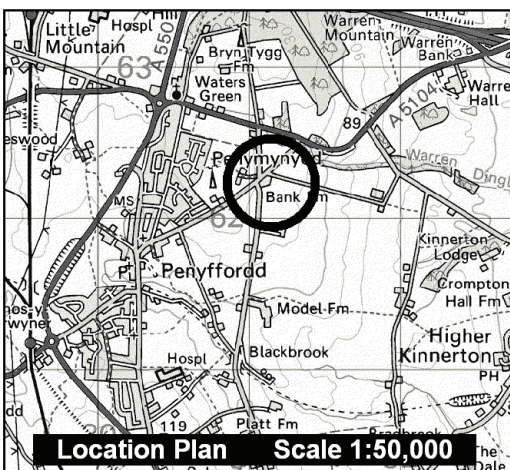
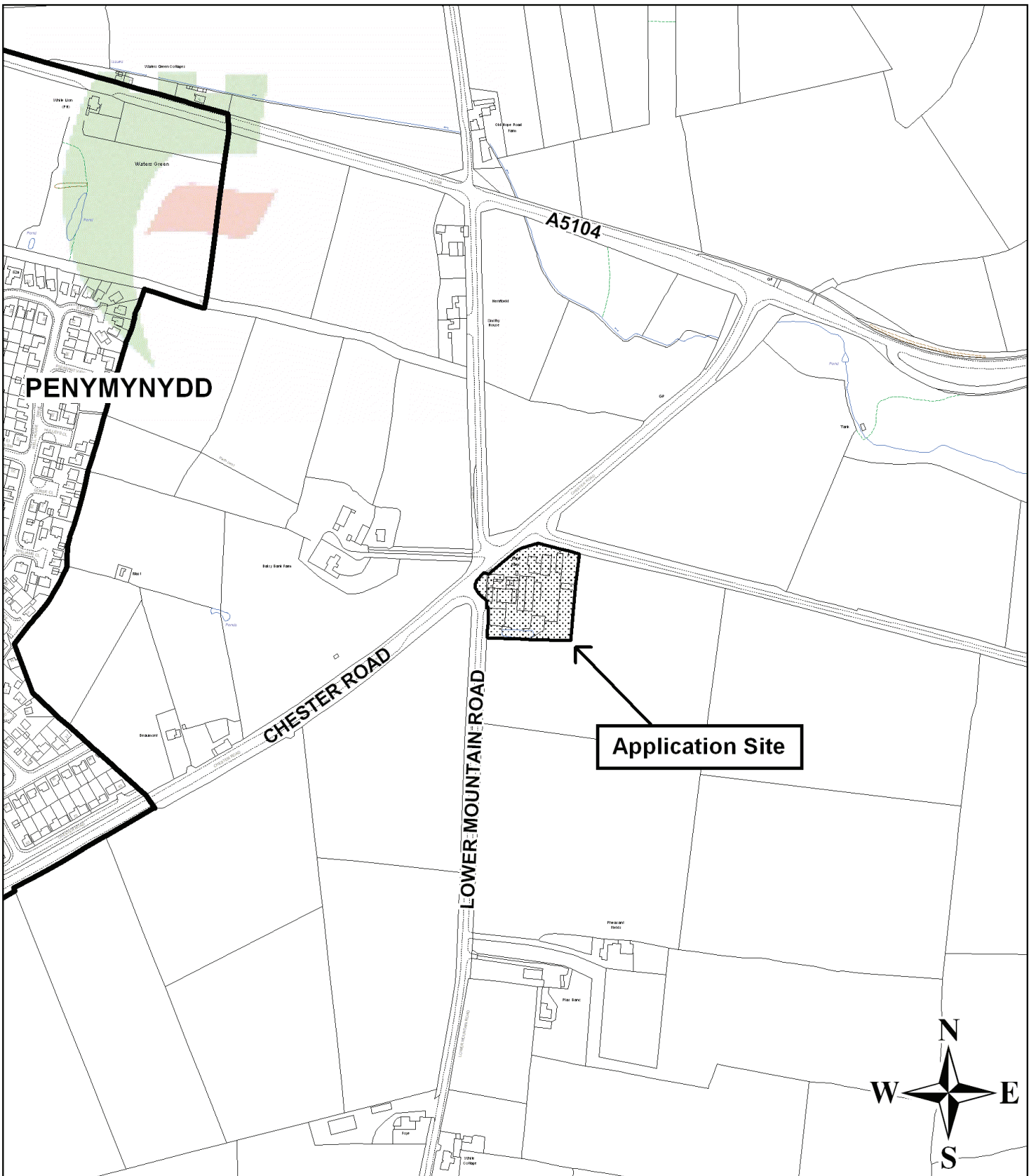
Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

**Contact Officer:**

**Telephone:**

**Email:**

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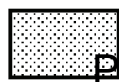


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:5000

OS Map ref SJ 3162

Planning Application **50921**

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## APPENDIX A

1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.

REASON: To comply with the requirements of Sections 91 to 93 of the Town and Country Planning Act, 1990.

2. The development hereby permitted shall be carried out in accordance with the plan(s) and specifications, (which are listed in the 'Notes to Applicant' below), unless specified otherwise by the conditions of this permission, or otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development is carried out in accordance with the approved details.

3. Prior to the commencement of the development hereby approved, samples of all new proposed and replacement external finish materials shall be submitted to and approved in writing with the Local Planning Authority. Such submissions shall also include samples of materials to be used in the formation of hard surfaces within the approved development. Thereafter, the scheme shall be undertaken in strict accordance with the approved details unless the prior written approval of the Local Planning Authority is obtained to any variation.

REASON: In the interest of the visual amenities of the area.

4. The forming and construction of the means of the proposed access from Barracks Lane and drainage ditch crossing shall not commence unless and until the detailed design thereof has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the formation of a safe and satisfactory means of access to the site in the interests of maintaining highway safety.

5. The existing site access from Barracks Lane shall be permanently closed to vehicular traffic, including any highway reinstatement works, when the new access is brought into use.

REASON: In the interests of maintaining highway safety and in consideration of the fact that the other 2 points of access are adequate to serve the proposed development.

6. Prior to the commencement of the development hereby approved, a scheme indicating the provision of facilities for the parking, turning, loading and unloading of vehicles shall be submitted to and approved in writing with the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the development hereby approved and thereafter retained for those purposes.

REASON: To ensure that adequate parking and manoeuvring space is provided to serve the proposed development and to avoid the necessity for reversing movements into or from the highway in the interests of highway safety and maintaining the free flow of traffic on the adjoining highway.

7. Notwithstanding the submitted particulars, there shall be no external storage of materials or products on any part of the site.

REASON: In the interest of the visual amenities of the area.

8. The developer shall submit an external lighting plan to the local planning authority for agreement; prior to occupancy of any of the buildings. The lighting plan shall include measures to monitor lux levels when the lighting becomes operational, and where necessary include remedial measures to reduce unnecessary light loss. The agreed lighting plan shall be implemented in full prior to the first use of the development hereby approved.

REASON: For the protection and maintenance of the visual amenities of the area.

9. Prior to the commencement of the development hereby approved, a scheme for the comprehensive drainage of the site, indicating the proposed methods of disposal of foul, surface and land drainage waters from the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved scheme, or any such details as may subsequently be agreed in writing with the Local Planning Authority, prior to the first occupation of any of the buildings hereby approved.

REASON: In the interests of ensuring the site is adequately drained.

10. No development shall take place until there has been submitted to, and agreed in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:

- a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection during the course of development
- b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers and location and the proposed timing of the planting

- c) proposed materials/finishes to be used on proposed hardstanding areas and paths and other surfaces
- d) proposed earthworks, grading and the mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform
- e) proposed positions, design, materials and type of boundary treatments.

REASON: Adequate details have not been submitted and the Local Planning Authority wishes to ensure that the site is properly landscaped.

11. All planting, seeding, turfing, fencing, walling or other treatment comprised in the agreed details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development, or any such period as may be subsequently agreed in writing with the Local Planning Authority, and any trees or plants which, within a period of five years of the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

REASON: In order to ensure that the site is adequately landscaped in the interest of visual amenity.

12. The premises shall only be used for uses within Class B1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order, with or without modification.

REASON: In order that the use of premises is controlled in the interest of the amenity of the area.

13. Prior to the commencement of the development hereby approved, a scheme of mitigation shall be submitted to and approved in writing with the Local Planning Authority which provides for the safeguarding of swallows. The approved scheme shall be implemented in full prior to the first use of the development hereby approved.

REASON: In the interest of safeguarding protected species.

14. No development or site clearance works shall be undertaken during the bird breeding season (March - August inclusive).

REASON: In the interests of safeguarding protected birds and their nests.

15. No development shall commence until a scheme for the provision of tree and hedgerow protection measures has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in full and in strict accordance with the approved details. No works (e.g. excavation, trenching, storage of materials, fires/burning, movement of machinery) associated with the development of the site shall be undertaken within the Root Protection Areas unless they have been subject to a method statement that has been approved in writing by the LPA. The implemented protection measures shall be thereafter retained for the duration of the development works unless the prior written approval of the Local Planning Authority is obtained to any variation.

REASON: In order to safeguard the visual quality of the site and to protect existing natural features.

16. Prior to the commencement of the development hereby approved, full details of any new or proposed replacement windows and external doors shall be submitted to and agreed in writing with the Local Planning Authority. Such scheme shall provide for windows and doors of a timber construction with painted finish, the colour of which shall also be specified within the submitted details. The agreed scheme shall thereafter be implemented in full and there shall be no deviation from these agreed details without the prior written approval of the Local Planning Authority.

REASON: In the interests of the overall appearance of the development.

17. Prior to the first use of the development hereby approved, a scheme to provide the clear identification and delineation of an area of residential curtilage to serve Bank Farmhouse i.e., Building 1 shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the agreed scheme shall be provided in full and strict accordance with those details.

REASON: In order to safeguard the visual quality of the site and to protect the amenities of future occupiers of Bank Farmhouse.

18. Prior to the commencement of the development hereby approved, precise details of all ventilation and fume extraction equipment, ducting, vents and cowls, including their precise location within or upon the buildings hereby approved, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in full prior to the first use of the development hereby approved.

REASON: In the interests of the visual amenities of the area.



## NOTES TO APPLICANTS

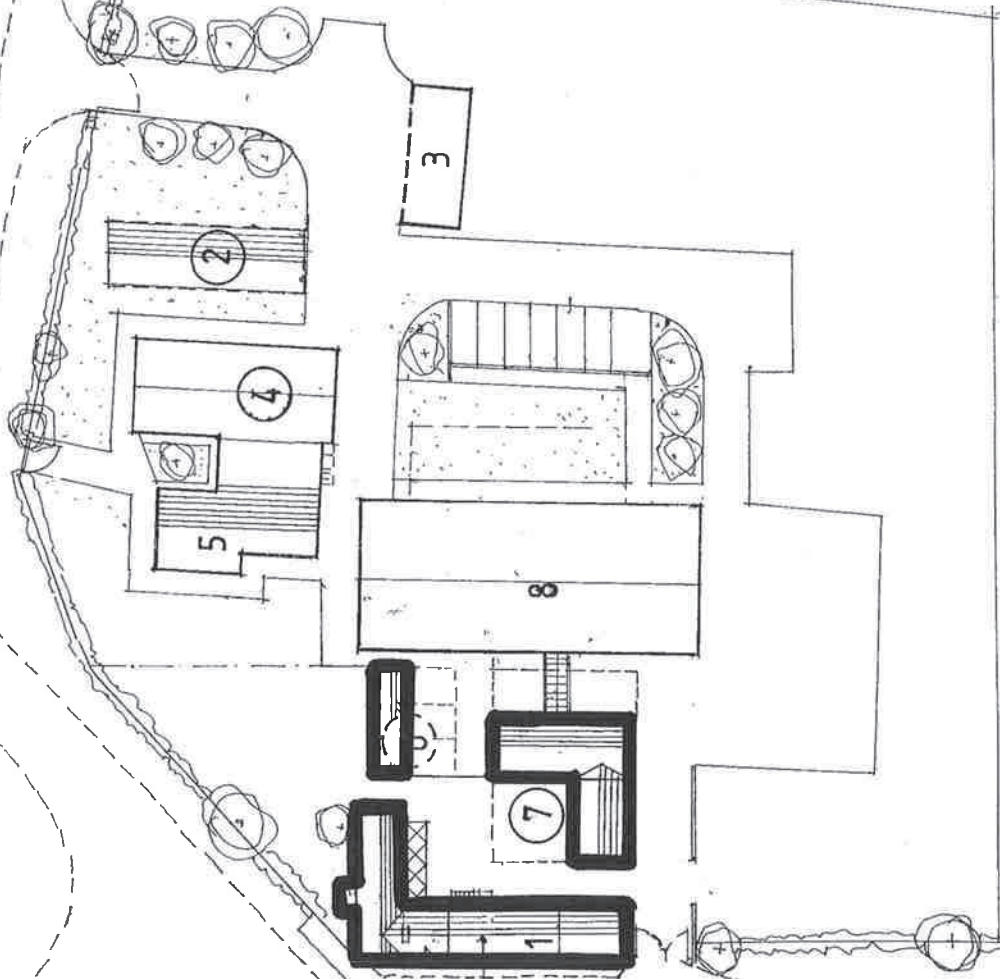
1. This permission relates to the following particulars received by the Local Planning Authority.

- Application form received 30.06.2011.
- Transport Statement, ref: DR/11061, dated 20.6.2011, received 30.6.2011.
- Design and Access Statement, ref: SG-719-ST1, received 30.06.2011.
- Ecological (Bird, bat & Great Crested Newt) Survey, dated June 2011, received 30.6.2011.
- Structural Report, ref: 14251, dated August 2011, received 26.8.2011.
- Dwg. No. BF11/01/101 received 30.6.2011.
- Dwg. No. BF11/01/102 received 30.6.2011.
- Dwg. No. BF11/2/100 received 30.6.2011.
- Dwg. No. BF11/3/100 received 30.6.2011.
- Dwg. No. BF11/3/102 received 15.8.2011.
- Dwg. No. BF11/04/101 received 30.6.2011.
- Dwg. No. BF11/04/102 received 30.6.2011.
- Dwg. No. BF11/04/103 received 30.6.2011.
- Dwg. No. BF11/04/104 received 30.6.2011.
- Dwg. No. BF11/05/101 received 30.6.2011.
- Dwg. No. BF11/05/102 received 30.6.2011.
- Dwg. No. BF11/06/101 received 30.6.2011.
- Dwg. No. BF11/06/102 received 15.8.2011.
- Dwg. No. BF11/07/101 received 30.6.2011.
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- Dwg. No. BF11/07/103 received 30.6.2011.
- Dwg. No. BF11/07/104 received 30.6.2011.
- Dwg. No. BF11/08/101 received 30.6.2011.
- Dwg. No. BF11/08/102 received 30.6.2011.
- Dwg. No. BF11/08/103 received 30.6.2011.
- Dwg. No. BF11/08/104 received 30.6.2011.

2. You are reminded that this permission must be carried out strictly in accordance with the above specified plans and the conditions referred to upon this certificate of decision. If any amendments are proposed, you should NOT proceed without first obtaining the written approval of the Local Planning Authority.

3. Any development carried out without compliance with the plans and particulars approved and the conditions of this permission, may be liable to enforcement action. You are also advised that separate approval under the Building Regulations and/or a licence under the Environmental Health Regulations may be required. Further advice on this may be obtained from the relevant department of the County Council.
4. Your attention is drawn to the attached Highway Supplementary Notes, with particular reference to Clauses 1, 2, 3, 4 & 7.
5. Your attention is drawn to the attached Dwr Cymru/Welsh Water letter and advisory notes, dated 25.11.2011.

048.00 APPENDIX 2  
**Block Plan 1:500**



NOTE: FARMHOUSE AND OUTBUILDING  
 TO BE RENOVATED

**Key**

- ① Bank Farmhouse
- ② Demolished
- ③ Storage
- ④ Paint Shop
- ⑤ D.I.Y. Shop
- ⑥ Outbuilding
- ⑦ Offices / Design
- ⑧ Display / Manufacture

<b>Bank Farm                  Penyffordd</b>	<b>NOTES:</b> All dimensions must be checked on site and not scaled from this drawing.	Client <b>HOLTS HOLDINGS LTD</b>	Scale <b>1:500</b>	Drawing Title <b>Block Plan 5-11-2000</b>
		Job Title <b>Conversion of Farm Buildings</b>	Drawn by Date <b>5/11</b>	Drg No. <b>BF/11/002</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> SEPTEMBER 2013**

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

**SUBJECT:** **FULL APPLICATION – CONSTRUCTION OF A NEW MODULAR BUILDING TO PROVIDE ‘FLYING START’ SERVICES AT YSGOL BRYN DEVA PRIMARY SCHOOL, LINDEN AVENUE, CONNAH’S QUAY.**

**APPLICATION NUMBER:** **050870**

**APPLICANT:** **FLINTSHIRE COUNTY COUNCIL**

**SITE:** **YSGOL BRYN DEVA PRIMARY SCHOOL,  
LINDEN AVENUE,  
CONNAH’S QUAY,  
FLINTSHIRE. CH5 4SN**

**APPLICATION VALID DATE:** **4<sup>TH</sup> JUNE 2013**

**LOCAL MEMBERS:** **COUNCILLOR J.B. ATTRIDGE  
COUNCILLOR A.P. SHOTTON**

**TOWN/COMMUNITY COUNCIL:** **CONNAH’S QUAY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **MEMBERS REQUESTS IN ORDER TO ASSESS IMPACT OF DEVELOPMENT ON THE PRIVACY/AMENITY OF OCCUPIERS OF ADJOINING RESIDENTIAL PROPERTIES.**

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

### **1.00 SUMMARY**

- 1.01 This full application which has been submitted by Flintshire County Council proposes the construction of a modular building at Ysgol Bryn Deva Primary School, Linden Avenue, Connah’s Quay. The building will it is proposed be used to deliver the ‘Flying Start’ programme

targeted at 0-3 year olds providing access to part time quality childcare, an enhanced health visiting service, access to parenting programmes and language and play sessions.

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

- 2.01
1. Time limit on commencement.
  2. In accordance with approved plans.
  3. Details of external materials to be submitted and approved.
  4. Siting layout, design of site access to be submitted and approved.
  5. Existing vehicular access to be improved to 4.5 m in width.
  6. Visibility in south-easterly direction to be improved to 2.4 m x 43 m.
  7. Foul and surface water to discharge separately.
  8. No surface water to connect to public sewerage system.
  9. Land drainage run-off not to discharge into public sewerage system.
  10. Site levels/finished floor levels of building to be approved.
  11. Landscaping scheme to be undertaken during first planting season following commencement of development.
  12. Existing trees to be protected during course of development.
  13. Details of management/maintenance of landscaping scheme to be submitted and agreed.
  14. 1.8 m high close boarded fence to rear of existing properties to be provided prior to commencement of development.
  15. Hours of operation to be restricted to 0800 – 1800 hours Mondays – Saturdays.
  16. No development to commence until details of surface water attenuation system have been submitted and approved.
  17. Development shall not be brought into use until surface water drainage scheme has been, completed in accordance with details to be submitted and approved.
  18. Details of external lighting to be submitted and approved.

**3.00 CONSULTATIONS**

3.01 Local Members

Councillor B. Attridge

Requests planning committee determination in order to assess impact of development on the privacy/amenity of occupiers of adjoining properties.

Councillor A. Shotton

Requests planning committee determination in order to assess impact of development on the privacy/amenity of occupiers of adjoining properties.

Connah's Quay Town Council

The Town Council do not object to this application.

Dwr Cymru/Welsh Water

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

Head of Public Protection

No adverse comments.

Head of Assets and Transportation

Recommend that any permission includes conditions in respect of access and visibility.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

Two letters of objection received, the main points of which can be summarised as follows:-

1. Clearance of existing well established trees/vegetation to the rear of existing properties at Linden Court, with limited replacement screening/planting being proposed will have a detrimental impact on safeguarding privacy/amenity of occupiers of existing properties.
2. Multi-functional use of the building will have detrimental impact on privacy/amenity.
3. Proposal will increase flooding concerns of existing residents.

**5.00 SITE HISTORY**

5.01 None relevant.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR8 – Built Environment.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D2 – Location & Layout.

Policy D3 – Landscaping.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy CF2 – Development of New Community Facilities.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

Bryn Deva School is located on the eastern side of Linden Avenue at the junction with St. David's Drive, Connah's Quay. The school and playing fields which amount to approximately 1.5 hectares in area are bounded by single and two storey residential properties at Linden Avenue, St. David's Drive and a development of 12 No. two storey properties at Linden Court; around the western corner of the school site completing the built frontage to Linden Avenue and Nant Road.

7.02 Vehicular access to the school is obtained from Linden Avenue which serves a main staff/visitor parking area located between the existing school and playing fields to the north.

### **7.03 Proposed Development**

The application proposes development on approximately 0.35 hectares of the school site to include:-

- a. The construction of a new modular rectangular building measuring approximately 23 m x 13 m x 5.5 m (high) on land forming part of the existing car park and land initially established as a nature area for use in connection with the school. This is located to the rear of properties at Linden Court.
- b. The re-siting/reconfiguration of the car parking area in an easterly direction to the rear of the existing school.

7.04 The proposed building is single storey in height and is proposed to be constructed having brick/render external walls with an aluminium profile roof. The design of the building proposes high level windows within the north-eastern elevation to maximise natural light into the playroom crèche, training room and offices.

7.05 In addition to the above, the car parking area to serve the existing school and proposed new building would be resited/reconfigured onto an informal grassed area to the rear of the existing school adjacent to the playing field.

7.06 The applicants have advised that the proposed hours of use of the 'Flying Start' building would be 0800 – 1800 hours Mondays – Fridays with occasional use on Saturdays between the same hours of 0800 – 1800.

### **7.07 Main Planning Issues**

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

- Principle of development having regard to the planning policy framework.



- Scale/design of development proposed.
- Effect on privacy/amenity of occupiers of existing properties.
- Adequacy of access/parking.
- Drainage.

7.08 Planning Policy/Principle of Development

The existing school is located within the settlement boundary of Connah's Quay as defined in the adopted Flintshire Unitary Development Plan. Policy CF2 of the Unitary Development Plan permits the development of new educational facilities on suitable sites within settlement boundaries.

7.09 The proposal will however involve the siting of the building and associated external play areas on land which was initially established as a nature area for use in connection with the school to the rear of properties at Linden Court. An assessment of the value of this area has been undertaken by the Council's Ecologist who has concluded that "no statutory protected sites, species or locally designated sites are affected by the proposal. The habitats to be lost have been relatively recently created and are not considered to be semi-natural habitats of high ecological value". It is therefore considered that the principle of development is acceptable subject to the safeguarding of relevant amenity considerations.

7.10 Scale/Design

The proposed building is single storey in height and rectangular in form. An interlocking mono pitch roof design, allows high level windows to be introduced within the north-eastern elevation to allow/maximise natural light into the playroom, crèche, training room and offices. It is considered that this design is complementary to the existing school and surroundings and subject to the use of appropriate materials is acceptable at this location.

7.11 Effect on Privacy/Amenity

The proposed building would be sited to the rear of existing properties at Linden Court and the concerns of the occupiers of these properties regarding the impact of development on their privacy/amenity are duly noted. Whilst the proposal would involve the removal of part of an established hedgerow and some ground cover/screening within the nature area, it is of fundamental importance in consideration of this application to ensure that key trees are retained/protected and satisfactory replacement planting/screening is undertaken. To this effect a landscaping scheme has been prepared which proposes the introduction of a 1.8 m high close boarded fence, a hedgerow and supplementary planting of individual trees to the rear of the residential curtilage areas of 8-12 Linden Court. It is considered that this will help to screen the development and safeguard the privacy/amenity of residents both in the immediate and medium term.

7.12 In addition to the above, the concerns from residents regarding the

multi-functional use of the building are duly noted. The building will it is proposed be used to cater for a number of user groups providing a central point for access to childcare and other educational services. The proposed hours of use are from 0800 – 1800 hours Mondays – Fridays with occasional use (4/5 times a year) during the same hours on Saturdays. It is considered that provided these hours are controlled by way of the imposition of a planning condition that there is no objection to the use of the building as proposed.

7.13 Adequacy of Access/Parking

Consultation on the proposed development has been undertaken with the Head of Assets & Transportation, in order to assess the suitability of the highway network, access and parking to serve the development proposed.

7.14 The Head of Assets & Transportation has raised no objection to the development subject to improvements to access and visibility. These aspects can be covered by way of planning condition, if Members are mindful to grant permission.

7.15 Drainage

It is proposed that the ground level at the north-western end of the development be raised by approximately 500 mm to facilitate the provision of a level play area for small children. As a result there are specific concerns/objections from residents at Linden Court that this will exacerbate flooding problems previously experienced at this location. Clarification has been sought from the applicants with regard to this matter. It has been confirmed that the existing car park area has no road gullies and discussions have taken place with Dwr Cymru Welsh Water for a proposed surface-water attenuation system to hold any run-off until it can be discharged to the main system. The proposed development will require the installation of gulleys and details of the surface water attenuation to be submitted and approved prior to the commencement of development. This aspect of the development can be covered by way of planning conditions, if Members are mindful to grant planning permission.

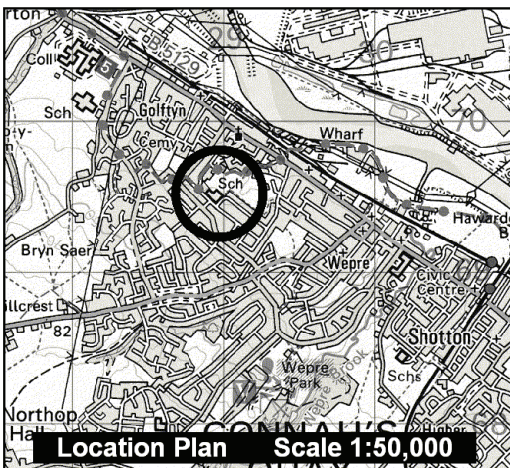
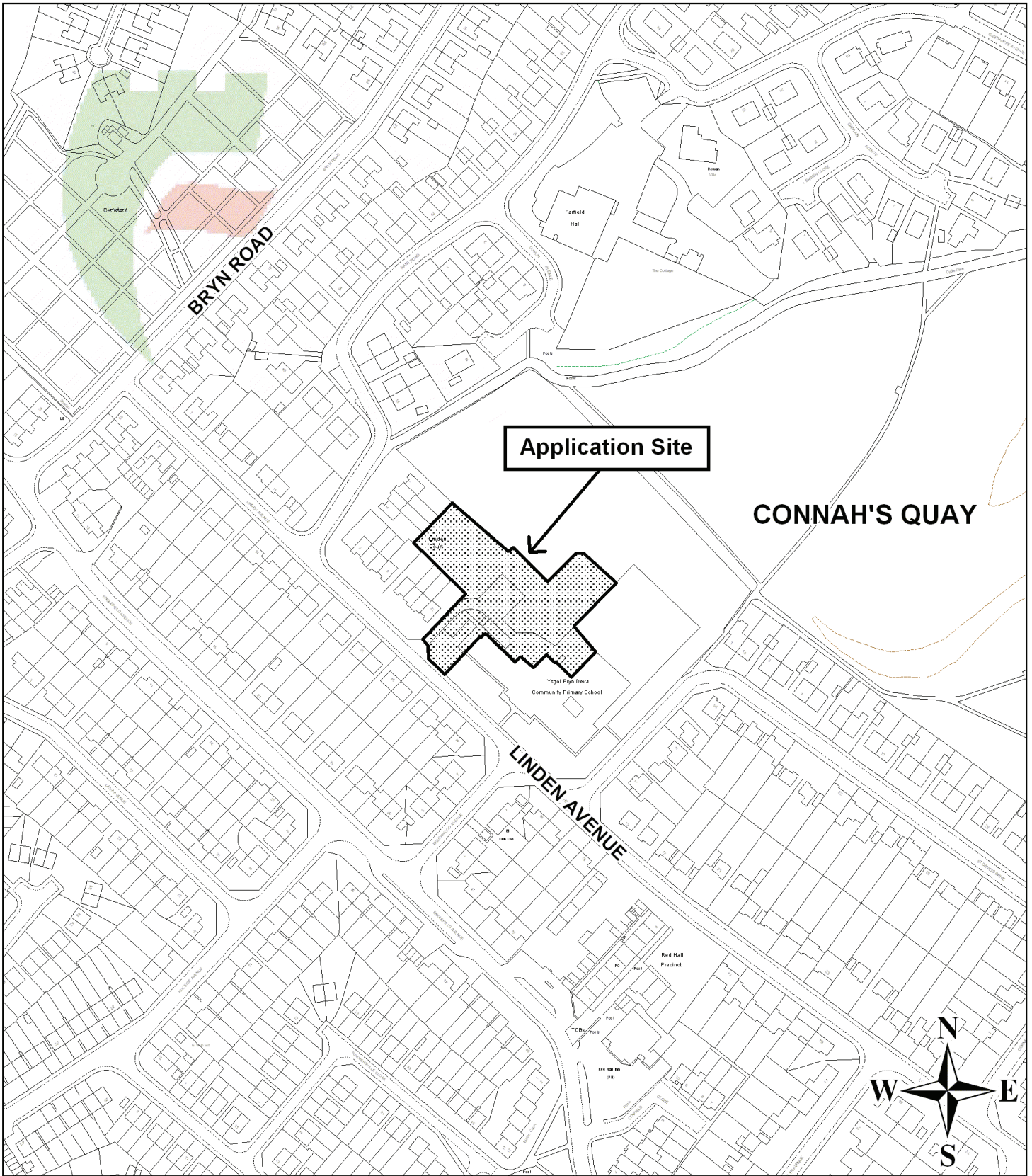
**8.00 CONCLUSION**

8.01 It is considered that the principle of the erection of a new modular building to provide 'Flying Start' services at Ysgol Bryn Deva, is acceptable in land use planning terms. Having regard to the scale/form of the proposed building, it is considered that this would be acceptable having regard to the character of the site and surroundings. Of fundamental importance in consideration of this application however, is ensuring that the privacy/amenity of occupiers of properties at Linden Court are safeguarded as part of the development. To this effect the proposal is accompanied by a comprehensive scheme of boundary treatment and landscaping which will help to screen the development from existing properties.

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

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

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:2500

OS Map ref SJ 2869

Planning Application 50870

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> SEPTEMBER 2013**

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

**SUBJECT:** **CHANGE OF USE FROM CHAPEL TO DWELLING AT BERA CHAPEL, FFORDD Y LLAN TREUDDYN**

**APPLICATION NUMBER:** **050729**

**APPLICANT:** **MR J WIGGINS**

**SITE:** **BEREA CHAPEL, FFORDD Y LLAN TREUDDYN**

**APPLICATION VALID DATE:** **30/04/13**

**LOCAL MEMBERS:** **COUNCILLOR C THOMAS**

**TOWN/COMMUNITY COUNCIL:** **TREUDDYN**

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

**SITE VISIT:** **YES TO SEE THE HIGHWAYS ISSUES ASSOCIATED WITH THE PROPOSED ACCESS**

### **1.00 SUMMARY**

- 1.01 This is a full planning application for the change of use of the former Berea Chapel to a dwelling. The main issues are the use of the building for residential use and creation of a new vehicular access on to the A5104 Corwen Road and the provision of parking facilities.
- 1.02 It is considered that residential reuse is appropriate and that an access with adequate parking facilities can be provided to meet with highways requirements.

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

- 2.01
1. Time commencement
  2. In accordance with plans
  3. Details of means of disposal of foul drainage
  4. Visibility splay of 2.4 x 80m to nearside channel
  5. Proposed access should be a minimum of 21m from the junction between Ffordd y Llan and the A5104
  6. Parking facilities to be provided and retained
  7. Details of levels and retaining structures to parking area
  8. Gradients of the access, parking and turning shall not exceed 1 in 12
  9. Details of solar panels
  10. Details of windows, include roof lights and external doors
  11. Details of boundary treatment and landscaping
  12. Traffic management plan

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

##### Councillor C Thomas

Requests committee determination and site visit due to concerns over highway issues associated with the proposed development.

##### Treuddyn Community Council

No objection to the change of use but the following observations need to be addressed;

1. The parking proposals for the property. The access is close to an already busy/dangerous junction and the scale of the plan does not seem accurate as the amount of room shown for parking appears to be much larger in front of the chapel door than is actually on the ground. Concern there is not sufficient room for a turning circle which would lead to reversing out onto the A5104.
2. The conversion is not in scale with the surrounding properties which immediately opposite are terraced.
3. Comment on inaccuracy in Design and Access Statement which states that neighbouring properties are generally large in size when they are in fact small to medium sized.
4. No historic features are retained.
5. Object to the scale and illusion of the application.

##### Head of Assets and Transportation

No objection subject to conditions;

- Visibility splay of 2.4 x 80m to nearside channel
- Proposed access should be a minimum of 21m from the junction between Ffordd y Llan and the A5104
- Parking facilities to be provided and retained
- Gradients of the access, parking and turning shall not exceed 1 in 12
- Submission of a traffic management plan



Head of Public Protection

No objection.

Welsh Water Dwr Cymru

No objection subject to standards conditions relating to foul and surface water run off.

**4.00 PUBLICITY**

4.01 Site Notice and Neighbour Notification

No representations received.

**5.00 SITE HISTORY**

5.01 None.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR4 – Housing

GEN1 – General Requirements for Development

GEN2 – Development Inside Settlement Boundaries

D1 – Design Quality, Location and Layout

D2 – Design

D3 – Landscaping

AC13 – Access and Traffic Impact

AC18 – Parking Provision and New Development

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

The proposal is in accordance with the above planning policies.

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a full planning application for the change of use of the former Berea Chapel to a dwelling and the creation of an access and parking and turning area.

7.02 Site Description

The chapel is located on the junction of the Corwen Road and Ffordd y Llan on the edge of the village of Treuddyn. The site includes sloping land to the north and west which includes a stream. The chapel faces Corwen Road with a pedestrian gate and wall along its boundary with Ffordd y Llan. The chapel is rendered with a slate roof and traditional large chapel windows. The chapel is built into the topography of the land so is double height at the rear on its northern elevation and has a cellar.

7.03 There are a mixture of different types of residential properties in the

vicinity of the application site along both Ffordd y Llan and the A5104. Swan's farm shop is opposite the application site on the other side of the A5104 and there is a garage is on the opposite side of Ffordd y Llan and further residential properties.

7.04 Proposed Development

It is proposed to convert the chapel into a single dwelling and excavate the half cellar to provide a full basement floor. The conversion provides four bedrooms and open plan living space over 3 floors. It is proposed to create 2 additional windows on the north western elevation and north eastern elevations to provide additional light into the basement level. It is also proposed to insert a number of roof lights and solar panels on the roof of the building. A new vehicular access is proposed to be created on to the A5104 and the land raised to create a parking and turning area. The application is accompanied by a Structural Survey, Ecological Survey and Highways report.

Issues

7.05 Principle of development

The application site is within the settlement boundary of Treuddyn within the Flintshire UDP. Treuddyn is a Category B settlement, where policy HSG3 permits the change of use of non residential buildings to dwellings provided that if it would cumulatively result in more than 15% growth since 2000 the development is justified on the grounds of housing need.

7.06 Treuddyn is in excess of its 15% threshold and therefore any additional housing would need to be justified on the grounds of housing need to meet with policy HSG3. The allocated site within the village, land at Ffordd y Rhos, was recently developed with a significant element of affordable housing and given that there is further provision of affordable housing within the village from existing stock there is insufficient affordable housing need to justify any additional residential development on this basis.

7.07 However it is considered there are other matters to consider in this case. As this proposal is for the conversion of a chapel to a dwelling, there are associated costs in terms of restoring and converting this building, particularly if it is done to a high standard which would make it unviable to provide any affordable measures. Also in the Inspector's report for the UDP, in her reasoning on HSG3, she stated that there could be exceptions whereby development could go beyond 15% and not be for local need. It was envisaged that this would be in cases where development needs to take place in a Category B rather than a Category A settlement and would involve the development of a brownfield site. It was implied that this would apply to larger villages where there are more services and facilities.

7.08 In this particular case the chapel is a prominent building on the A5104 at one of the entrances into the village. The building was built in 1861

and is of some local/architectural interest. It would therefore be beneficial to seek a new use rather than for the building to deteriorate further. Due to the highway constraints and limited land available for parking, it would be difficult to secure an appropriate economic reuse. It is therefore considered that a residential use is probably the best option for a reuse of the building. Perversely if the chapel was outside the settlement boundary, subject to it meeting the other tests of policy HSG7, there would not be a requirement to meet a local housing need.

- 7.09 A Structural Survey was undertaken by Mr. G P Hughes. The report concludes that the building is generally in reasonably good condition with no structural critically debilitating distortions in evidence. Some maintenance and essential repairs to guarantee the road embankment and building stability have commenced including underpinning of the side walls to facilitate use of the basement level. It is concluded that it is feasible to convert the building from a structural point of view and alterations can be undertaken without jeopardising the structural stability of the building provided that the recommended action is undertaken.
- 7.10 It is therefore considered that as the conversion would lead to the regeneration of a building in a key location in the village and due to the availability of local needs housing in the village and the viability issues associated with providing any affordable housing provision in a conversion scheme such as this, the principle of the change of use to residential use is acceptable.
- 7.11 Access and highways issues  
There is currently no vehicle access to the chapel, only a pedestrian gate on the corner of the junction with the A5104 and Ffordd y Llan. Any reuse of the chapel will require a vehicular access and parking and turning facilities. It is proposed to create a vehicular access on to the Corwen Road with parking and turning facilities, which makes provision for 3 cars. This involves raising the land within the site to create a plateau for parking and turning.
- 7.12 The application was accompanied by a highway report submitted by a qualified highway engineer and concludes that an access and parking and turning area can be provided to meet with highway safety requirements.
- 7.13 The Community Council and Local Member have raised concerns regarding the access and parking arrangements for the proposed use of the chapel as a dwelling.
- 7.14 The Head of Assets and Transportation has been in discussions with the applicants engineer in relation to the visibility requirements from the proposed access and creation of adequate parking and turning facilities. The previous use of the building as a chapel would have

generated significantly more vehicle movements and associated parking than the proposed residential use. The chapel also has the potential to be used for any use within the D1 Use Class, which includes traffic generating uses such as a day nursery, community centre or health centre. The application is therefore considered in this regard and that the proposed use as a dwelling would be a net highway gain opposed to other potential permitted uses.

- 7.15 The proposal involves the creation of an access 21m from the centre-line of the road junction. While this is generally resisted there is no technical highway guidance to state that this is not permissible. Also in the context of this site the only other alternative would be to provide an access from the junction radius in the vicinity of the existing pedestrian gate. This was initially considered by the applicant and although not desirable in highway terms would be difficult to resist due to its previous use. The currently proposed new access point, is the Highway Authority's preferred location and would provide inter-visibility between drivers waiting to turn right out of the junction and drivers exiting the application site.
- 7.16 The applicants have demonstrated to the Head of Assets and Transportation that the average speed on this stretch of road is 42.9mph. This correlates with data the Council holds. While it is understood there are concerns with proximity of the creation of an access in the vicinity of the junction, there are no recorded injury accidents since the 40mph speed restriction was imposed, consequently there is no empirical evidence to show that there is a safety issue with the junction as it stands. The applicants can provide an access with a visibility splay which provides adequate sightlines. A condition would be imposed to secure this sightline in perpetuity.
- 7.17 In terms of parking the applicant has also demonstrated that a parking and turning area to accommodate 3 cars can be provided to prevent any need for vehicles to reverse onto the highway. This requires some land raising within the site to achieve a level plateau, which will required retaining structures. Details of these structures can be conditioned. The number of parking spaces is in accordance with the Council's maximum parking standards for a 4 bedroom dwelling in accordance with Policy AC18 of the UDP.
- 7.18 Foul drainage  
Existing foul drainage on the site is connected to a tank on the adjacent land which belongs to United Utilities. The applicant proposes to use this tank or to locate a septic tank within the grounds of the chapel adjacent to the driveway. Details of this can be conditioned.
- 7.19 Proposed conversion  
It is considered that the details of the conversion scheme retain the historic features of the chapel with limited changes to its external

appearance. The proposed new windows are in keeping with the scale and design of the existing windows and the detailing can be conditioned. It is proposed to insert a number of roof lights and solar panels on the roof of the chapel. It is considered that these are acceptable and the details can be conditioned.

7.20 The Community Council have concerns that the conversion creates too large a property, as it has 4 bedrooms and the demands this would have on parking. The conversion utilises the basement of the chapel to maximise living space whilst retaining an open plan ceiling to floor height living space, preserving the character of the chapel. The Head of Assets and Transportation is satisfied with the level of parking provided.

7.21 Amenity space would be provided in the remainder of the land within the curtilage of the property to the east and north of the chapel.

Other issues

7.22 An Ecological Survey was submitted with the application and there was no presence of breeding birds and bats. It is recommended that precautionary measures should be taken during the conversion. These would be put as an informative on any grant of permission.

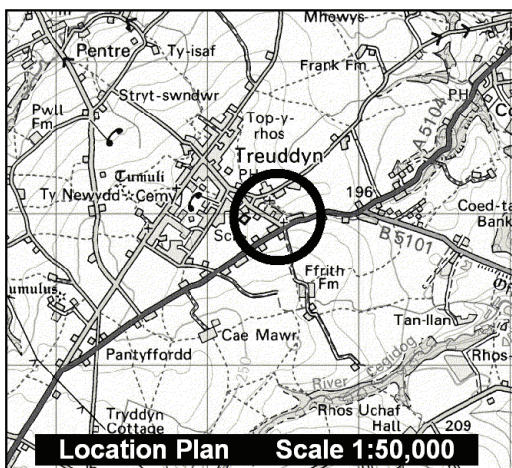
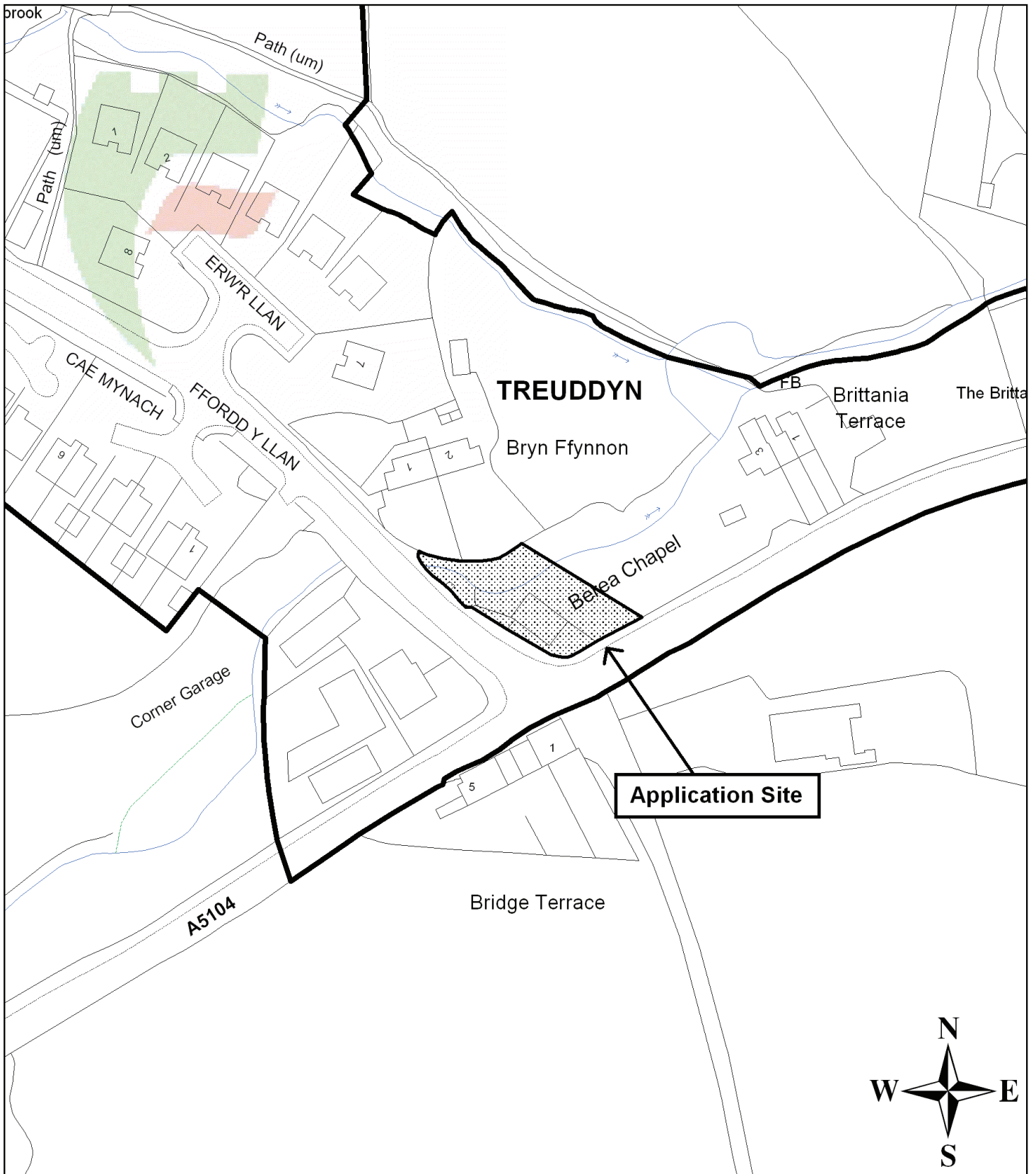
**8.00 CONCLUSION**

8.01 It is considered that the proposed conversion would regenerate a key site on the entrance to the village and would be a suitable reuse for this building of historical interest to the village. It is considered that the proposed access and parking arrangements are acceptable in terms of highway safety.

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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Planning Application **50729**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> SEPTEMBER 2013**

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

**SUBJECT:** **LANDSCAPING WORKS TO PRACTICE AREA AND ERECTION OF PRACTICE NETS (IN RETROSPECT) AT "OLD PADESWOOD GOLF CLUB", STATION LANE, PADESWOOD, MOLD.**

**APPLICATION NUMBER:** **050836**

**APPLICANT:** **OLD PADESWOOD GOLF CLUB**

**SITE:** **"OLD PADESWOOD GOLF CLUB", STATION LANE, PADESWOOD, MOLD, FLINTSHIRE**

**APPLICATION VALID DATE:** **30<sup>TH</sup> MAY 2013**

**LOCAL MEMBERS:** **COUNCILLOR R HUGHES**

**TOWN/COMMUNITY COUNCIL:** **LEESWOOD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **CLLR R HUGHES HAS REQUESTED THAT THE APPLICATION BE REFERRED TO THE COMMITTEE**

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

### **1.00 SUMMARY**

1.01 This application seeks planning permission for landscaping works (partly in retrospect), comprising a change in site levels, and the erection of practice nets at Old Padeswood Golf Club.

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

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

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

### **3.00 CONSULTATIONS**

#### 3.01 Local Member Councillor R. Hughes

Requests that the application is referred to Planning Committee and that a site visit is carried out for members to see the position of ex practice area which could have been positioned away from the adjoining property.

#### Leeswood Community Council

No observations.

#### Head of Public Protection

No adverse comments

#### Natural Resources Wales

No comments received at the time of writing this report.

### **4.00 PUBLICITY**

#### 4.01 Site Notice, Neighbour Notification

2no. local residents have objected to the proposal on the following grounds and 2no. DVDs of the practice area in use have been submitted :

- Unacceptable levels of noise
- Highway safety concerns if they use the entrance on the bend to gain access to the practice nets
- The practice nets are unattractive and over dominate within a countryside setting
- Golf balls could hit neighbouring houses, etc.
- There are more suitable locations for a practice area
- The unauthorised works have resulted in a change in the intensity and proximity of the use of golfing activity
- The raised levels has resulted in golfers being more visible and their proximity more intrusive
- Golfers can now overlook the neighbouring property's private amenity space
- The golf club did not consult the neighbours prior to carrying out the work

### **5.00 SITE HISTORY**

#### 5.01 No relevant planning history

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
STR1 – New Development  
STR11 – Sport, Leisure and Recreation  
GEN1 – General Requirements for Development  
GEN3 – Development in the Open Countryside  
SR3 – Golf Facilities

The proposed development complies with the above policies.

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

This application seeks planning permission for landscaping works (retrospective) and the installation of practice nets on an area of the existing golf club which was previously used as an informal practice area. The works which are the subject of this application include the creation of an earth mound, approximately 1m in height, and the installation of practice nets measuring 6m wide by 3m deep and 3m in height.

- 7.02 The application site is adjacent to Hawthorn Cottage.

### 7.03 Principle of Development

The site is located within the open countryside as defined in the Flintshire Unitary Development Plan (FUDP). The application site forms part of Old Padeswood Golf Club and has always been used as a practice area, albeit less frequently than at present.

- 7.04 Given that the site forms part of an authorised site, its ancillary use as a practice area associated with the golf club does not require planning permission. Only the operational works of changing the site levels through the importation of material and the erection of practice nets is to be considered under this application and not the use of the land.

### 7.05 Impact on Visual Amenity

The works which have been undertaken are in keeping with the character of the area. The site is generally only seen from within the golf club site.

- 7.06 The proposed practice nets will replace previous nets which were located in the practice area.

- 7.07 A key policy to be considered in the determination of this application is policy S3 of the FUDP which allows for the development of new associated facilities subject to a variety of criteria including that the development reflects the landscape and character of its surroundings. The proposal is considered to comply with this policy.

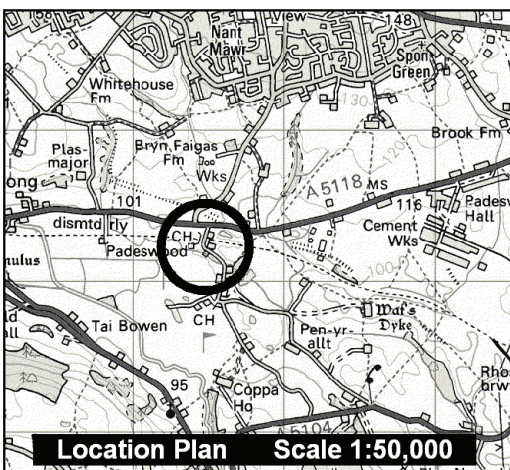
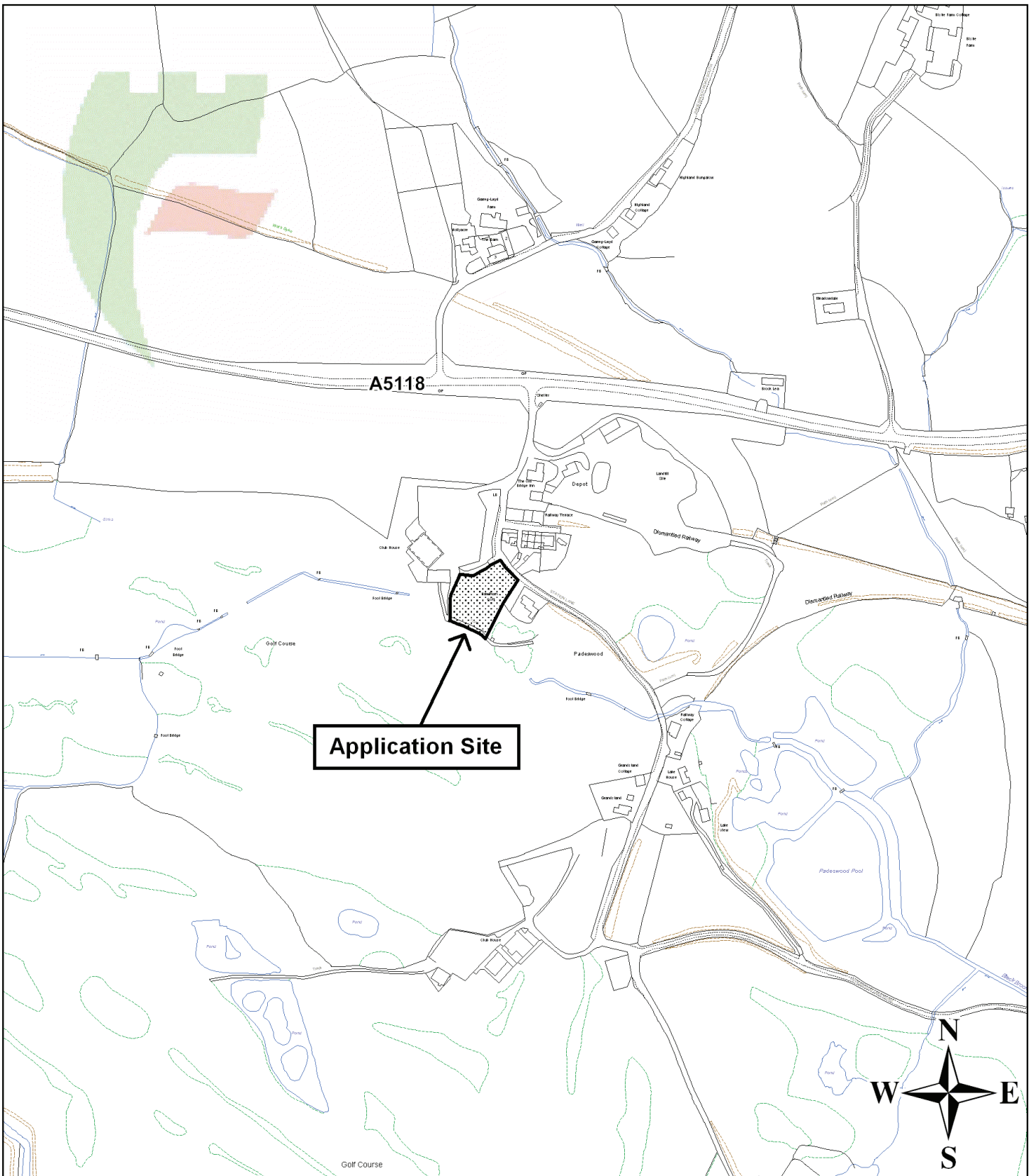
- 7.08 Impact upon Neighbouring Amenity  
The site lies adjacent to the neighbouring residential property, Hawthorn Cottage. Objections have been received concerning the impact the use of the practice area has on the amenities of neighbouring residential properties.
- 7.09 Objections have been raised to the level of noise generated by the users of the practice area; the possible increase in traffic generated and damage caused by stray golf balls. However, given that a change of use of the land has not the Council has no control over the use of the land as a practice area.
- 7.10 The creation of the earth mound allows people using the area to be more visible from the view from neighbouring properties, most notably, Hawthorn Cottage. The mound is approximately 15m distance from the timber fence boundary with Hawthorn Cottage. Whilst the users of the site are now more visually prominent when they stand on the mound, it is considered that they do not unacceptably harm the residential amenities of the occupants of Hawthorn Cottage.
- 7.11 Concerns have been raised over the use of an existing gate on the bend in Station Lane to access the practice nets. There is no indication that this access will be utilised as there is a much better access and car parking available at the main entrance to the golf club.
- 7.12 In terms of potential damage caused by golf balls, the application site has always been used as a practice area and whilst the works which are the subject of this application have encouraged more people to use the practice area the Council have no control over the amount of people using the area providing it is ancillary to the use of the overall site as a golf club. Notwithstanding this, the practice area has been set out so that it discourages people from hitting balls in the general direction of Hawthorn Cottage.
- 7.13 Whilst there might have been more suitable locations within the golf club site for a practice area, only the current site is considered in this application.

## **8.00 CONCLUSION**

- 8.01 The proposal is considered to be compliant with the relevant policies of the FUDP. It is not considered to have any detrimental harm on the character of the open countryside location nor on the amenities of the neighbouring properties.
- 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:** ALEX WALKER  
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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 50836

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> SEPTEMBER 2013**

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

**SUBJECT:** **FULL APPLICATION – CHANGE OF USE FROM A1 – A3 (CHINESE TAKEAWAY) AT 12 HIGH STREET, HOLYWELL.**

**APPLICATION NUMBER:** **050976**

**APPLICANT:** **MR W CHAN**

**APPLICATION VALID DATE:** **3 JULY 2013**

**LOCAL MEMBERS:** **COUNCILLOR P.J. CURTIS**

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

**REASON FOR COMMITTEE:** **CLLR P CURTIS REQUESTS REFERRAL OF THE APPLICATION TO PLANNING COMMITTEE, AS HE BELIEVES THAT THERE IS NO NEED FOR YET ANOTHER FAST FOOD OUTLET IN THE HIGH STREET. SO MANY FAST FOOD OUTLETS ARE NOT SUSTAINABLE.**

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

### **1.00 SUMMARY**

- 1.01 This application seeks permission for a change of use of a retail unit (A1) to a fast food takeaway (A3). The shop unit is situated within the Core Retail Area of the Holywell town centre.
- 1.02 The application is supported by documentation with regards to the marketing of the property for an A1 use for a period of over twelve months, offering the property for sale/let in an A1 use, to no avail, as such the proposal is compliant with Policy S7 of the Flintshire Unitary Development Plan.

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

- 2.01
1. Time limit on commencement of development
  2. In accordance with approved plans
  3. Installation of the flue and extraction system
  4. Details of the proposed shop frontage and hand painted signage to be approved.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor P J Curtis

Requests referral of the application to Planning Committee as he considers that there is no need for yet another fast food takeaway and as there are so many outlets in Holywell, they are unsustainable.

Holywell Town Council

Objects on the following grounds;

The High street currently needs more diversity rather than a duplication of this type of business, as a means to reverse the decline in the town centre and facilitate its regeneration.

Pollution Control

Confirm that they have no objection to the proposed change of use, provided that the equipment for the flue and extraction system is installed and maintained in accordance with the manufactures instructions submitted in support of the application.

Economic Regeneration

No response received at time of writing.

Transportation and Assets

Confirm that they raise no objection to the proposal and confirm that they do not intend to make a recommendation on highway grounds.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

**5.00 SITE HISTORY**

- 5.01 **050565** Change of Use from A1 to A3 Chinese takeaway Withdrawn  
05.06. 13  
05/39284 Refurbish existing windows, frontage and canopy  
**05/39283** Change of Use from office to residential  
**96/962** Change of Use of Existing Accommodation Permit 21.05.97

**0359/83** Demolition of the out buildings extension and new shop front  
Permit 27.07.83

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
GEN1 - General Requirements for Development  
HE1 - Development Affecting Conservation Areas  
S7 - Shop Frontages within Town Centre Core Retail Areas  
S8 - Hot Food Takeaways, Restaurants and Cafes

## **PLANNING APPRAISAL**

### **7.01 The Application Site**

The application site lies within the designated Core Retail Area (CRA) of Holywell town centre and is also within the Holywell Conservation area.

Whilst it is proposed that there would be limited external changes to the premises, the proposal does lead to a change of use from the former retail use (butchers shop A1) to a fast food takeaway (A3) and subsequently, this would lead to a loss of a retail unit within the CRA, however as the applicant has proved the marketing of the property for a retail use either for sale or let for the required 12 month period, the proposal is compliant with Policy S7 (d).

### **7.02 Conservation Area**

As the application lies within the designated Conservation Area the applicant has forwarded details of the proposed flue and extractor system, these have been assessed and no objection is raised with regards to these details as they are not considered to adversely impact upon the character of the Conservation Area. It is requested that prior to commencement of the use details of the shop front and sign shall be approved by the local planning authority and the shop sign shall be hand painted on to the existing timber fascia. The proposal uses an existing unit to which there are minimal external changes proposed as such the proposal is compliant with policy HE1.

### **7.03 Application**

The application has been supported by evidence of the marketing of the site for a retail use, either for sale or let as a going concern for a period of 12 months, unfortunately to no avail, as such the proposal is compliant with Policy S7 (d).

In view of the current national and local economic climate presently being experienced by Holywell town centre, like many other Town centres facing a decline in retail activity, the use of the unit for a takeaway is considered to be appropriate.

7.04 **Economic Competition**

Whilst the duplication of the use of the unit as another takeaway is noted, as are the concerns with regards to sustainability with regards to patronage of the unit, economic competition between similar businesses is not a material planning consideration and is a consideration out side the remit of planning .

I am of the opinion that the use of the unit for a takeaway will retain commercial activity in the High Street, and will fill a presently vacant unit.

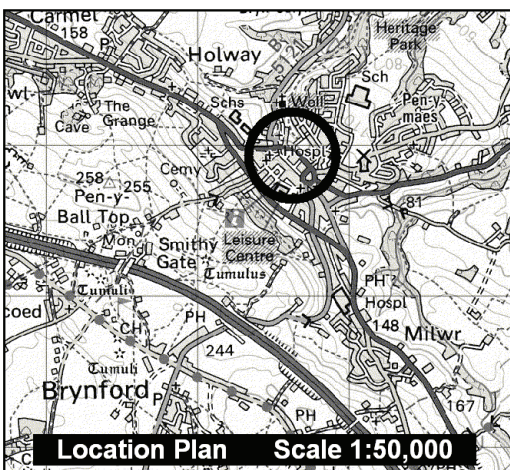
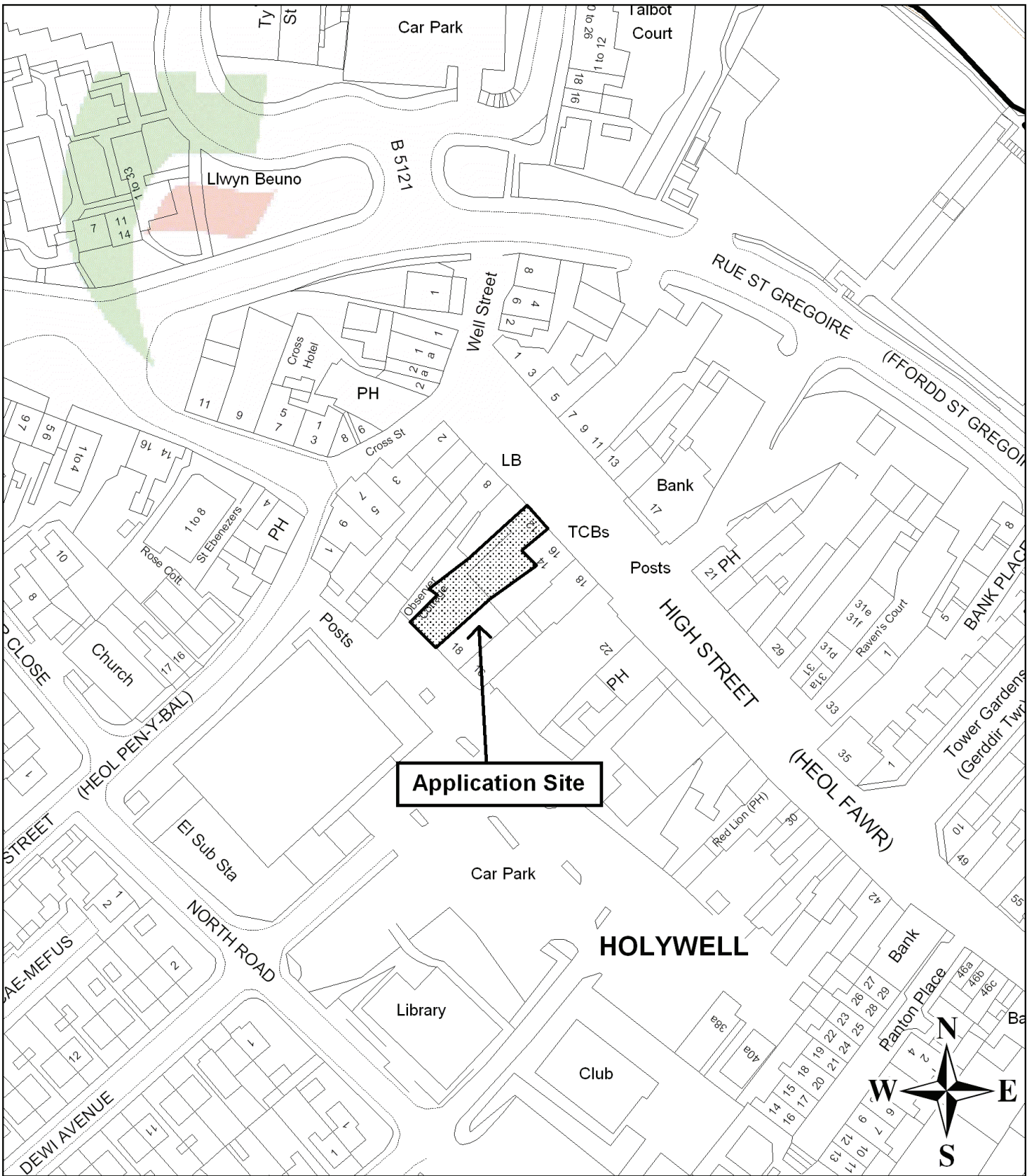
As a result of this change of use this will enable the remaining businesses to benefit from increased public presence and foot fall within the high street.

8.00 **CONCLUSION**

8.01 The proposed change of use is compliant with Policies S7 and HE1, as such I am of the opinion that the use of the unit for a takeaway will add to the vibrancy of the high street and footfall within the town centre. In addition it will support the wider policies relating to the town centre, adding to the vibrancy of the Holywell conservation area, further safeguarding this important area.

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

**Contact Officer:** Barbara Kinnear  
**Telephone:** (01352) 703260  
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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 50976

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> SEPTEMBER 2013**

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

**SUBJECT:** **OUTLINE APPLICATION – ERECTION OF A SINGLE STOREY BUNGALOW AT LAND REAR OF NOS. 8 & 6 WEPRE LANE, CONNAH’S QUAY**

**APPLICATION NUMBER:** **050647**

**APPLICANT:** **MR JAMES WATSON**

**SITE:** **LAND REAR OF NOS. 8 AND 6 WEPRE LANE, CONNAH'S QUAY, DEESIDE, CH5 4JS**

**APPLICATION VALID DATE:** **24<sup>TH</sup> MAY 2013**

**LOCAL MEMBERS:** **Cllr. Ian Dunbar**  
**Cllr. Ian Smith**

**TOWN/COMMUNITY COUNCIL:** **Connah’s Quay Town Council**

**REASON FOR COMMITTEE:** **Local Member request** – Potential overlooking, loss of light and tandem development

**SITE VISIT:** **YES** – Reasons as above

### **1.00 SUMMARY**

1.01 This application seeks outline planning permission for the erection of a single storey bungalow with the access off Woodbank Road on land to the rear of Nos. 8 and 6 Wepre Lane, Connah’s Quay, Deeside. Flintshire.

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

2.01 Conditions

1. Details of the access, appearance, landscaping, layout, and scale, the reserved matters) to be submitted and approved
2. Time limit on submission/commencement
3. Dwelling to be single storey
4. Foul water and surface water discharges shall be drained separately from the site.
5. No surface water to the public sewerage system.
6. No land drainage into the public sewerage system.
7. Details of existing and proposed site levels and finished floor levels to be approved
8. Details of the means of access to the site to be approved
9. Visibility at access
10. Parking facilities for existing and proposed dwellings
11. Code for Sustainable Homes Level 3 to be achieved
12. Design stage assessment to be submitted
13. Dwelling not occupied until "Post Construction Stage" assessment submitted and approved.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member:

##### Councillor I Dunbar

Requests committee determination in view of potential impact on nearby dwellings and neighbour concerns over overlooking, loss of light and tandem development. Site visit to examine these factors

##### Councillor I Smith

No response at time of writing report.

##### Connah's Quay Town Council

No objection subject to local member being satisfied over points of concern (See above)

##### Head of Public Protection

No adverse comments to make.

##### Head of Assets and Transportation

Recommends conditions

##### Natural Resources Wales

No objection in principle but would object to proposal unless additional information can show it would not have adverse effects on natural heritage interest of the site and its environs. FCC to do a Habitats Regulations Assessment before deciding to approve the application.

##### FCC Ecology

Recommends an informative to be added to any consent in relation to protected species.

##### FCC Policy



No comments to make.

Dwr Cymru/Welsh Water

Recommends conditions and advisory notes.

Coal Authority

Informative area standard advice applies.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification  
Neighbours

Letters sent to objections received. Objections on the following points:

- Natural light will be blocked Building works have already taken place i.e. Garage demolished. Boundary walls erected over 1m up to highway. Site is like a builder's yard, the garden has been separated from the proposal site. A new access and parking has been made with no dropped kerb.
- No mention of services like telephones, gas water, sewer. Access opposite bus stop could be a problem. Query tandem development and overlooking of existing properties

**5.00 SITE HISTORY**

5.01 045455

Construction of bedroom in roof with dormer to rear – permitted – 20/10/08.

046238

Erection of 1 No. three bedroom dwelling and relocation of existing parking bay to No.6 - Refused 01/07/09.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

HSG3 - Housing on Unallocated Sites Within Settlement Boundaries

AC18 - Parking Provision and New Development.

**7.00 PLANNING APPRAISAL**

7.01 Site Description & Development

The site is located within the settlement boundary of Connah's Quay as defined in the Flintshire Unitary Development Plan. The site contains the former hard standing to that garage of No.6 Wepre lane that has been demolished and the existing permitted access to the site. No. 6 Wepre Lane is a corner plot and the access is to the site is

directly from Woodbank Road.

- 7.02 In relation to the existing residential properties in the area they are mainly single storey with some having dormer or roof light. The application is in outline with all matters reserved. The applicant has however, submitted indicative elevations plan and block plan that supports the fact that a dwelling could be accommodated within the now enlarged site.
- 7.03 The site is fairly flat in all directions with direct access to Woodbank Road from the existing access point. The property to the north being 1 Woodbank Road is approx 0.5 of a metres higher than the application site boundaries to the north is a close boarded wooden fence and part hedge, to the west is a concrete post and wood panel fence, to the south with No. 6 Wepre lane open garden and beyond that a breeze block dwarf wall and wooden fence. To the east there is a brick/rendered dwarf wall with wooden fence to Woodbank Road. This wall and fence does not have the benefit of planning permission and would be conditioned to be removed lowered to no more than 1m in providing visibility from the site will address this point.
- 7.04 The principle of residential development upon this site is acceptable in policy terms as Connah's Quay is a category A settlement wherein policy HSG3 has no growth ceilings or thresholds in terms of local need.
- 7.05 The application has been submitted together with an assessment of the compatibility of the proposals with Code 3 of the Code for Sustainable Homes, reflecting the change in national planning policy requirements in this regard. I therefore propose to impose conditions requiring the submission of interim and final conformity certificates.
- 7.06 Whilst comments have been received from a third party raising concerns with the application, these comments relate to matter of detail, none of which are formally presented as part of this application, it being an application with all matter reserved for future consideration. Other issues raised in relation to works that would appear to have taken place without the benefit of planning permission will be forwarded to the department's enforcement and compliance team for their consideration.
- 7.07 Highways have recommended conditions and this will address some of the potential planning breaches.

## **8.00 CONCLUSION**

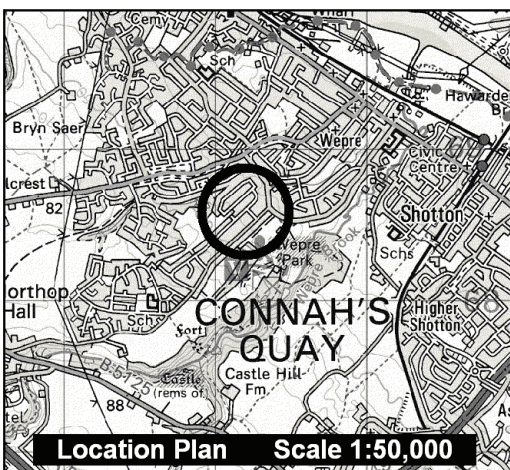
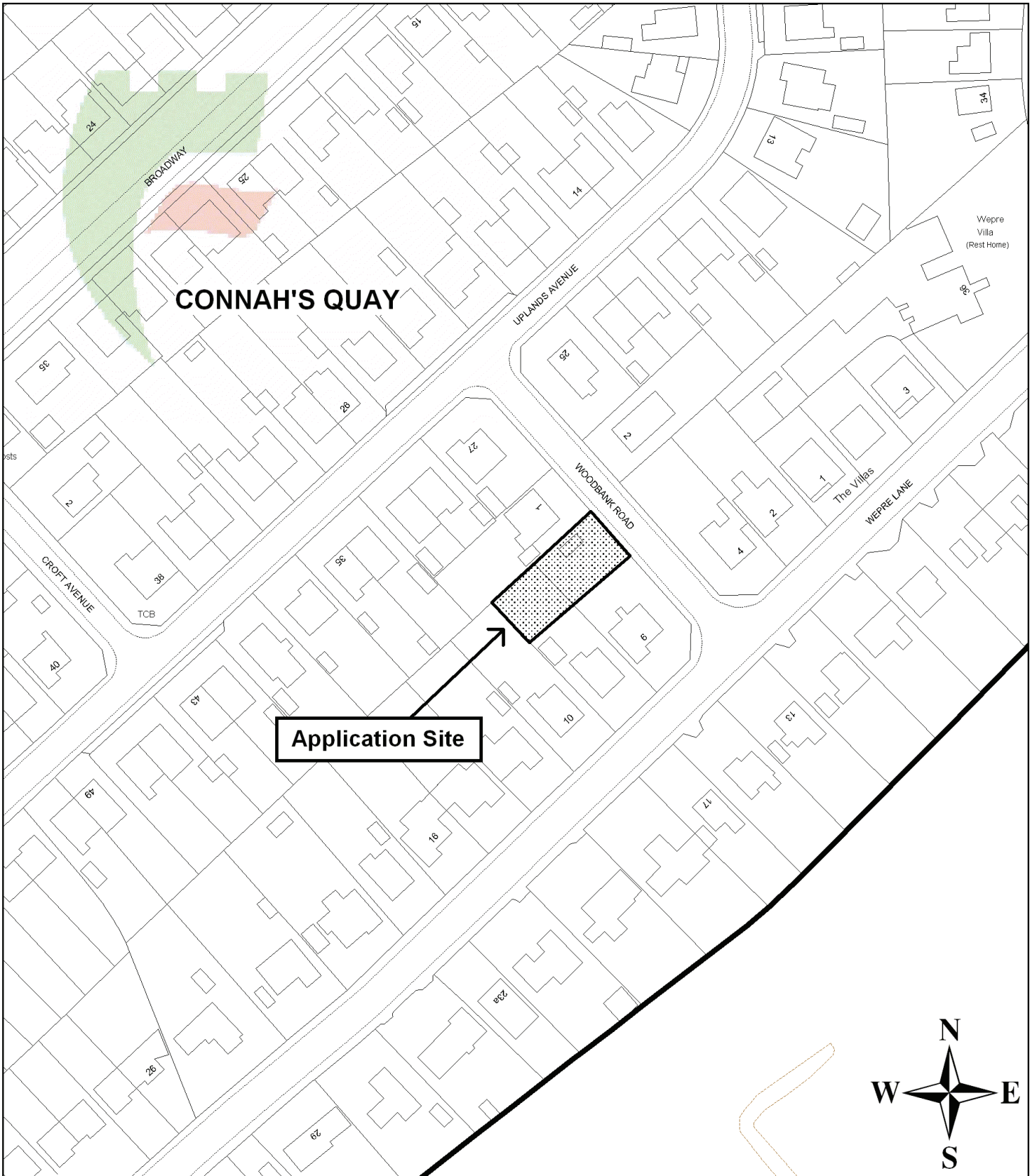
- 8.01 All issues have been considered and addressed. The proposal as submitted is considered acceptable in matters of both principle and detail. In general terms the proposal as submitted complies with the relevant development plan policies and is therefore recommended

that it is given conditional consent.

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

**Contact Officer:** Kathryn Y. Taylor  
**Telephone:** (01352) 703274  
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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 2968

Planning Application **50647**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 4 SEPTEMBER 2013**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF AN ANEMOMETER MAST (UP TO 80M) FOR THE TEMPORARY PERIOD OF THREE YEARS AT LAND AT FFRITH Y GARREGWEN, CAERWYS.**

**APPLICATION NUMBER:** **050880**

**APPLICANT:** **FLINTSHIRE WIND ENERGY LTD**

**SITE:** **LAND AT FFRITH Y GARREGWEN, CAERWYS**

**APPLICATION VALID DATE:** **6<sup>TH</sup> JUNE 2013**

**LOCAL MEMBERS:** **COUNCILLOR J.E. FALSHAW**

**TOWN/COMMUNITY COUNCIL:** **CAERWYS TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SIZE AND SCALE OF DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This is a full application for the erection of a 80 m high anemometer mast for the temporary period of 3 years at Ffrith y Garreg Wen, Caerwys. The purpose of the mast is to measure and monitor wind speed and direction for the purposes of assessing the suitability of the site for a proposed wind farm and to assist in the effective design of any subsequent wind farm. The main issues to consider within the determination of this application are the principle of the development in planning policy terms, the highway implications, the effects upon the visual appearance and character of the landscape together with the effects upon the nearby Scheduled Ancient Monument of Ffrith y Garregwen Round Barrow and the effects upon badgers.

- 1.2 Due to the height, nature and location of the proposed mast it is considered to have a detrimental impact upon both the visual appearance of the landscape including the AONB beyond and the setting of the nearby Scheduled Ancient Monument of Ffrith y Garreg Wen Round Barrow.

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

- 2.01
1. It is considered that due to the height, nature and location of the proposal it will have a detrimental impact upon the landscape character of the area including the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty and thereby contrary to Policies STR1, STR7, GEN1, GEN3, L1 and L2 of the Adopted Flintshire Unitary Development Plan.
  2. It is considered that due to the height, nature and location of the proposal it will have a detrimental impact upon the setting of the Scheduled Ancient Monument of Ffrith y Garreg-Wen Round Barrow and thereby contrary to Policy HE6 of the Adopted Flintshire Unitary Development Plan.

**3.00 CONSULTATIONS**

- 3.01 Local Member  
Councillor J.E. Falshaw  
No response received to date.

Caerwys Town Council  
Objects on the following grounds:-

- Mast will be visible over an extensive area (several kilometres in a westerly direction).
- Visual impact upon this location which is on a gateway to Wales' most successful tourist areas.
- Will not enhance character or appearance of the open countryside.
- Due to height and design of the mast, will adversely impact upon the AONB and Offa's Dyke Path. More damage to tourism.
- Not connected with a small scale rural enterprise.
- Adverse impact upon residential amenity.
- Could become a permanent feature of any proposed wind farm



development.

Head of Assets and Transportation

Based on information provided confirms do not raise any objection to the proposal and do not intend to make a recommendation on highway grounds.

Head of Public Protection

No response received to date.

Clwydian Range & Dee Valley ANOB-JAC

Serious concerns. These being:-

- Introduction of a very large utilitarian structure in a prominent and open site location will introduce a discordant and alien feature which will have a harmful effect on the setting of the AONB.
- The proposal could form part of any subsequent larger application for three 100 m high wind turbines in this area which is at EIA scoping stage.

Liverpool John Lennon Airport

No objection. Acceptance not taken as acceptance of a wind farm development at this location.

Defence Infrastructure Organisation

Site outside of MOD Statutory Safeguarding Area. No safeguarding objections to the proposal. Requests structure fitted with aviation warning lighting, fitted with a minimum intensity 25 candela Omni directional red light or equivalent infra-red light at highest practicable point of structure.

D10-Safeguarding (Wind Energy)

No response received to date.

Civic Aviation Authority (Safety Regulation Group) (Non-Wind Turbines)

No response received.

Denbighshire County Council

No objection for a temporary period of 3 years.

Natural Resources Wales

Standard advice applies.

CADW

No response received to date.

Clwyd-Powys Archaeological Trust

No direct impact on any recorded archaeological sites. Mast lies within 150 m of SAM F1110 – Ffordd y Garreg Wen Barrow and CADW should be contacted with regard to any visual impact upon the setting of this monument and others in wider area.

RSPB

No response received to date.

BHP Petroleum Ltd

No response received.

Clwyd Badger Group

Object. Active badger sett to the south of the site. Equipment, track etc will cause a great deal of disruption to badgers and other wildlife on site.

Airbus

No response received to date.

Ramblers

Object to proposal on grounds that we would object to any subsequent application for wind turbines on this exposed site where industrial development of this nature would harm the landscape and would be visible from the AONB to the south and Wirral to the north east.

**4.00 PUBLICITY**

4.01 Site Notice, Neighbour Notification

7 letters of objection received. The grounds of objection being:-

- Proposal is the precursor of a wind farm proposal.
- Claims that such a wind turbine saves on carbon dioxide output are not demonstrable when examined on the basis of a complete scheme including back up.
- Allowing proposal would lead to the industrialisation of land leading into the AONB. Encourage other parties to resubmit applications for planning previously refused.
- Impact upon residential amenity.
- Provide physical and visual interference for pilots flying “light aircraft”.
- Field is prone to flooding.
- Considerable population of skylarks, curlews, buzzards, hares and swallows.

- Future erection of wind turbines would increase the risk of collisions to model aircraft.
- Detrimental impact upon the AONB.
- Contrary to UDP planning policies.
- No positive benefits for the people of Flintshire.
- Detrimental impact upon people's sleep and mental health.
- Not connected with any small scale rural enterprise or forms part of small scale diversification scheme. First phase of industrialisation of undeveloped countryside that forms no part of any designated development zone.
- No indication that guidelines of CAA's document, CAP 754-CAA Policy and Guidelines on Wind Turbines (as amended) have been followed.

## **5.00 SITE HISTORY**

5.01 **34132** – Siting of a shelter – Granted 3<sup>rd</sup> September 2002.

**96/15/472** – Certificate of Lawfulness – Granted 15<sup>th</sup> October 1997.

**651/86** – Continuation of use as gliding club – Withdrawn 22<sup>nd</sup> December 1986.

### **Adjoining Site – West**

**42657** – A55 Service Facility – Refused 11<sup>th</sup> February 2009.

### **Adjoining Site – South West**

**49042** – Outline – Secure truck parking facility with ancillary development – Refused 16<sup>th</sup> March 2012 & Dismissed on Appeal 1<sup>st</sup> March 2013.

**47840** – Outline – Secure truck parking facility with ancillary development – Withdrawn 10<sup>th</sup> May 2011.

**43612** – Outline – Secure truck parking facility with ancillary & complementary development – Refused 11<sup>th</sup> February 2009.

### **Adjoining Site – South**

**050077** – Erection of a wind turbine with a 55.6m hub, a 24m blade, giving an overall ground to blade tip height of 79.6m and two metering units – Current.

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy STR1 – New Development.  
Policy STR7 – Natural Environment.  
Policy GEN1 – General Requirements for Development.  
Policy GEN3 – Development in the Open Countryside.  
Policy D1 – Design Quality, Location & Layout.  
Policy D2 – Design.  
Policy L1 – Landscape Character.  
Policy L2 – Area of Outstanding Natural Beauty.  
Policy WB1 – Species Protection.  
Policy HE6 – Scheduled Ancient Monuments & Other Nationally Important Archaeological Sites.  
Policy AC13 – Access & Traffic Impact.  
Policy MIN8 – Protection of Mineral Interests.  
Policy EWP1 – Sustainable Energy Generation.  
Policy EWP4 – Wind Turbine Development.

National

Planning Policy Wales Edition 5 (November 2012).

Technical Advice Note 5 Nature Conservation & Planning (2009).

The proposal is considered acceptable in principle in planning policy terms. The details of the proposal need to be considered.

**7.00 PLANNING APPRAISAL**

7.01 Site Description & Proposals

The site comprises part of a field used for the grazing of sheep located approximately 600 m to the east of Junction 31 of the A55 (T) and approximately 140 m to the south of the A55 (T). It is also on the eastern side of the B5122 which leads to the town of Caerwys, some 2.5 km to the south west of the site. It enjoys an elevated position, with the land sloping upwards from west to east and from south to north. To its south, east and west, the site is surrounded by other agricultural land.

7.02 The proposal involves the erection of an anemometer mast, 80 m in height for a temporary period of three years. The wind recording apparatus, including anemometers, wind vanes and temperature/humidity gauges are sited between 10 and 80 metres along the mast which is of a tubular construction and supported by steel guy wires which are anchored into the ground and which extend to a radius of approximately 40 m. The external diameter of the anemometry mast tapers slightly, being approximately 150 mm at the top and 270 mm at the base. The steel guy ropes which hold the structure in place are 6 mm in diameter.

7.03 As part of the assessment into the suitability of the site for wind farm development, the applicant's agent are undertaking several studies to

determine both the suitability of the site for wind energy and the environmental impact of any proposed development. One such study that is necessary in this process is the determination of the wind resource of a site and it is for this reason that an anemometer is required for this site.

7.04 Issues

The main issues to consider within the determination of this planning application are the principle of the development in planning policy terms, the highway implications, the effects upon the visual appearance and character of the area together with the effects upon the nearby Scheduled Ancient Monuments and the effects upon badgers.

7.05 Principle of Development

The site is located within open countryside. As such both Policies STR1 and GEN3 of the Flintshire Unitary Development Plan apply. Both policies allow development which is appropriate to the open countryside and where it is essential to have an open countryside location rather than being sited elsewhere.

7.06 Due to the nature of this development, it is argued that it is essential to have an open countryside location and therefore accords in principle to both policies STR1 and GEN3 of the Flintshire Unitary Development Plan. What needs to be considered are the actual details of the proposals.

7.07 Visual Appearance & Character of Area

The site enjoys an elevated position and is located approximately 140 m on the southern side of the A55 (T) and 600 m eastwards of Junction 31. It is also located on the eastern side of the B5122 which leads to the town of Caerwys and approximately 200 m north of Footpath 11 – Caerwys. Given the above, it therefore enjoys a prominent position.

7.08 It is located also in a rural area, where the agricultural landscape is characterised by gently undulating countryside with an open character that in the immediate area is largely devoid of hedgerows and trees. The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty lies approximately 4,728 m, 3,620 m and 4,471 m to the west, south west, and south of the site respectively.

7.09 The proposal will be 80 m in height and be a structure that is not a feature unusually found in the countryside.

7.10 Due to the proposal's height, elevated site, proximity to the A55 (T), B5122 public footpaths and the open nature of this part of the landscape, it is considered, it will be viewed from a number of public viewpoints.

7.11 Given the above, it is considered that the impact of the proposal on the landscape character of the area and indeed parts of the nearby Clwydian Range and Dee Valley Area of Outstanding Natural Beauty would be high and totally out of keeping. It would be visually detrimental to these areas and result in an unacceptable form of development into the open countryside including parts of the Area of Outstanding Natural Beauty beyond.

7.12 Highway Implications

The Highways Department now finds both the route and method of transportation for the component parts of the mast to be acceptable and thus will not have a detrimental impact upon both highway and pedestrian safety.

7.13 Impact Upon Scheduled Ancient Monument

The Scheduled Ancient Monument of Ffrith y Garreg-Wen Round Barrow lies approximately 100 m to the north of the proposal. The Monument enjoys an elevated position and is a turf covered mound. It has extensive views over the shallow bowl-shaped valley to the south and west.

7.14 Whilst the proposals will not physically affect the monument, it is considered that due to their proximity to it and that it will both be seen from the adjacent public footpath and roads, it will detrimentally affect the setting of the existing mound.

7.15 Wildlife Implications

Clwyd Badger Group raise an objection to the installation of the anemometry mast due to the presence of a badger sett to the south of the proposed mast location. From extensive surveys undertaken in the past together with a recent site visit, the records from the Applicant's Agent show that there is no badger sett on the site to the south of the proposed met mast location. Their records show that the nearest sett is outside of the site boundary to the south of the site and over 700 m from the proposed met mast location.

7.16 Given the above, it is considered that any disturbance associated with erecting the met mast is unlikely to directly affect this sett and furthermore the work would result in only a very small loss of foraging habitat with significant alternative habitat available in the immediate surroundings.

**8.00 CONCLUSION**

8.01 It is considered that for the above reasons, the proposal will have a detrimental impact upon the visual appearance and character of the landscape including the AONB together with the setting of the nearby Scheduled Ancient Monument. The need to increase renewable energy sources in the local area and nationally by the assumed end development (wind turbines) of helping to reduce carbon emissions

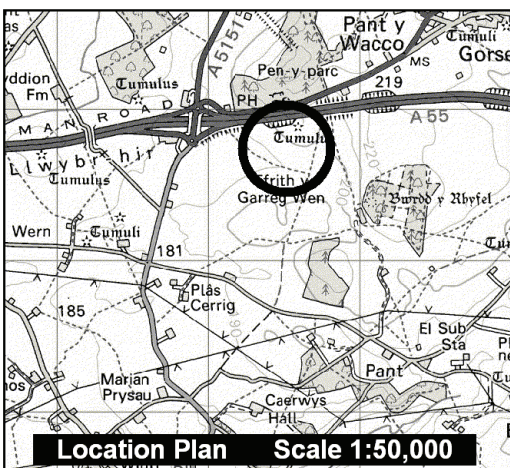
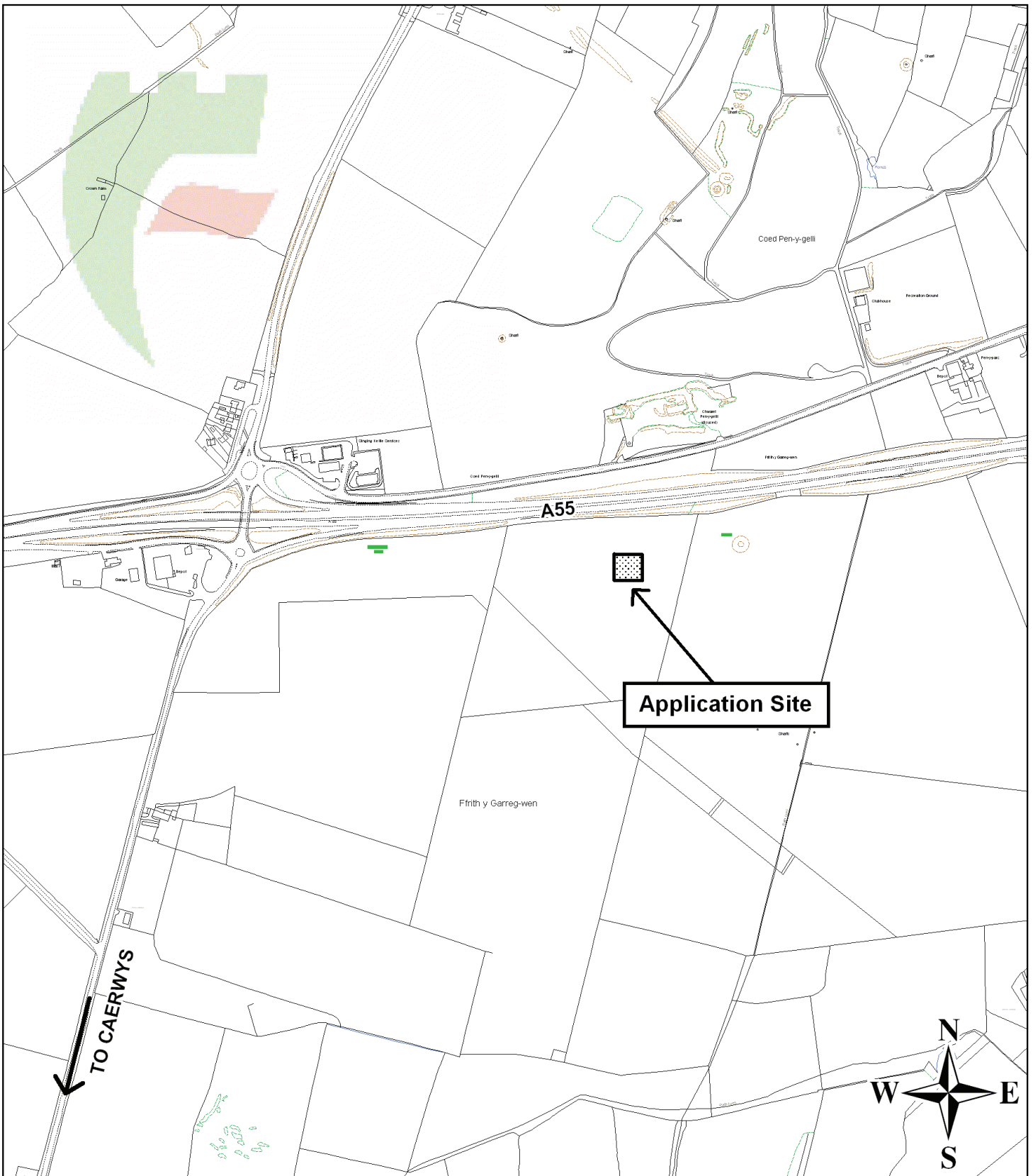
and to provide energy, it is considered, does not outweigh the harm of this development will have upon the landscape including the AONB beyond or Scheduled Ancient Monument.

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

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

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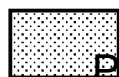


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application 50880

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>th</sup> SEPTEMBER 2013**

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

**SUBJECT:** **ERECTION OF A DETACHED SINGLE GARAGE AT TY GWYN, 2 PADDOCKS WAY, GWERNYMYNYDD**

**APPLICATION NUMBER:** **051047**

**APPLICANT:** **MR & MRS D & J FRANCIS**

**SITE:** **"TY GWYN", 2 PADDOCK WAY, GWERNYMYNYDD, MOLD, FLINTSHIRE**

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

**LOCAL MEMBERS:** **COUNCILLOR N MATTHEWS**

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

**REASON FOR COMMITTEE:** **APPLICANT IS A MEMBER OF THE ENVIRONMENT DIRECTORATE**

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

### **1.00 SUMMARY**

1.01 This application seeks planning permission for the erection of a detached single garage the front garden of Ty Gwyn, 2 Paddock Way, Gwernymynydd.

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

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

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

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

##### Councillor N. Matthews

Agrees to the determination of the application under delegated powers

##### Gwernymynydd Community Council

No comments received at the time of writing this report

##### Head of Public Protection

No adverse comments

##### Welsh Government (Transport)

No objection

### **4.00 PUBLICITY**

#### 4.01 Neighbour Notification

No comments received

### **5.00 SITE HISTORY**

5.01 None relevant

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

STR1 – New Development

GEN1 – General Requirements for Development

GEN2 – Development Inside Settlement Boundaries

HSG12 – House Extensions and Alterations

The proposed development complies with the above policies

### **7.00 PLANNING APPRAISAL**

#### 7.01 Introduction

The application site is located within the settlement boundary of Gwernymynydd as defined in the adopted Flintshire Unitary Development Plan.

7.02 The existing site comprises a detached bungalow; one of four similar properties accessed off Paddock Way. The proposed site of the garage is a garden area to the front of the dwelling which is separated from the dwelling by the access road, Paddock Way.

7.03 The proposed garage will measure 6.29m x 4.265m and will have a ridge height of 4m. A single up-and-over garage door will give vehicular access off Paddock Way.

7.04 The garage will be located approximately 30m from the dwelling. It will be positioned adjacent to the existing high, dense conifer hedge to the rear of the site which runs adjacent to the A494 trunk road.

7.05 Main Planning Issues

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

- Impact on the visual amenity of the character of the area
- Impact on amenities of the neighbouring properties

7.06 Planning Policy

The proposal seeks permission for a garage which would be used incidental to the enjoyment of the dwelling. Therefore, the most relevant FUDP policies are GEN1 and HSG12.

7.07 GEN1 allows for new development providing, *inter alia*, it harmonises with the site and surroundings in terms of siting, scale, design, layout, use of space, materials, external appearance and landscaping. Furthermore, development should not have an adverse impact on the safety and amenity of nearby residents.

7.08 HSG12 states, *inter alia*, that extensions and alterations to dwellings should be subsidiary in scale and form to the existing dwelling; respect the design and setting of the existing dwelling and surrounding area; and, not have an unacceptable impact on people living nearby.

7.09 Visual Amenity

Due to the scale of the proposed garage, it will not result in over development of the site and it will remain subsidiary in scale to the dwelling. Furthermore, due to its siting, the existing natural vegetation will providing sufficient screening so that it will not be readily visible, and will be completely screened from the adjacent A494 trunk road.

7.10 Neighbouring Amenity

It is considered that the garage will not result in any detrimental impact on the amenities of the neighbouring properties in terms of overlooking residential amenity space and overbearing impact.

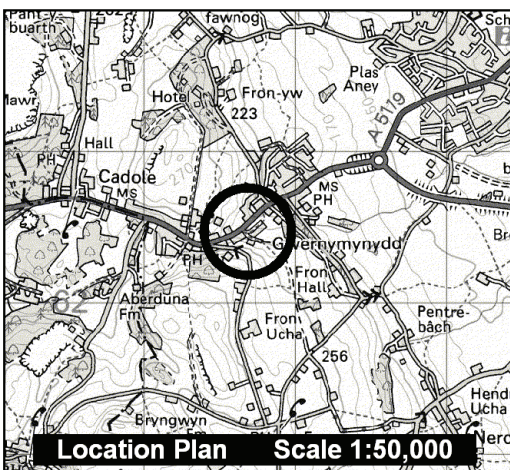
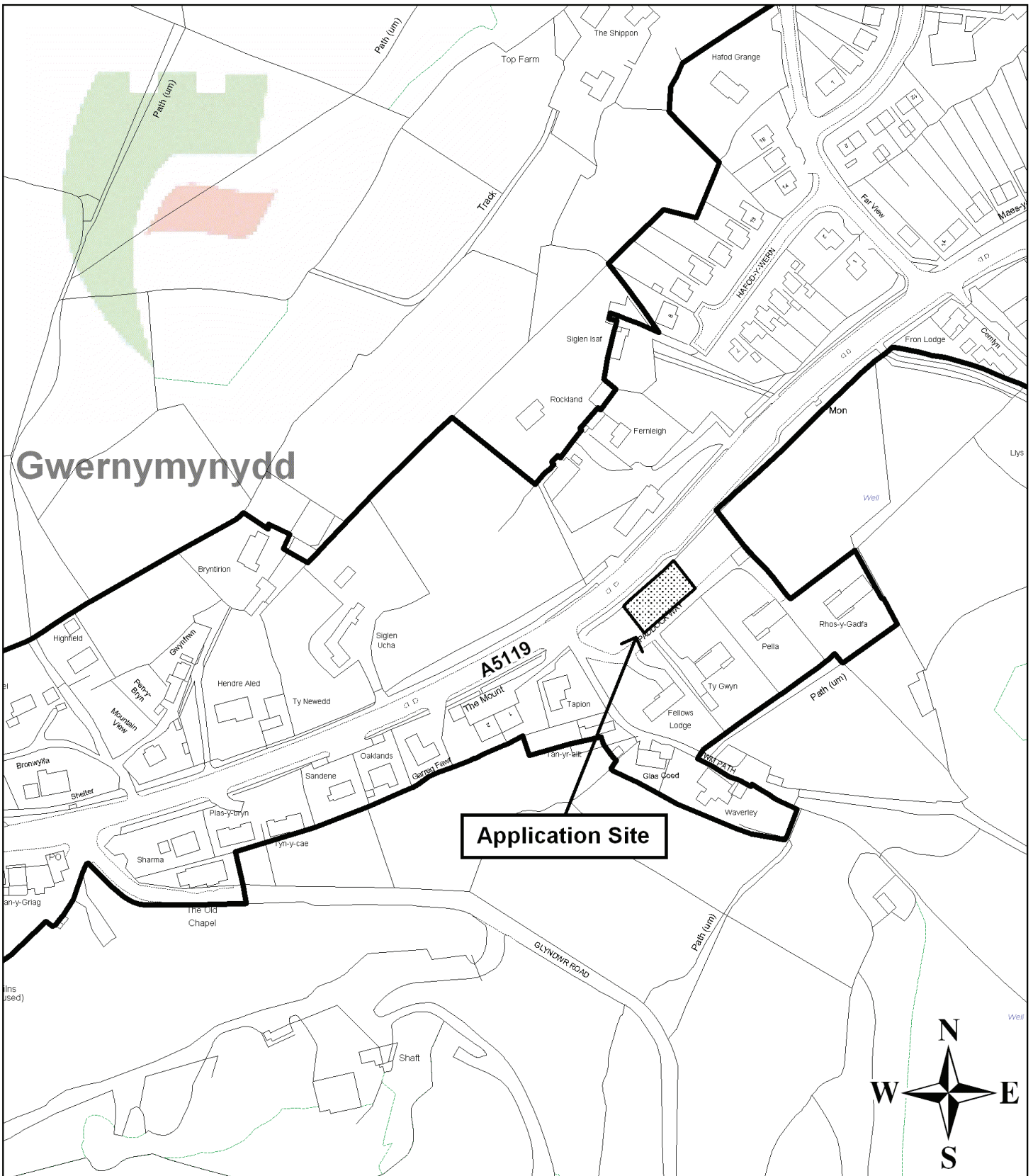
**8.00 CONCLUSION**

8.01 Due to the nature of its scale, design and siting, the proposed garage will not have any detrimental impact on the character of the existing dwelling or the visual amenities of the area. Furthermore, it will not have any detrimental impact on the amenities of the neighbouring residential properties.

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:** ALEX WALKER  
**Telephone:** (01352) 703299  
**Email:** alex.walker@flintshire.gov.uk



	Environment Directorate, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Director: Mr. Carl Longland	
	<p><b>Legend</b></p> <p> Adopted Flintshire Unitary Development Plan Settlement Boundary</p> <p> Application Site Extent</p>	
<p><b>Map Scale</b> 1:2500</p>		<p>OS Map ref SJ 2162</p>
<p>Planning Application <b>51047</b></p>		<p><small>This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2013.</small></p>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4TH SEPTEMBER 2013**

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

**SUBJECT:** **ERECTION OF A SIDE/FRONT EXTENSION AND AN ATTACHED GARAGE AT CHERRY COTTAGE, UPPER BRYN COCH, MOLD**

**APPLICATION NUMBER:** **051101**

**APPLICANT:** **MR MICHAEL LEACH**

**SITE:** **"CHERRY COTTAGE", UPPER BRYN COCH, MOLD, FLINTSHIRE**

**APPLICATION VALID DATE:** **7<sup>TH</sup> AUGUST 2013**

**LOCAL MEMBERS:** **COUNCILLOR R GUEST**

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

**REASON FOR COMMITTEE:** **A MEMBER OF THE ENVIRONMENT DIRECTORATE OWNS THE PROPERTY**

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

### **1.00 SUMMARY**

1.01 This application seeks planning permission for the erection of a one and a half storey extension and an attached garage to Cherry Cottage.

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

- 2.01
1. Time limit on commencement
  2. In accord with the approved details

### **3.00 CONSULTATIONS**

- 3.01 Local Member  
Councillor R Guest  
No comments received at the time of writing this report
- Mold Town Council  
Objection on the size of the extension and the detrimental effect it will have on the neighbouring properties
- Head of Public Protection  
No adverse comments
- 4.00 PUBLICITY**
- 4.01 Neighbour Notification  
No comments received at the time of writing this report
- 5.00 SITE HISTORY**
- 5.01 None relevant
- 6.00 PLANNING POLICIES**
- 6.01 Flintshire Unitary Development Plan  
GEN1 – General Requirements for Development  
HSG12 – House Extensions and Alterations
- 7.00 PLANNING APPRAISAL**
- 7.01 Introduction  
The application site lies within the settlement boundary of Mold as defined in the Flintshire Unitary Development Plan (FUDP). The site comprises a detached dormer bungalow set back from the road, Upper Bryn Coch.
- 7.02 The vernacular of the streetscene is characterised by a variety of properties in terms of both scale and design.
- 7.03 Neighbouring Amenity  
The ground level of the neighbouring property to the South West of the site, Ruardean, is elevated above the application site by approximately 1m. The flank wall of Ruardean has no habitable windows and therefore there will be no unacceptable overlooking from the proposed first floor accommodation.
- 7.04 A high hedge is comprises the rear boundary of the application site, thus preventing any adverse overlooking of the amenity space of properties located on Maes Yr Haul.

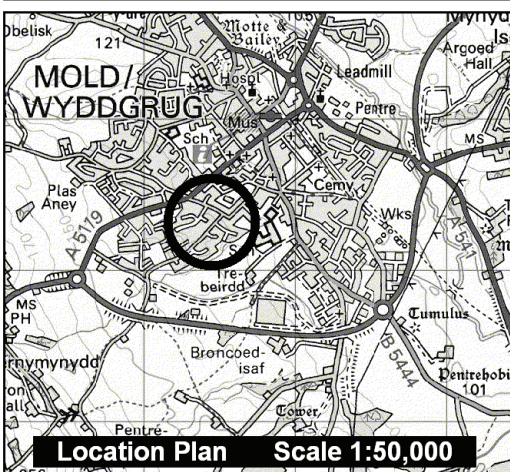
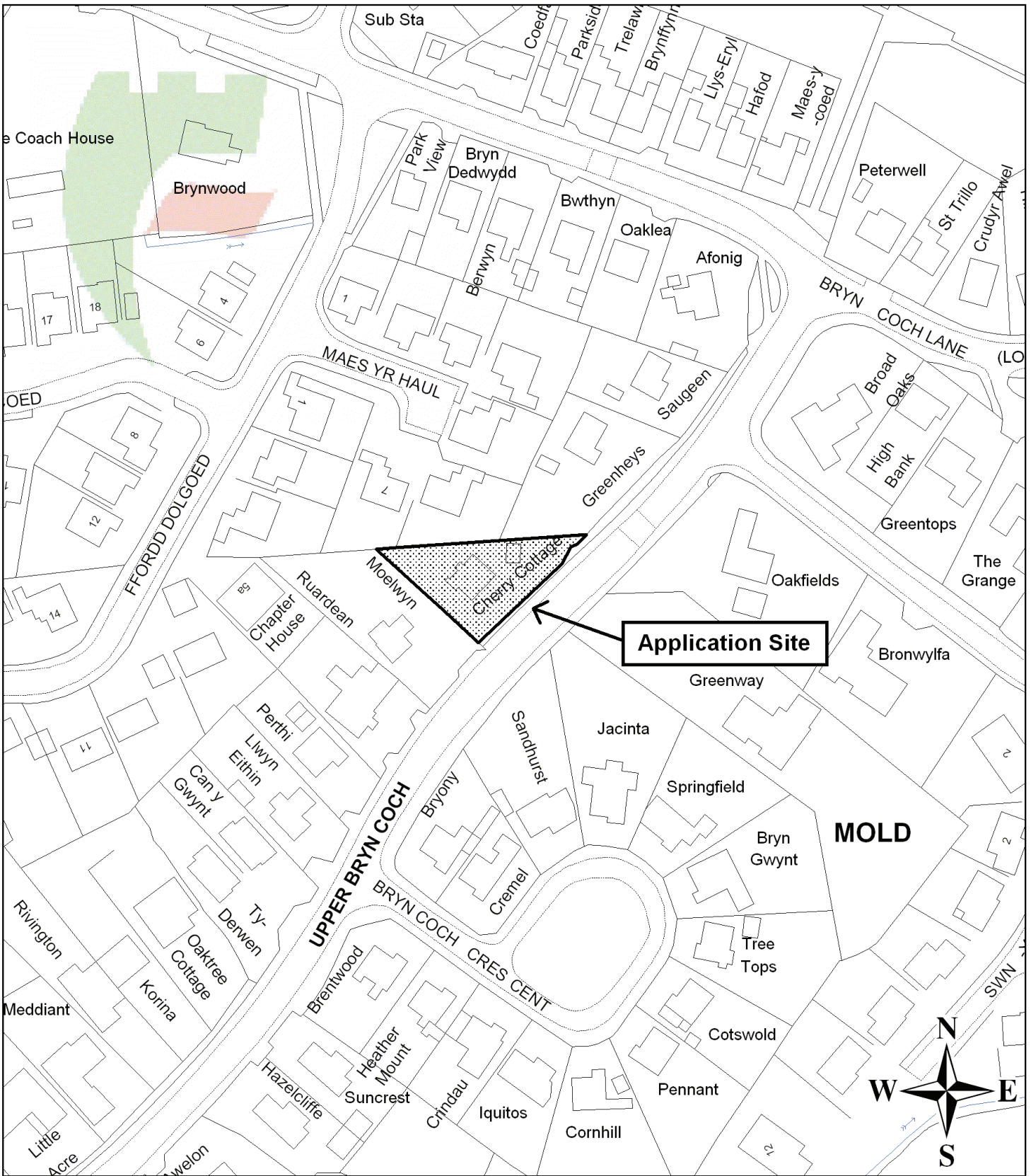
- 7.05 Design  
In terms of design, the existing dwelling is a dormer bungalow which is set back from Upper Bryn Coch and is accessed via a short drive. The dwelling is well screened from the public highway by way of a mature hedge abutting the highway.
- 7.06 The proposal seeks to extend the property with a one and a half storey on the South West elevation projecting approximately 4m forward of the front elevation; raising the existing North hipped gable to create additional first floor accommodation resulting in a half hip gable; and, the erection of an attaché single garage on the North elevation.
- 7.07 The overall floor area proposed would result in an increase of approximately 84% of the floor area of the original dwelling. Whilst this increase goes beyond the 50% guideline as set out in explanatory text of HSG12, the site is within the settlement boundary and given the size of the site, the proposal will not result in overdevelopment. If the application site was currently undeveloped and an application was received for a new dwelling identical to that proposed, the scale of the proposal would be acceptable. Furthermore, the design of the proposal will be sympathetic to the general character of the area and due to it being well screened from the adjacent highway it will not have an impact on the streetscene.

## **8.00 CONCLUSION**

- 8.01 The proposed development will not have a detrimental impact upon the character of the area nor on the amenities of the adjacent residential properties.
- 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:** Alex Walker  
**Telephone:** (01352) 703299  
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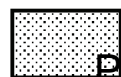


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application 51101

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 4 SEPTEMBER 2013

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** GENERAL MATTERS - OUTLINE APPLICATION - FOR THE DEMOLITION OF 'SUNNYSIDE' AND 66A MOLD ROAD AND THE ERECTION OF 58 HOUSES INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE AT LAND REAR OF 66A MOLD ROAD, MYNYDD ISA, MOLD.

### **1.00 APPLICATION NUMBER**

1.01 048042

### **2.00 APPLICANT**

2.01 Mulhill Estates LLP

### **3.00 SITE**

3.01 Land Rear of 66A Mold Road,  
Mynydd Isa,  
Near Mold.

### **4.00 APPLICATION VALID DATE**

4.01 18<sup>th</sup> November 2010.

### **5.00 PURPOSE OF REPORT**

5.01 Following the resolution at the 24<sup>th</sup> July meeting of the Planning & Development Control Committee to refuse the above planning application, to seek guidance regarding the reasons for refusal to be attached to the decision.

### **6.00 REPORT**

6.01 Members are referred to the minutes of the previous meeting, where under Item 40 it will be noted that it was resolved that planning

application Ref: 048042 was to be refused for reasons referring to: lack of affordable housing, unsatisfactory access proposals, inadequate ecological mitigation, inadequate play and open space provision, flood and drainage issues, under provision of car parking and soil contamination.

- 6.02 Where a decision is taken at Committee against officer recommendation on any particular application, it is the role of officers to draft the precise terms of that decision, in this instance the reasons for refusal of planning permission. It is therefore suggested that Members consider this further report on the drafting of these reasons and I address each of the 'heads' contained within the resolution, in turn.
- 6.03 Lack of Affordable Housing  
The Head of Housing Strategy has identified that 34 applicants on the Council's waiting list have indicated Mynydd Isa as their first choice area and have full local connection points together with 36 applicants (registered for Mold and surrounding area) on the Affordable Home Ownership Register.
- 6.04 As a result of the above housing need and in strict accordance with Policy HSG10 of the Flintshire Unitary Development Plan it was also advised that a commuted sum of £674,526 in lieu of 30% on site affordable provision be provided.
- 6.05 However, it was explained to Members at the meeting that due to a combination of the currently depressed economic situation and the abnormalities associated with the development (land contamination assessments, land drainage), the profits arising from this scheme would not reasonably allow for the above full affordable housing provision to be met.
- 6.06 As the site is, however, allocated within the Flintshire Unitary Development Plan and to bring it forward to meet the housing needs of the County, the applicants were willing to provide a total payment of £212,000 for all the identified community benefits.
- 6.07 Given this, together with the existing mix of housing in terms of variety of types, size and tenure and their affordability in Mynydd Isa it was considered that the sum of £56,170 could be provided in lieu of the 30% on site affordable provision policy compliance.
- 6.08 Despite the above advice being given, Members at the meeting questioned the abnormal costs referred to in the viability assessment in relation to drainage and contamination in building out the scheme. It was considered that this subsequently affected the viability of the scheme and the ability of the developer to provide the requirements of the Head of Housing Strategy in terms of affordable housing.



- 6.09 **REASON 1 – The Council considers the proposals as submitted do not provide for 30% affordable housing within the scheme, thereby restricting the community’s accessibility to the facilities and thereby contrary to Policy HSG10 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 9 ‘Affordable Housing’.**
- 6.10 Unsatisfactory Access Proposals  
Members will be aware that in 2011, the Council commissioned independent consultants (Capita Symonds) to review the highway/traffic evidence relating to this application. Four site access points including this Mold Road priority junction were considered.
- 6.11 This assessment concluded that direct access onto 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 this 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.
- 6.12 The bus pole at the existing stop will be moved very slightly eastwards from the new site access. This was considered to reduce buses obstructing visibility along A549 Mold Road from side roads and avoid distributing the operation of the junctions. The bus stop would fall within the eastern visibility sightline of the proposed access to the development. Consultation with the Council’s Transportation Section indicated that this was acceptable.
- 6.13 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. However, 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. This was confirmed by the Head of Assets & Transportation. In addition, the applicants submitted additional information showing the manoeuvrability of vehicles in and out of the various access points which were also acceptable to the Head of Highways & Transportation.
- 6.14 Despite the above advice from both the Council’s independent consultants and the Head of Assets & Transportation, who considered that the issues in terms of the relocation of the bus infrastructure and changing the existing residential access arrangements were minor and that they have subsequently been resolved, Members at the meeting considered that they were significant and had a detrimental impact upon both highway and pedestrian safety. These must therefore form the reason for refusal and must be sustained at appeal.

6.15 **Reason 2 – The proposed development would be likely to result in an increase in the volume of traffic which is likely to include the conflict in traffic movements close to existing junctions to the detriment of highway safety and contrary to Policy GEN1 and Policy AC13 of the Flintshire Unitary Development Plan.**

6.16 Inadequate Ecological Mitigation

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. As a result therefore it is 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 initially proposed to create approximately 0.4 ha of habitat for GCN off site to the site. However, due to the protracted nature in the determination of the application, the landowner withdrew the offer to sell the land to the developer. Instead, a commuted sum was offered by the developer (out of the total £212,000) of £850 per dwelling to go to the Building Wildlife Trust who would 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. This was accepted by both the Council's Ecologist and Natural Resources Wales.

It was 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 would compensate for any adverse effects caused during construction works and by the loss of the development land. The proposed development and mitigation proposals were assessed by both the Council's Ecologist and Natural Resources Wales and it is considered that the development would not likely to have a significant effect on protected species. It was proposed to condition the implementation of a suitable scheme of reasonable avoidance measures. Therefore this application satisfied 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.

6.17 Given that both Natural Resources Wales and the Council's Ecologist find the above proposed mitigation measures acceptable, it is considered that inadequate ecological mitigation as a reason for

refusal would be very difficult to sustain. It is therefore recommended that this is not included as a reason for refusal.

6.18 Inadequate Play & Open Space Provision

Applying the standards in both Policy ST5 of the Flintshire Unitary Development Plan and in the Local Planning Guidance Note 13 – Open Space Requirements, the developer was requested by the Open Spaces Manager to provide 3,285 m<sup>2</sup> of on site public open space and this to be also fully equipped to an agreed specification or provide a payment of £63,800 in lieu of on site open space towards the provision/improvement of existing open space within the locality.

6.19 The developer is providing an amenity space of 430 m<sup>2</sup> towards the south west corner of the site and a play area of 1,010 m<sup>2</sup> within the middle of the site towards the eastern boundary of the site. This larger area will be fully equipped, costing approximately £45,000 with this sum being provided out of the developer's total contribution of £212,000.

6.20 Members will be aware that the full requirements listed above cannot be provided due to the issue of non viability of the development. To meet the full requirements would make the scheme even more non viable.

6.21 Despite the above advice being given, Members at the meeting questioned the abnormal costs referred to in the viability assessment in relation to drainage and contamination in building out the scheme. It was considered that this subsequently affected the viability of the scheme and the ability of the developer to provide the requirements of the Open Spaces Manager in terms of public open space.

6.22 **REASON 3 – The Council considers the proposals as submitted do not make adequate provision for public open space, thereby restricting the community's accessibility to the facilities and thereby contrary to Policy GEN1 and Policy SR5 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 13 'Open Space Requirements'.**

6.23 Flood & Drainage Issues

Members will be aware that Environment Agency Wales (now Natural Resources Wales) were consulted upon the possible risks of flooding by the development. They advised that the site lay outside of any flood zone and had no record of any historical flooding problems or evidence of such.

6.24 Therefore given the site was not within their flood zone maps and without sufficient evidence of previous flooding in the area, they did not consider a Flood Consequence Assessment for the application would be justified. However, they did advise that a scheme for the comprehensive and integrated drainage of the site could be further

submitted to and approved by the Local Planning Authority. This would be dealt with by way of a condition placed upon any planning permission granted.

6.25 Dwr Cymru/Welsh Water advised also on the drainage aspect of the scheme. Their only concerns were due to the foul drainage of the scheme overloading the existing Waste Water Treatment Works and advised that a Grampian condition could be placed upon any planning permission granted restricting any occupation of the dwellings until April 2015 when their programme of system improvements were planned and expected to be completed.

6.26 Given the above Technical Advice from both Natural Resources Wales and Dwr Cymru/Welsh Water and that the suggested planning conditions could overcome any drainage issues, it is considered that any flood and drainage reasons for refusal would be very difficult to sustain at any subsequent appeal. It is therefore recommended that this is not included as a reason for refusal.

6.27 Under Provision of Car Parking

Car parking within the site will total 116 spaces. This level is below the Council's maximum car parking standards of 150 spaces. To address this shortfall, the applicant's transport consultants provided a travel plan in order to encourage sustainable travel to and from the site via the use of walking, cycling, public transport and car sharing thereby reducing the parking demand generated by the development and support the reduced parking provision within the site. To promote, monitor and evaluate the travel plan, the applicants were willing make a payment of £100 per dwelling to the travel plan. This payment was to be taken out of the total £212,000 commuted sum payment. The above travel plan together with its promotion, monitoring and evaluation was deemed acceptable by the Head of Assets & Transportation and considered to overcome the lack of car parking on the site and would not lead to parking on the highway to the detriment of highway or pedestrian safety.

6.28 Given the above advice from the Head of Assets & Transportation, that the shortfall in car parking upon the site can be overcome by the implementation of an agreed travel plan, it is considered that this reason would be very difficult to sustain on any subsequent appeal. It is therefore recommended that this is not included as a reason for refusal.

6.29 Soil Contamination

All the appropriate assessments have been submitted and examined by the Head of Public Protection which 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. These

assessments identify remedial measures will be required to be constructed within the buildings (to address gas contamination) and in the garden and soft landscaped areas of the site.

- 6.30 The Head of Public Protection has advised that the developer will need to provide and verify the appropriate level of gas protection measures in the buildings and associated structures. A remediation strategy, to explain exactly from this will be achieved can be dealt with by a planning condition upon any planning permission being granted.
- 6.31 Given the above advice from the Head of Public Protection, it is considered that a contamination soil reason for refusal would be very difficult to sustain at an appeal. It is therefore recommended that this also is not included as a reason for refusal.

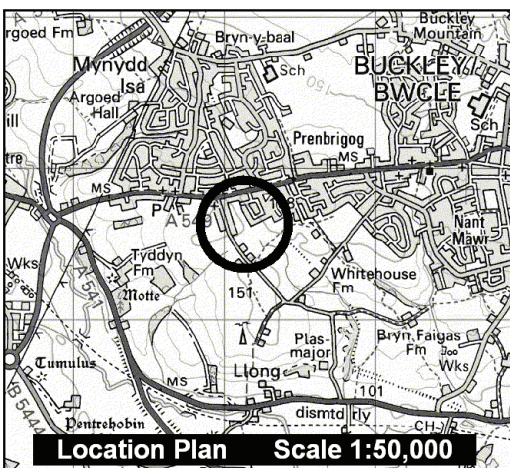
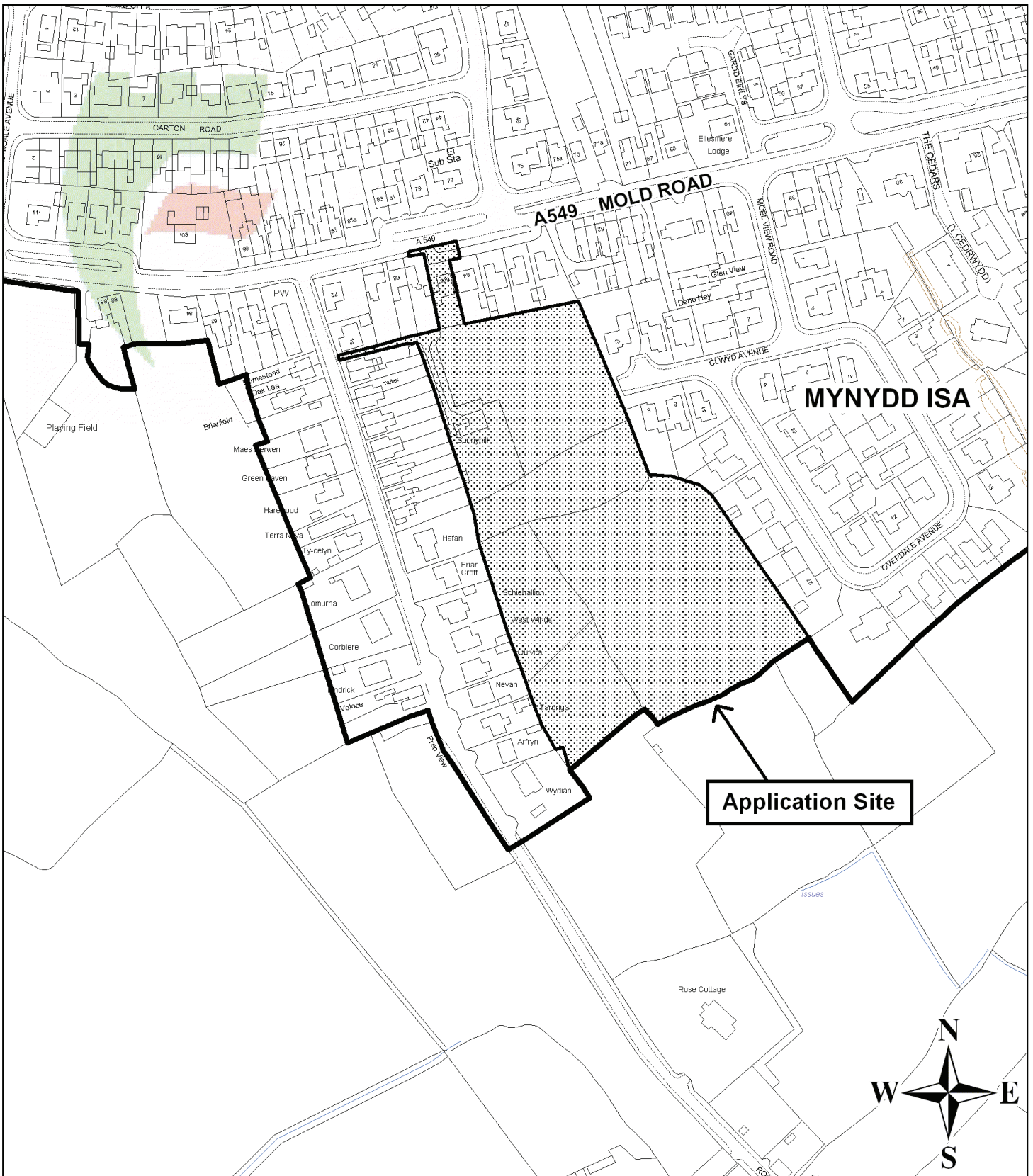
## **7.00 RECOMMENDATIONS**

- 7.01
1. That the wording of the draft reasons for refusal relating to lack of affordable housing, unsatisfactory access proposals and inadequate play and open space provision in relation to application 048042 are considered by Members to determine whether this accurately reflects the resolution at Planning & Development Control Committee on 24<sup>th</sup> July 2013.
  2. That reasons relating to inadequate ecological mitigation, flood and drainage issues, under provision of car parking and soil contamination are not included in the decision on the application.

Should Members resolve not to accept the second recommendation, that the Head of Planning drafts additional reasons based on these issues.

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

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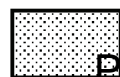


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application 48042

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 4 SEPTEMBER 2013

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** GENERAL MATTERS - OUTLINE APPLICATION - DEMOLITION OF EXISTING PUBLIC HOUSE, BETTING OFFICE AND DWELLING AND ERECTION OF 8 NO. APARTMENTS AT 11 HIGH STREET & 'BAGILLT ARMS', HIGH STREET, BAGILLT.

### **1.00 APPLICATION NUMBER**

1.01 047389

### **2.00 APPLICANT**

2.01 MR. & MRS B.E. & M.C. RICHARDSON

### **3.00 SITE**

3.01 11 HIGH STREET & 'BAGILLT ARMS',  
HIGH STREET,  
BAGILLT.

### **4.00 APPLICATION VALID DATE**

4.01 31<sup>ST</sup> MARCH 2010

### **5.00 PURPOSE OF REPORT**

5.01 The purpose of the 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 consideration of this application was undertaken at the Planning & Development Control Committee held on 13<sup>th</sup> July 2011. It was resolved by members that conditional planning permission be granted subject to the applicants entering into

a Section 106 Obligation/Unilateral Undertaking or advance payment of a commuted sum of £733 per unit in lieu of on site open space provision. A copy of the report to the Planning & Development Control Committee held on 13<sup>th</sup> July 2011 is attached as Appendix A.

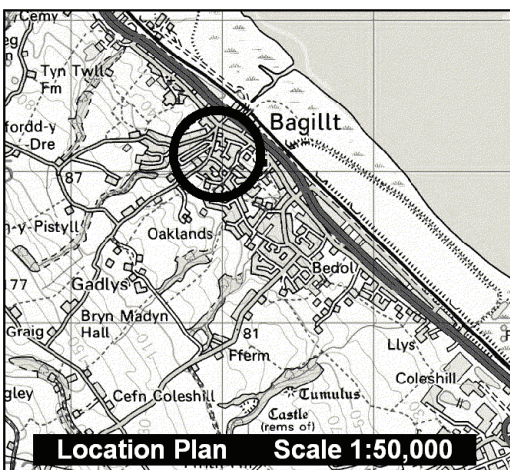
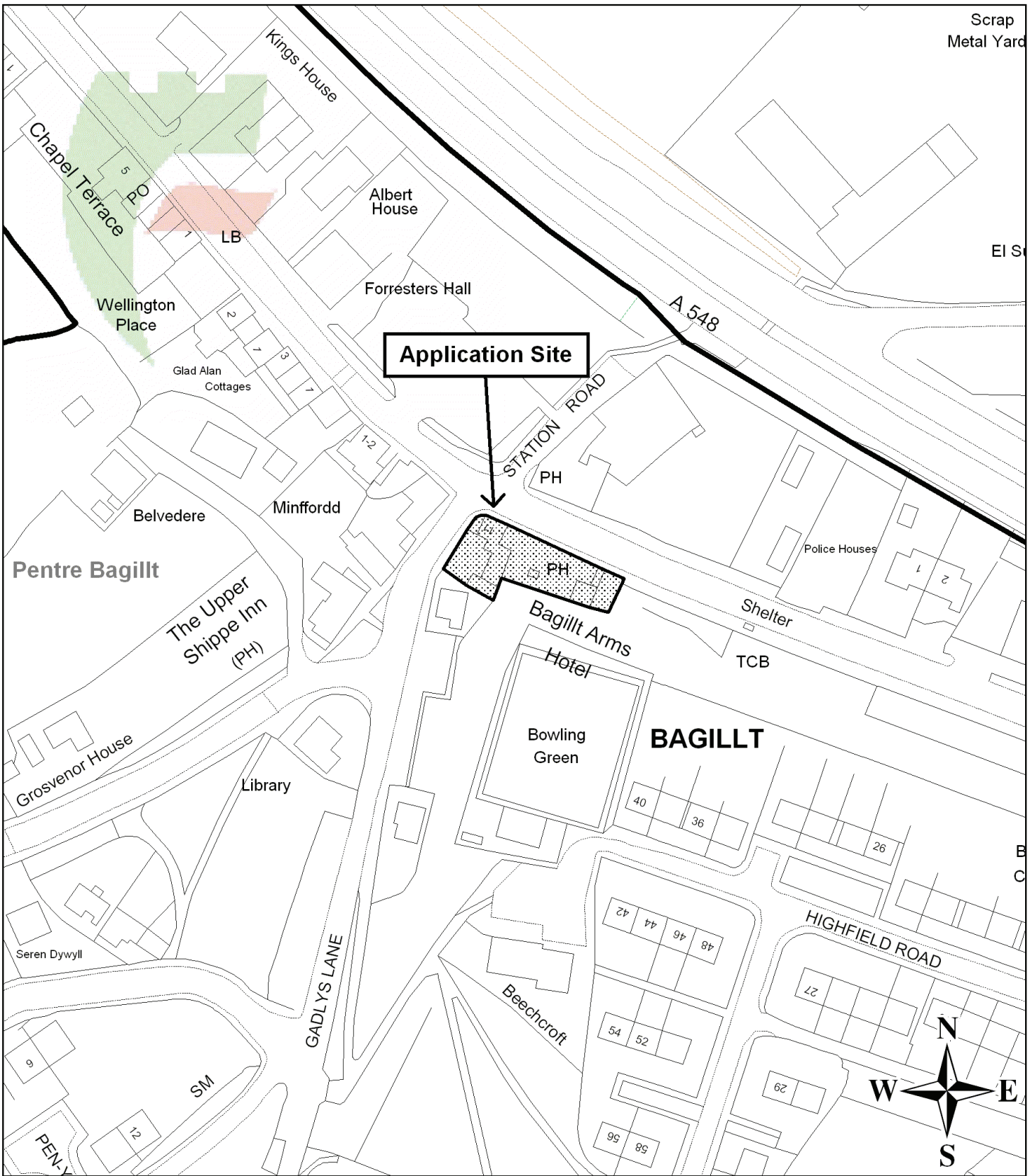
- 6.02 There has been a significant amount of correspondence/exchanges with the applicant during the last 2 years to try and progress this matter.
- 6.03 The applicant's agent has however advised that it will not be possible to complete the necessary legal Obligation due to complexities recently discovered with regard to the ownership of the site.
- 6.04 In these circumstances it is considered that the proposal would be contrary to Policies SR5 - Outdoor Playing Space and New Residential Development and IMP1 - 'Planning Conditions and Planning Obligations' of the adopted Flintshire Unitary Development Plan. The purpose of the report is therefore to obtain a resolution from Members as to the decision to be made on this application as it is my recommendation that as there is no progress being made on the payment of a commuted sum that permission be refused.

## **7.00 RECOMMENDATIONS**

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

That proposed development does not make provision for the completion of a Section 106 Obligation/Unilateral Undertaking or advance payment of a commuted sum of £733 per apartment in lieu of on site open space provision. This it is considered would therefore be contrary to Policies SR5 and IMP1 of the Flintshire Unitary Development Plan.

**Contact Officer:** Mark Harris  
**Telephone:** (01352) 703269  
**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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Map Scale 1:1250

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Planning Application 47389

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**FLINTSHIRE COUNTY COUNCIL****AGENDA ITEM NUMBER: 5.10**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **13 JULY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **OUTLINE APPLICATION - DEMOLITION OF FORMER PUBLIC HOUSE, BETTING OFFICE AND DWELLING AND ERECTION OF 8 NO. APARTMENTS AT 11 HIGH STREET AND "BAGILLT ARMS", HIGH STREET, BAGILLT, NR. HOLYWELL**

**APPLICATION NO:** **047389**  
**APPLICANT:** **MR AND MRS B.E. AND M.C. RICHARDSON**  
**SITE:** **11 HIGH STREET AND BAGILLT ARMS, HIGH STREET, BAGILLT, NR. HOLYWELL, CLWYD**  
**APPLICATION VALID DATE:** **31/03/2010**  
**LOCAL MEMBERS:** **COUNCILLOR M. REECE**  
**TOWN/COMMUNITY COUNCIL:** **BAGILLT COMMUNITY COUNCIL**  
**REASON FOR COMMITTEE:** **MEMBER REQUEST GIVEN CONCERNS ABOUT ADEQUACY OF CAR PARKING TO SERVE THE DEVELOPMENT.**  
**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This outline application proposes the demolition of a terrace of three existing buildings which are currently vacant and located on the southern side of High Street, Bagillt and redevelopment of the site by the erection of 8 No. apartments. All matters are reserved for subsequent approval.

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

2.01 That conditional planning permission be granted subject to:

- a) the applicant entering into a Section 106 Obligation/Unilateral

- Undertaking to ensure that the occupiers of the proposed units meet local housing needs and
- b) the applicant entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of a commuted sum of £733 per apartment towards the maintenance/enhancement of open space in the locality.
1. Outline - Reserved Matters to be submitted.
  2. Outline - Time limit.
  3. Compliance with parameters in development brief.
  4. Scheme for the protection of bedroom and living room windows to achieve a maximum of 34 dB(A) sound reduction.
  5. Foul and surface water to be drained separately.
  6. No surface water to connect into public sewerage system.
  7. No land drainage to discharge into public sewerage system.
  8. Proposed access in to site to have minimum width of 4.5m
  9. No windows below 2.1m above footway to open outwards
  10. Positive means to prevent roof water run-off from discharging into highway to be submitted and approved
  11. Parking facilities to be provided and retained within site

### **3.00 CONSULTATIONS**

#### 3.01 Local Member Councillor M. Reece

Request Planning Committee determination given concerns about the parking of vehicles on the nearby public car park.

#### Bagillt Community Council

Object on the grounds of over development and the shortage of on site parking facilities for the number of apartments proposed.

#### Head of Leisure Services

Request the payment of a commuted sum of £733 per unit towards the enhancement of existing recreational provision in the community.

#### Head of Public Protection

No objections subject to the imposition of a condition requiring the installation of enhanced double glazing within the units, given the relationship of the site to the High Street in Bagillt and the A548 by-pass.

#### Dwr Cymru Welsh Water

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

#### Head of Assets and Transportation

Having regard to the sites previous usage which would have generated a

significant parking demand, do not object to the scale of development proposed subject to conditions relating to access and parking.

#### **4.00 PUBLICITY**

- 4.01 Site Notice, Neighbour Notification  
No responses received.

#### **5.00 SITE HISTORY**

- 5.01 **046183**  
Outline - Demolition of former public house, betting office and dwelling and the erection of 10 No. apartments - Withdrawn 31st March 2010.

#### **6.00 PLANNING POLICIES**

- 6.01 Clwyd Structure Plan First Alteration  
Policy B5 - Allocation of Land for Housing Development.

Structure Plan Second Alteration: Flintshire Edition  
Policy GEN2 - General Development Considerations.  
Policy HSG5 - Allocation of Land for Housing Development.

Delyn Local Plan  
Housing Policy 2 - Residential Development in Main Settlements and Main Villages.  
Transportation Policy 6 - Car Parking Provision.

Emerging Flintshire Unitary Development Plan  
Policy GEN1 - General Requirements for Development.  
Policy GEN2 - Development Inside Settlement Boundaries.  
Policy D2 - Location and Layout.  
Policy D3 - Building Design.  
Policy AC13 - Access and Traffic Impact.  
Policy AC18 - Policy Provision and New Development.  
Policy HSG3 - Housing on Unallocated Sites.  
Policy HSG8 - Density of Development.

Additional Guidance  
Local Planning Guidance Note 11 - Parking Standards.

#### **7.00 PLANNING APPRAISAL**

- 7.01 Introduction  
The buildings the subject of this application which are currently vacant, are located on the southern side of the High Street, Bagillt at the junction with Gadlys Lane and Station Road. The buildings are within the settlement

boundary of Bagillt as defined in the Delyn Local Plan and emerging Flintshire Unitary Development Plan.

7.02 Proposed Development

The application which has been submitted in outline form proposes the demolition of a terrace of 3 vacant buildings fronting onto the High Street. The site is currently occupied by the former Bagillt Arms Public House, to the easterly end a former betting office and at the junction with Gadlys Street a dwelling house. All three buildings are currently vacant and in a poor state of repair with windows and doors at ground floor level boarded up to prevent unauthorised entry.

7.03 It is proposed to demolish the existing buildings and redevelop the site by the erection of a new building comprising a total of 8 No. 1 bed apartments. It is proposed that the building is 2 storey to respect the scale/form of the existing buildings. A total of 6 No. parking spaces are proposed within the site to serve the development.

7.04 Planning Policy

For Members information the site is located within the settlement boundary of Bagillt a Category B settlement as defined in the emerging Flintshire Unitary Development Plan.

7.05 Consideration of an application for new residential development in a Category B settlement is undertaken in accordance with Policy HSG3 of the UDP, which since the public inquiry in autumn 2009, has been modified by the Inspector to control development by adding more specific criteria to focus new development on local housing needs.

7.06 In Category B settlements residential development will only be permitted where it is the renovation or replacement of an existing dwelling or where it would cumulatively result in more than 15% growth since 2000 the development is justified on the grounds of housing need.

7.07 For Members information the current growth level of Bagillt stands at 18% and therefore any new development is required to meet an identifiable local need which would be controlled through a Section 106 Obligation if permission were to be granted. It is proposed that the units are provided for rental which is considered to be acceptable to the Housing Strategy Unit as this would provide for an increase in and variety of different tenures within Bagillt.

7.08 Principle of Development

The principle of the redevelopment of the site for residential purposes is considered to be acceptable subject to the safeguarding of relevant amenity considerations. For Members information, the buildings are not listed as being of special architectural or historic interest or located within a



conservation area and given the physical condition are not considered to be worthy of retention.

7.09 Impact on Character of Site/Surroundings

It is proposed that although submitted in outline that the scale/form of the proposed building is reflective of the buildings currently on site which are 2 storey in height. It is considered that if Members are mindful to grant permission for the principle of development that the detailing of the building can be controlled at reserved matters stage.

7.10 Access Parking

The plans submitted as part of the application, illustrate the provision of 6 No. parking spaces within the application site boundary to serve the 8 No. apartments proposed. For Members information this would represent a shortfall of 2 No. spaces in accordance with the Councils maximum parking standards.

7.11 In order to seek to address this particular issue, the applicant initially proposed that the shortfall in parking spaces be accommodated through the annual rental of two parking spaces within the nearby public car park which is owned by Flintshire County Council.

7.12 Given concerns about future control over the car park however, the applicant has withdrawn the request to utilise spaces in the nearby public car park and now proposes that the additional spaces required to serve the development be provided on the adjoining highway.

7.13 Consultation on the acceptability of this arrangement has been undertaken with the Head of Assets and Transportation in order to assess whether the parking of two vehicles on the highway would be detrimental to highway safety.

7.14 The Head of Assets and Transportation has advised that having regard to:

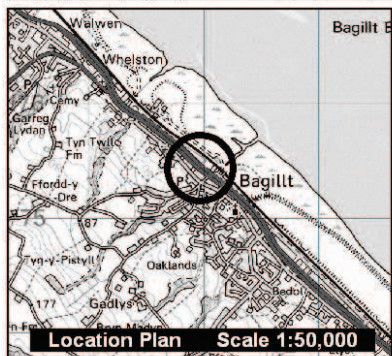
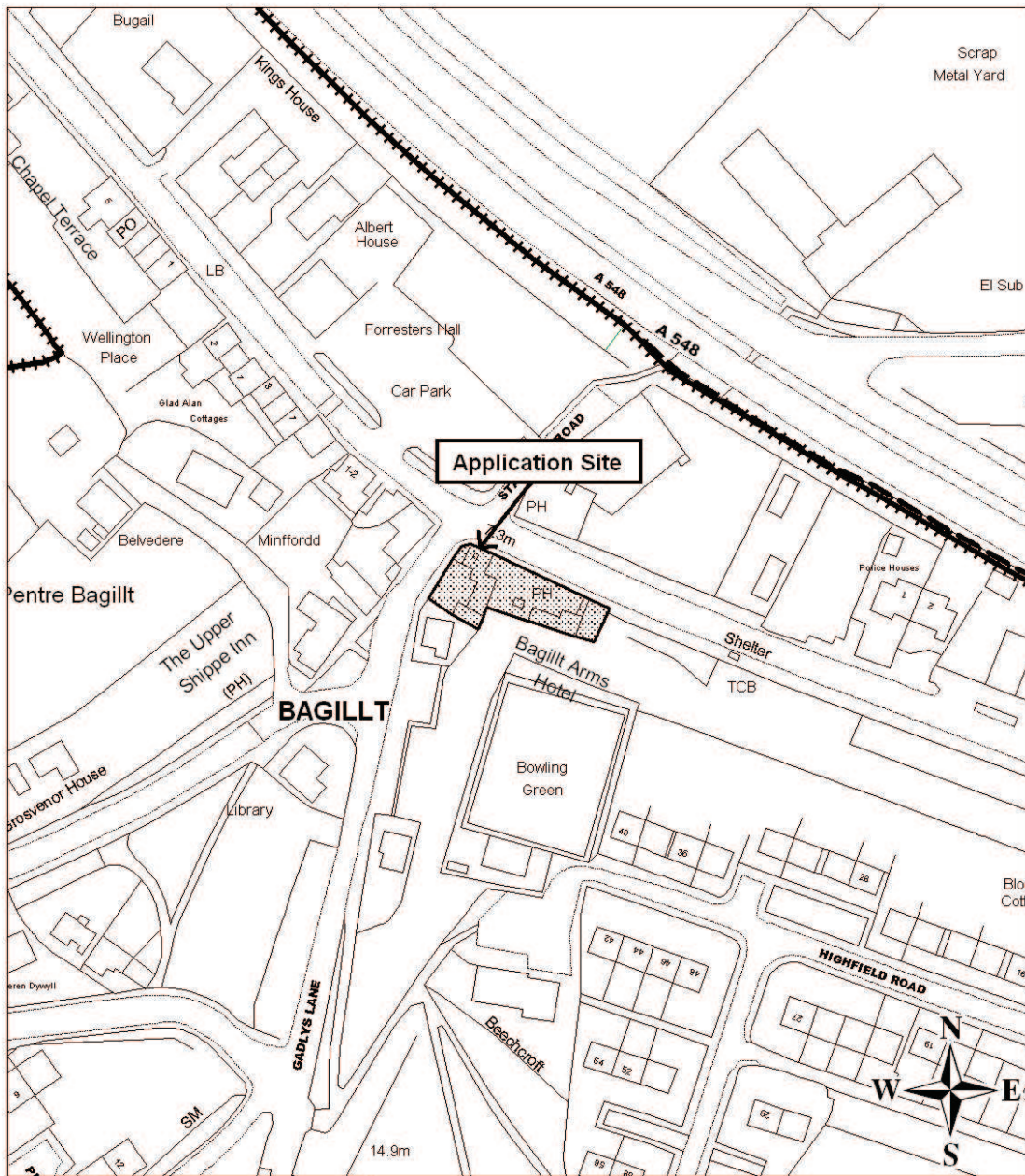
- existing parking restrictions including double yellow lines around the High Street junction and associated road widths
- the site's previous uses which consisted of a shop, dwelling, a public house and general function room which would have generated a significant parking demand which would not have been accommodated clear of the highway
- the tenure of the units and location of the site relative to alternative modes of public transport

That there is no objection to the parking of two vehicles on the adjoining highway subject to the imposition of conditions

**8.00 CONCLUSION**

- 8.01 It is considered that the principle of the redevelopment of the site for residential purposes is acceptable subject to the safeguarding of relevant amenity considerations. If Members are mindful to recommend that permission be granted for the principle of the redevelopment of the site, the precise details of the replacement buildings would be controlled at reserved matters stage in accordance with the parameters set out in the accompanying Design & Access Statement. The Head of Assets & Transportation considers the proposal to be acceptable given the site's town centre location and relationship to existing car parking facilities.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

Contact Officer: Robert M Harris  
Telephone: 01352 703269  
E-Mail: robert\_m\_harris@flintshire.gov.uk



	Environment Directorate, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Director: Mr. Carl Longland
	<p><b>Key to Settlement Boundaries</b></p> <ul style="list-style-type: none"> <li> Delyn Local Plan Settlement Boundary</li> <li> North Flintshire Local Plan Settlement Boundary</li> <li> Emerging Flintshire Unitary Development Plan Settlement Boundary</li> </ul>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 4 SEPTEMBER 2013

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** GENERAL MATTERS - FLINTSHIRE COUNTY  
COUNCIL'S NORTHERN GATEWAY MASTERPLAN  
FRAMEWORK

### **1.00 SITE**

- 1.01 This report accompanies the Council's 'Framework Masterplan' setting out the key requirements for developing 'The Northern Gateway' - RAF Sealand South Camp and former Corus Garden City Site, Sealand.
- 1.02 An earlier version of this Masterplan Framework was taken to Planning Strategy on 26<sup>th</sup> July 2013 prior to consultation with the two landowners. Planning Strategy recommended that;
- (a) The content of the draft Framework document be endorsed;
  - (b) That the Head of Planning be given delegated authority to incorporate the comments made; and
  - (c) That the consideration and approval of the final Framework document by the Planning Committee, in advance of considering a further application for the Northern Gateway site be recommended.

### **2.00 PURPOSE OF REPORT**

- 2.01 To seek Members views and endorsement for a Framework Master Plan document which has been produced for the Northern Gateway site, to provide guidance to both land owners/developers in relation to the Council's key strategic requirements for how this site is to be brought forward and developed.

### **3.00 BACKGROUND**

- 3.01 The Northern Gateway site is a major mixed use development site allocated in the adopted UDP under policy HSG2A. The policy requires the proper planned development of the site given its strategic scale, comprising a masterplan which illustrates the overall

development of the site, a design statement and development brief, and a phasing plan.

- 3.02 The site is currently in two ownerships, namely; Praxis and Pochin/Goodman. Both owners are pursuing development on their own land holdings via separate planning applications.
- 3.03 Praxis have an outline permission to develop their part of the site (049320), and are currently looking to discharge all of the relevant conditions attached to that permission in order to submit reserved matters applications for the essential development infrastructure, as well as for first phase development. They currently have one such application in for consideration (051025) to discharge condition 6 of their permission which requires the submission of a Development Brief comprising an illustrative land use Master Plan, green infrastructure plan and flood mitigation plan for built development and a Design Statement. These elements are currently out to consultation and this application will be reported to Planning and Development Control Committee in due course.
- 3.04 Pochin/Goodman have an outline planning application (049320) under consideration at present and this Committee has made a resolution to hold a Special Committee to consider that application, as and when it is ready to be determined. We are currently still under detailed discussions in relation to the highways implications of the proposed development.
- 3.05 Whilst each applicant has prepared or is preparing information to support their applications and comply with the above requirements of the UDP policy, this is in the context of each of their parts of the overall site. Because of this and the nature of the relationship that exists between the two landowners, officers have drafted a Framework Master Plan document in order to provide consistent guidance to both parties in relation the key strategic requirements that the Council has for how this site should be brought forward and developed.
- 3.06 This document is also important in ensuring that previous requirements set out by this Committee when determining the Praxis application are met by both applicants in taking forward development of the site as a whole.

#### **4.00 CONSIDERATIONS**

- 4.01 The main purpose of the Framework Master Plan is to ensure that in developing a master plan for each of their respective sites, the two owners do so in a consistent and connected way, which responds to the key strategic site-wide requirements that are important to this site. The Framework document sets out the range of supporting information required to support respective development proposals,

such as:

- Flood Mitigation Solution
- Transport Implementation strategy
- Landscape Strategy
- Urban Design Study
- Ecological Mitigation and Enhancement Strategy
- Scheme for the provision of Affordable Housing
- Drainage Infrastructure Scheme

- 4.02 Section 5 of the Framework document then picks up on these requirements in more detail, setting out in a schedule format the key requirements under each main topic, for how the site should be developed.
- 4.03 Section 6 in relation to Developer Obligations, sets out heads of terms and is not fully detailed. Details of this will emerge and be populated as the respective developers consider the requirements of the Framework and negotiate with the Planning Authority and Council on the key requirements. Some of this is also premature in relation to current funding bids which have been made for infrastructure provision and affordable housing. Once the outcome of these is known, the Framework document can be developed further.
- 4.04 Consultation on the Masterplan has been undertaken with the two landowners to ensure that they are aware of the Council's requirements as they develop their masterplan's and detailed proposals for their sites. Comments from the respective developers on the document have been received and considered to ensure that the Council's vision for the site is realistic and achievable and does not give rise to any potential conflicts in site delivery. Comments from Members following Planning Strategy have also been incorporated.
- 4.05 Members are therefore invited to consider this framework to ensure that it fully meets the strategic requirements of the Council for this site, and to approve its content as part of the policy decision making for this strategic site as the subsequent applications for development on this site are brought forward.

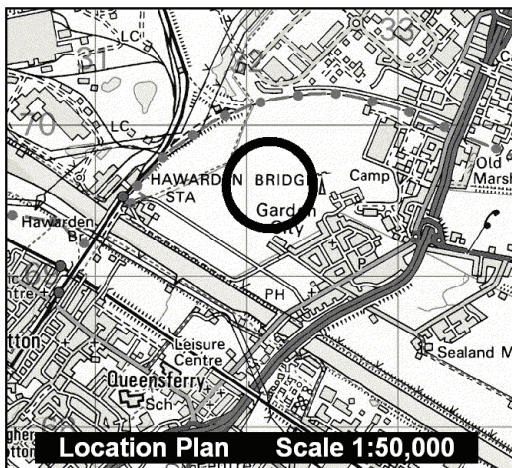
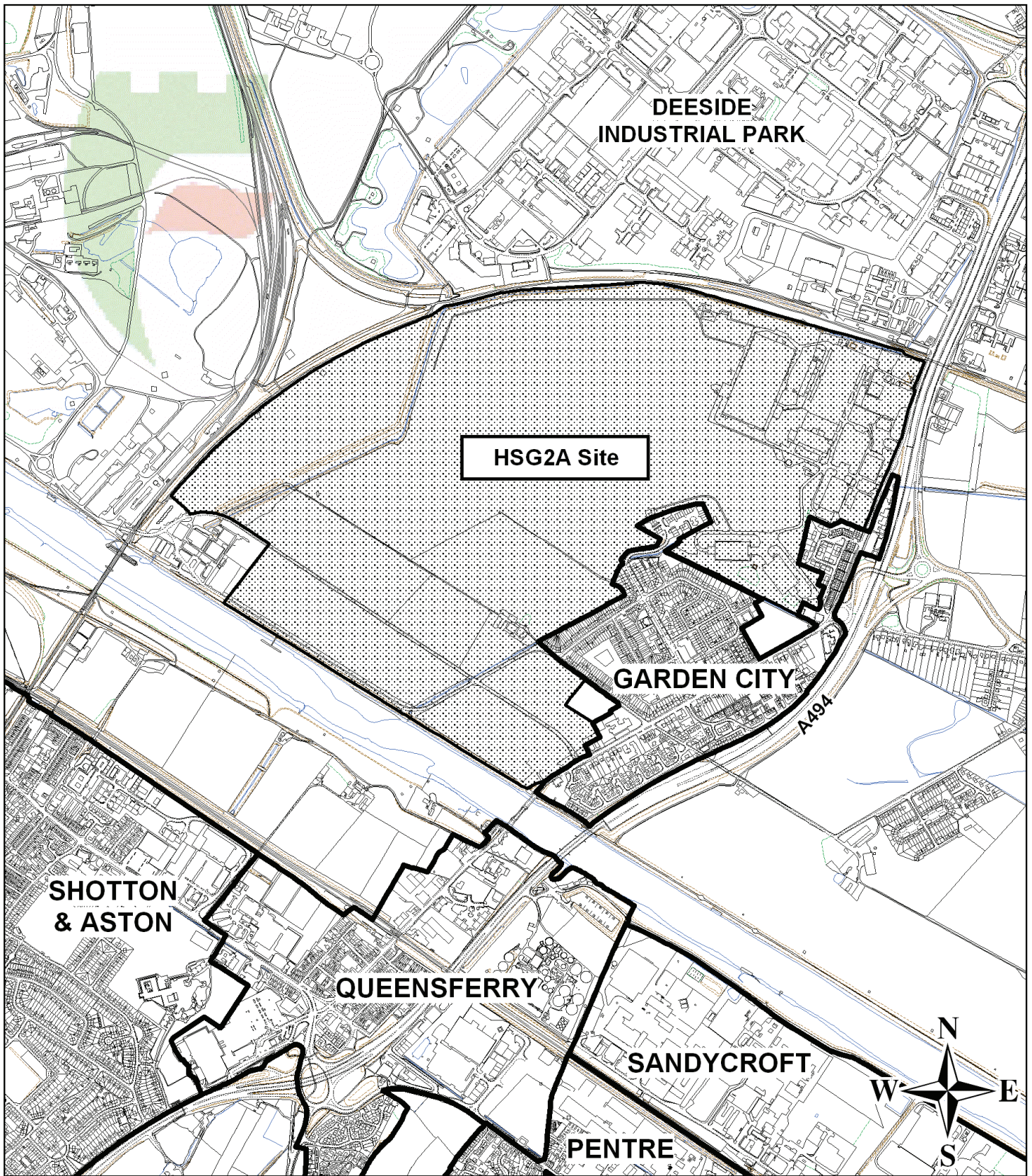
5.00 **RECOMMENDATIONS**

- 5.01 That Members approve the content of the Framework Masterplan document attached to this report in advance of considering further applications for the development of the Northern Gateway site.

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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                    1:15,000

OS Map ref                 SJ 3269

Reference:                 **HSG2A**

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**Northern Gateway, Flintshire**

**FRAMEWORK MASTERPLAN – Key Requirements**



**Flintshire County Council  
August 2013**

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## **1. Introduction**

The Northern Gateway mixed use development site occupies a strategic location, not only within Flintshire, but also in a sub-regional and national spatial context. Located next to Deeside Industrial Park, a major centre for employment, the site lies strategically within the wider Deeside area, and is well served by the local trunk road network.

The site is now part of, and integral to, the larger Deeside Enterprise Zone (EZ) designated by the Welsh Government in September 2011, to bring forward investment and new jobs, particularly in the advanced manufacturing sector. The benefits of EZ status include the provision via public funding of major infrastructure investment (access and flood risk), and a desire to enhance accessibility via public transport, and to provide a quality living and working environment.

The site is allocated in the adopted Flintshire Unitary Development Plan as a strategic mixed use development site. This is an important employment driven project, which has to maximise the unique physical assets of the site and to integrate a substantial residential community.

This master plan framework has been produced to guide the development of a vision and master plan to demonstrate how this objective will be achieved.



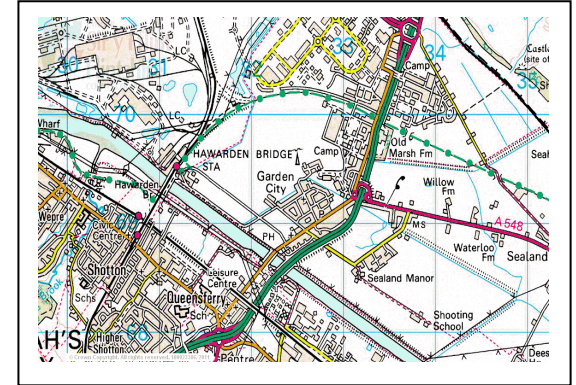
## 2. Site Location, Context and Analysis

The site is located within the urban fringe about 1.5km north of Queensferry and adjacent to Garden City. Immediately to the north is the Bangor to Chester Sustrans cycleway and footpath and Deeside Industrial Park. To the west and south west is agricultural land, beyond which is the River Dee. To the east is residential development and the Old Welsh Road beyond which is the A494 trunk road. The site comprises brownfield land formerly occupied by RAF buildings and green fields. The only existing access is on the east side, to Old Welsh Road. The site includes existing council owned industrial units to the north of, and accessed through, Garden City.

This is a complex scheme and successful planning and development of the site requires an overall vision that responds to the particular character of the site and its context.

A thorough analysis of the site is required, beginning with flood risk and the required mitigation, and integrated with a design framework that will unlock the site's potential and maximise the quality of what can be achieved.

The following site analysis diagram highlights some of the key factors which should be taken into account when analysing the site's potential, and developing a design response to it.



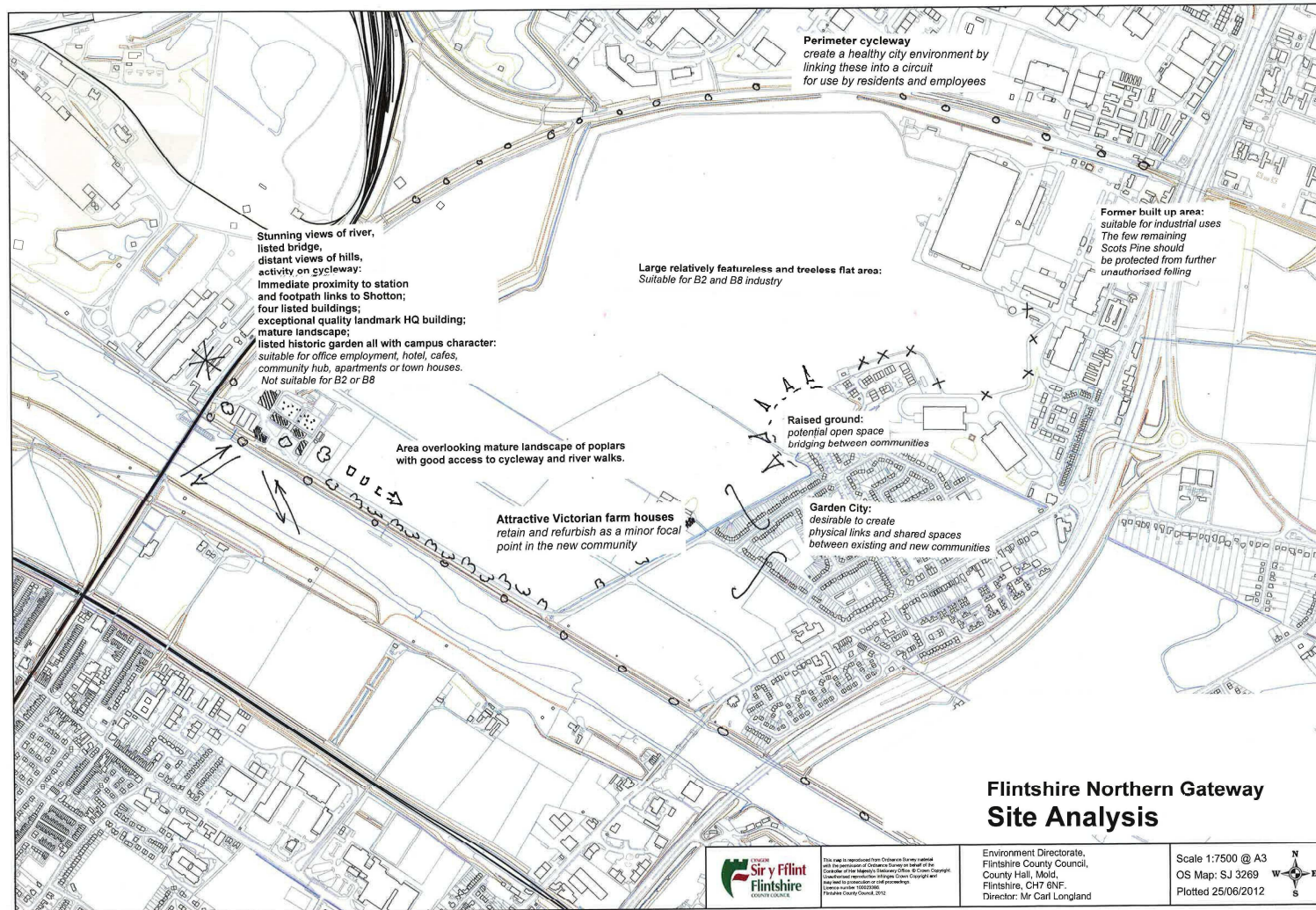


Fig 1. Site Analysis

### 3. Planning Policy Context/Mix of Uses

The site is located within the Deeside Development Zone in the adopted UDP and within the Enterprise Zone recently declared by the Welsh Government. This area is of strategic economic importance within the sub-region of eastern Flintshire, west Cheshire and the Wirral - forming the 'Northern Gateway' to the County. The application site forms part of a larger area allocated for general employment land.

The majority of the northern boundary of the site abuts the route of a former railway line which is protected by Policy AC7. The application site and land to the west and south is located within an area at risk from flooding and the criteria associated with Policy EWP17 sets out the tests which must be met by new development.

The central premise for the Northern Gateway site is, and always has been, to provide a sustainable employment driven mixed use development in the heart of Deeside. The site has local, regional and national significance and is recognised widely as having the potential to deliver significant economic and community benefits. However, the site also has significant infrastructure challenges to overcome in the form of highways infrastructure and traffic management, as well as major flood consequences mitigation. All of this was recognised by the Council when it made the allocation in the UDP, which it did on the basis of there being clearly demonstrated solutions to both of these issues.

Given the nature of the allocation it is self-evident that the allocation must be considered as a whole in order to bring forward its successful development, the delivery of appropriate infrastructure improvements, and securing benefits to the local community and the economy of Flintshire. That is why the UDP states:

#### **HSG2A Strategic Mixed Use Development: Land North West of Garden City**

**Land to the North West of Garden City, as shown on the Proposals Map, is allocated as a Strategic Mixed Use Development site. Development will be phased over the Plan period and should comprise the following key elements:**

**i. 20-25 hectares of housing land (at least 650 dwellings), 30% of which will be sought as affordable housing;**

**ii. 98 hectares of employment land predominantly for B8 uses, supported by B1 and B2 uses;**

**iii. The provision of enhanced and/or new school facilities, health facilities, a community building, convenience retail provision, civic space and other related community requirements;**

**iv. 40 hectares of parkland area comprising informal, formal and equipped public open space with appropriate pedestrian and cycle linkages to the housing, employment and surrounding areas;**

**v. Improved points of vehicular access to the site including the potential upgrading of the Drome Corner interchange to provide for a full grade separated interchange;**

*Continued....*



## Northern Gateway Framework Masterplan

*"A detailed development brief will need to be produced and agreed, which will contain a master plan for the overall development, a design statement and a schedule identifying the phasing of development and associated infrastructure improvements required at each stage".*

The policy also requires any proposal to incorporate "appropriate and acceptable flood risk mitigation measures", in accordance with the development solution produced to support the allocation of the site, agreed with the EAW (now NRW). Any variation from this, or an alternative solution, would require NRW approval in order for the council to be satisfied.

The policy also requires a comprehensive transport solution, delivering appropriate access, traffic circulation and management, as well as other network improvements as deemed necessary. The successful development and delivery of this site therefore has to be based on acceptable solutions to both of these issues being identified.

At the time of the UDP Inquiry the council was supportive of a draft Planning and Development Brief produced jointly by the two site owners at the time (MoD and Pochin Goodman) which set out the context and approach to developing this site. Whilst not adopted planning guidance, and notwithstanding the change of ownership of the MoD land to Praxis, the requirement for such a framework is essential to guide the phasing and form of development on this site.

Pre-application advice given regarding the acceptability of the applications by both Pochins and Praxis, was in terms of any application submitted that was not for the full extent of the site, would need to be accompanied by and clearly justified in terms of a master plan for the whole site, which demonstrated how the proposal could be delivered in the context of the UDP Policy requirements, and the wider context of the whole site. The need for an 'NRW approved' flood mitigation scheme was also re-emphasised,

**vi. Other improvements necessary to the highway infrastructure and local highway network to accommodate the likely traffic generated by the development;**

**vii. Incorporation of a SUDS drainage system and improvements necessary to the existing drainage infrastructure to accommodate the development;**

**viii. Enhanced public transport provision and linkages to the site.**

**Detailed proposals will need to demonstrate that the proposed development incorporates appropriate and acceptable flood risk mitigation measures, in accordance with the development solution identified and agreed with the Environment Agency Wales in the flood consequences assessment carried out to support the allocation of this site.**

**A detailed development brief will need to be produced and agreed, which will contain a master plan for the overall development, a design statement, and a schedule identifying the phasing of development and associated infrastructure improvements required at each stage.**

**Detailed development proposals will be required to demonstrate that the proposed development will not have a significant adverse effect on water resources through the submission of a water abstraction / resources assessment.**

## *Northern Gateway Framework Masterplan*

as was the need to phase the early delivery of employment development.

As the emerging schemes submitted by the two site owners differ from the original parameters set out in the UDP policy (e.g. much greater quantum of commercial development and housing) these need to be fully justified as part of a master plan for the site.

The Council has developed this framework in order to assist the two land owners in producing consistent and connected master plans for the whole development site, which need to incorporate supporting information such as that listed below, which is expanded upon in section 4:

- ✓ Landscape strategy;
- ✓ Ecological Mitigation and Enhancement Strategy;
- ✓ An acceptable Flood Mitigation Solution;
- ✓ An acceptable Transport Implementation Strategy;
- ✓ Details of the connectivity of the site to the wider network with consideration of public transport enhancements, cycling and walking including phasing proposals;
- ✓ Urban design study and integration of the site with Garden City;
- ✓ Acceptable scheme for the provision of affordable housing;
- ✓ Scheme for the adequate drainage of the site, disposal of foul water, availability of water supply, SUDS.

#### 4. Phasing

The phasing as set out below is taken from details provided within the respective masterplans for both development partners. The delivery of elements of each site is subject to market demands for the respective land uses and is likely to vary from that set out below. Both developers are also at slightly different stages in terms of planning consents at the time of writing, however there is general conformity between the two proposed development strategies. Site wide infrastructure requirements and connectivity between the two halves of the site are set in the masterplan framework and will be secured by future detailed reserved matters applications and through the discharge of conditions.

<b>PRAXIS</b>		<b>POCHIN/GOODMAN</b>	
Year 1	River Dee Embankment Strengthening works	Year 1	River Dee Embankment Strengthening works
Year 1	Road and landscape infrastructure including flood mitigation	Year 1	Infrastructure including estate road from Welsh road to Hawarden Bridge Station. Flood Prevention/Alleviation works to create flood storage and development platforms. Completion of parkland area. Diversion of Shotwick Brook.
Years 1-3	<ul style="list-style-type: none"> <li>• Employment Plot C (B2/B8) 7.18 ha</li> <li>• District Centre Plot A ( Public House, hotel, restaurant, small shops, crèche and doctors surgery, (A1,A2,A3,B1, C1,D1, D2) 2.22 ha</li> <li>• Residential Development Pod's 1 – 3 Total 8.03ha</li> </ul>	Years 1 - 12	Residential – 50 dwellings per annum
Years 4-6	<ul style="list-style-type: none"> <li>• Employment Plot B, (A1,A2,A3,B1, C1,D1, D2) 5 hectares and Plot D (B2/B8) 11.2ha</li> <li>• Residential Development Pod's 3 – 6 Total 10.03 ha</li> </ul>	Years 1 – 2	Employment Uses - Technology/Logistics Park 25,000m <sup>2</sup> (including B1/B2/B8)
Years 6 - 8	<ul style="list-style-type: none"> <li>• Employment Plots E (B2/B8) 19.73 ha and F (B2/B8) 6.23 ha</li> <li>• Residential Development Pod's 7 – 9 Total 7.46 ha</li> </ul>	Years 2 - 5	Employment Uses – Mixed Use Campus/Logistics Park and local retail 95,000m <sup>2</sup> (including B1/B2/B8/C1/C2/D1/A1)

5. Northern Gateway Framework Masterplan – Key Requirements

Topic		Key requirements that the masterplan must address	
URBAN DESIGN			
- General Principles	<p><i>The Riverside Campus</i> The river side site has potential to generate significant community and commercial benefits. The riverside location is south facing and sits beside well used pedestrian route leading between Chester and the Flintshire coast. The listed and locally listed buildings on site form an attractive campus in a mature tree covered landscape dominated by the imposing landmark of the former steelworks HQ building. This character must be retained and reinforced with high quality new buildings and spaces along the riverfront. This potential can be realised if those uses which would benefit from the riverside location are located next to the river and those uses which would harm the riverside location are located away from the river.</p> <p><i>The New Garden City</i> The site is fringed by attractive cycle routes and walkways. The opportunity must be taken to link the cycle routes into a network across the site providing a choice of circular jogging and cycle routes linking the green spaces fringing the area. All routes should lead naturally to the riverside campus. The area should be developed to encourage healthy and sustainable living and working. This could be a low car use residential area, as rail links are potentially excellent.</p>		
- Riverside campus	<ul style="list-style-type: none"> <li>✓ Uses which would benefit from the riverside location should be located next to the river. This should be a mixed use area which includes the potential for a training and skills centre, offices and light industrial (B1). This area could also include uses such as hotels, leisure, pubs and restaurants to maximise the potential of the south facing riverside location.</li> <li>✓ The scale of buildings must relate to that of listed and locally listed buildings.</li> <li>✓ The layout should respect the registered historic garden.</li> <li>✓ The campus character should be extended to all new development close to the riverside.</li> </ul>		
- B1, B2 and B8 uses	<ul style="list-style-type: none"> <li>✓ Deliver sustainable design.</li> <li>✓ Largely windowless buildings should be placed in the central relatively featureless area of the site and not be located near the river or listed buildings and gardens.</li> </ul>		

Topic	Key requirements that the masterplan must address
<ul style="list-style-type: none"> <li>- Commercial and community uses</li> <li>- Circulation and open space</li> </ul>	<ul style="list-style-type: none"> <li>✓ Buildings should be arranged in a neighbourly relationship with each other and with the public realm.</li> <li>✓ Animate external spaces and movement corridors through the placement of office frontages.</li> <li>✓ Pinch points and open spaces should be designed to create interest along routes.</li> <li>✓ Frontages must be arranged so that windows and entrances are arranged to overlook public spaces and roads.</li> <li>✓ Entrances must be positioned close to the points of access to give priority to pedestrian and cycle access.</li> <li>✓ Locate service yards that are screened as far as possible from the public realm by buildings</li> <li>✓ Provision of good external lighting and surveillance from the buildings will enhance security particularly in shared service areas.</li> <li>✓ Commercial areas should be located at site approaches to create attractive gateways and maximise passing trade.</li> <li>✓ A new public park shall be created on the one area of higher ground at the eastern side of the site linking the new community with Garden City.</li> <li>✓ Playing fields shall be provided on land adjacent to river at the eastern end of the site.</li> <li>✓ A network of well overlooked open spaces must be created, linked by cycle ways and footpaths.</li> <li>✓ The landscape barrier should be reinforced beside the northern cycleway to help soften impact of new development.</li> <li>✓ Road and footpath links from residential and employment areas should connect well across the site with good and direct links to the riverside campus area.</li> </ul>
<ul style="list-style-type: none"> <li>- Residential areas</li> </ul>	<ul style="list-style-type: none"> <li>✓ Housing should generally overlook open spaces, with a variety of densities used in different locations to emphasis their unique character and create a sense of place.</li> <li>✓ Housing should be screened from B2 and B8 uses by extensive tree planting and some mounding.</li> <li>✓ Housing should be well designed and should portray local design characteristics and use materials reflective of the local vernacular.</li> <li>✓ Streets should be laid out to create interest through good enclosure and overlooking of public routes.</li> <li>✓ Layout, parking and roads should follow the principles contained in Manual for Streets 1 and 2.</li> </ul>

Topic	Key requirements that the masterplan must address
	<ul style="list-style-type: none"> <li>✓ Affordable housing shall be provided at a level and tenure to be negotiated to reflect local need</li> </ul>
<b>SUSTAINABLE TRANSPORT AND HIGHWAYS</b>	
	<ul style="list-style-type: none"> <li>✓ Identify and provide for new bus services to serve the Northern Gateway site to access residential and employment areas serving the proposed developments and other relevant adjacent areas /sites/services.</li> <li>✓ Provide major access/egress points to and from the Welsh Road to the Northern Gateway site taking into account the impact on local residential areas.</li> <li>✓ Provide a new highway link from the northern part of the site to Zone 2 on the Deeside Industrial Park to facilitate improved vehicular access to and from the site from the strategic highway network.</li> <li>✓ Provide an internal highway link between the access roads on Welsh Road from both portions of the site and the new highway link into Zone 2, linking the northern and southern parts of the site to facilitate the composite development of the Northern Gateway site.</li> <li>✓ Deliver any junction improvements which are required to mitigate the impact of any development of the Northern Gateway site on the surrounding highway network.</li> <li>✓ Contribute towards the development of new strategic walking and cycling routes which serve the Northern Gateway site, employment areas, public transport, local centres and schools.</li> <li>✓ Provide internal walking and cycling routes to strategic links, including new links in the Deeside Enterprise Zone, public services, local centres, schools, health and public transport interchanges and stops.</li> <li>✓ Contribute towards major improvements to the rail services and infrastructure at Hawarden Bridge and Shotton Rail Stations.</li> <li>✓ Provide increased parking provision along the Bidston-Wrexham rail line, within the Northern Gateway site, to promote the use of public transport.</li> <li>✓ Consider the provision of a new rail station on the Northern Gateway site.</li> <li>✓ Develop measures through the development and promotion of workplace and residential Travel Plans to ensure that sustainable transport can be achieved and delivered in the short, medium and longer term.</li> <li>✓ Acknowledge the potential for the use of the River Dee for the transportation of goods</li> </ul>
<b>SUSTAINABILITY PRINCIPLES</b>	
<ul style="list-style-type: none"> <li>- on site / off site</li> </ul>	<ul style="list-style-type: none"> <li>✓ Contributions shall be made to secure a safe underpass access to the north bound platform of the adjacent Hawarden Bridge railway station.</li> <li>✓ A circular route through the site shall be identified for a new bus service.</li> </ul>

Topic	Key requirements that the masterplan must address
<ul style="list-style-type: none"> <li>- lighting</li> <li>- water management</li> <li>- energy</li> </ul>	<ul style="list-style-type: none"> <li>✓ A cycle circuit around the site perimeter shall be completed by creating a new cycle north south link route along the eastern edge of the site.</li> <li>✓ Floodlighting of buildings, spaces or advertising signs will not be permitted.</li> <li>✓ Security lighting shall be PIR activated.</li> <li>✓ Loading by lighting shall be controlled to ensure it is used only when loading is taking place.</li> <li>✓ Explore opportunities for low level lighting along the cycleway</li> <li>✓ Opportunities should be explored to facilitate the use of green roof technology designed to encourage ground nesting birds on any buildings with a shallow roof pitch which have a roof area of greater than 400 m<sup>2</sup></li> <li>✓ A comprehensive flood mitigation scheme shall be introduced across the whole site, employing best practice in sustainable urban drainage technology.</li> <li>✓ Flood mitigation and drainage areas should contribute positively to wildlife and open space corridors.</li> <li>✓ An energy strategy should be prepared to support any reserved matters applications for built development to consider the feasibility of sustainable technologies and to promote the highest practicable standard of energy efficiency and resource use in developments.</li> </ul>
<b>ECOLOGY</b>	
<ul style="list-style-type: none"> <li>- protected sites</li> <li>- species and associated habitats</li> </ul>	<ul style="list-style-type: none"> <li>✓ A fully integrated ecological strategy (i.e. for the whole site) is required, that incorporates the protection and enhancement of protected species, their associated habitats, long term management and monitoring.</li> <li>✓ The plan should also ensure that there is no likely effect on the adjacent protected sites, Dee Estuary SSSI/SAC/SPA/Ramsar and River Dee SSSI/SAC.</li> <li>✓ The plan needs to identify the location of retained and/or enhanced habitats for the protected species recorded on site as well as any necessary mitigation, covering: <ul style="list-style-type: none"> <li>i) otter, water vole, badger and common lizards associated with habitats adjacent to ditches;</li> <li>ii) bats associated with existing buildings (John Summers and Pump house) and associated linking foraging habitats;</li> </ul> </li> </ul>

<b>Topic</b>		<b>Key requirements that the masterplan must address</b>	
<ul style="list-style-type: none"> <li>- long term management and monitoring</li> </ul>		<ul style="list-style-type: none"> <li>iii) Breeding birds – e.g. skylark, house martin, swallows</li> <li>iv) Wintering birds e.g. lapwing (mitigation unlikely to be achieved on site).</li> </ul>	<ul style="list-style-type: none"> <li>✓ The ecological plan must be informed by relevant and timely surveys especially if there are delays to the start of or phases of the development. These surveys may raise additional protected species issues which will need to be incorporated into the plan as necessary.</li> <li>✓ In addition the ecological plan must be integrated with all aspects of the development including phasing, flood management and green infrastructure to avoid conflict with the ecological recommendations (Middlemarch Environmental Ltd – various reports).</li> </ul>
<b>WATER RESOURCES MANAGEMENT / FLOOD DEFENCE</b>			
<ul style="list-style-type: none"> <li>- Flood risk</li> <li>- Drainage</li> <li>- Relevant consents</li> </ul>		<ul style="list-style-type: none"> <li>✓ The development must be compliant with Technical Advice Note 15 (TAN 15). We understand that the applicants have been working closely with the NRW (previously EAW) for a number of years with regard to this significant constraint. Notably in relation to the Flood Consequence Assessments and Flood Modelling.</li> <li>✓ A sustainable scheme for foul and surface water management will be required over the lifetime of the development that meets the requirements of all relevant parties e.g. DC/WW, FCC (SAB), NRW etc. Adoption details and long term maintenance arrangements of the system will need to be determined and clarified.</li> <li>✓ The proposed plan involves significant impacts and alterations to several Main River systems (Dee, Garden City Drain, Shotwick Brook) Numerous Flood Defence and other consents will be required from the NRW with respect to these works. Consideration of the Water Framework Directive (WFD) may be a relevant factor.</li> </ul>	
<b>TREES, LANDSCAPE AND RECREATION</b>			
		<ul style="list-style-type: none"> <li>✓ The remaining Scots pine in the northern part of the site shall be retained and protected.</li> <li>✓ Retain and manage existing arboreal feature along riverside frontage to provide a visual link between the John Summers building and the Bascule Bridge (Blue Bridge).</li> <li>✓ Retain existing high quality tree cover and incorporate it within the site's development.</li> </ul>	



Topic	Key requirements that the masterplan must address
	<ul style="list-style-type: none"> <li>✓ Carry out street tree planting on main link roads to a standard suitable for adoption by the highways authority. Provide a commuted sum for their subsequent management in the short to medium term (0-20 years).</li> <li>✓ Follow the principles and examples contained in the Lower River Dee Corridor Green Infrastructure Action Plan.</li> <li>✓ Adopt NRW's (formerly CCW) Accessible Natural Greenspace Standards (ANGSt) for public recreation.</li> <li>✓ Follow the principles and guidance contained in the Town and Country Planning Association's Good Practice Guidance for Green Infrastructure and Biodiversity (<a href="http://www.tcpa.org.uk/data/files/TCPA_TWT_GI-Biodiversity-Guide.pdf">http://www.tcpa.org.uk/data/files/TCPA_TWT_GI-Biodiversity-Guide.pdf</a>).</li> </ul>
<b>BUILT CONSERVATION</b>	
<ul style="list-style-type: none"> <li>- Listed Buildings</li> <li>- Protected Gardens</li> <li>- BLIs</li> </ul>	<ul style="list-style-type: none"> <li>✓ The three listed buildings must be repaired and made ready for re use employing sound conservation methods as the first phase of the riverside campus development.</li> <li>✓ The entire registered Historic Garden should be reinstated in a form to be agreed with officers prior to the occupation of any new development in the Riverside Campus area.</li> <li>✓ The locally listed buildings shall be repaired and made ready for re use as part of the first phase of the riverside campus development unless alternative replacement buildings are approved, in accordance with UDP policy.</li> <li>✓ The setting of these historic assets shall be protected or enhanced by ensuring that new development respects and generally mirrors the scale, form and orientation of the existing pattern of development.</li> <li>✓ The military wartime 'pillboxes' on the site shall be retained and made safe within the landscape areas of the development.</li> </ul>
<b>COMMUNITY INFRASTRUCTURE</b>	
General requirements	Provision of appropriate community facilities as required through discussions with the existing local community and service providers. This will explore the need for – <ul style="list-style-type: none"> <li>- a community centre</li> <li>- provision of health services</li> <li>- a variety of formal and informal public open spaces, equipped and unequipped</li> </ul>

**Developer Obligations**

The exact requirements will be agreed depending on the quantum and mix of development as the respective reserved matters or subsequent planning applications are permitted, however there will be the following site wide requirements both for on and off site improvements and infrastructure to be met either by the developer or through S106 contributions.

- Affordable housing
- Public Open space provision and maintenance
- Education provision
- Community facilities
- Health services
- Public transport infrastructure improvements and service provision (including upgrading existing rail infrastructure, bus services and facilities)
- Road infrastructure improvements on and off site
- Public Footpath/Cycleway provision and improvements
- Ecological Mitigation and Enhancements

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> SEPTEMBER 2013**

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

**SUBJECT:** **APPEAL BY BROCK PLC AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION AND OPERATION OF AN INTEGRATED WASTE MANAGEMENT FACILITY AT PINFOLD LANE, ALLTAMI.**

**1.00 APPLICATION NUMBER**

1.01 **043948**

**2.00 APPLICANT**

2.01 **Brock plc**

**3.00 SITE**

3.01 **Pinfold Lane Quarry, Alltami**

**4.00 APPLICATION VALID DATE**

4.01 **11/09/07**

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision in respect of a full application for an integrated waste facility at Pinfold Lane Quarry, Alltami, Nr Mold following the refusal of planning permission at special planning committee. The appeal was dealt with by Public Inquiry held on the 25<sup>th</sup> – 27<sup>th</sup> June 2013 and 3<sup>rd</sup> July and was DISMISSED.

**6.00 REPORT**

6.01 A report was put before Special Planning Committee in September 2010 with Officer recommendation for approval which was deferred

because Members required clarification on matters relating to need and the Stoney Beach aspect of the application. A second report was put before Special Planning Committee in October 2011 with Officer recommendation for approval. Members refused the application on the grounds that *“There is no clearly identified need for the landfill element of the proposed development as the emerging Collections, Infrastructure and Markets Sector Plan calls into question the weight that should be given to the projections given in the North Wales Regional Waste Plan First Review, and so that element is contrary to Unitary Development Plan Policy EWP7.”*

- 6.02 A third report was taken to Planning Committee in April 2013 to provide Members with an update in light of changes to national policy and guidance, and to review the Council’s stance at the forthcoming inquiry. Officers recommended that if Members were still seized of the application planning permission it should be refused due to a lack of clearly identified need and because the development of the proposal site would result in the loss of a strategically located site which could otherwise be utilised for more sustainable methods of waste management, contrary to the requirements of the revised draft Technical Advice Note 21: Waste. Members supported the Officer recommendation.
- 6.03 The main issue considered at the Inquiry was whether there was a need for the 1.7 million cubic metre landfill element of the proposed development in the region/sub-region. The remaining elements of the proposal, including the Commercial and Industrial Materials Recovery Facility (MRF), Construction and Demolition MRF, and Contaminated Soils Recovery Facility were not in contention during the inquiry.
- 6.04 Since the decision was made by Members to refuse the application the Welsh Government has issued the Collections, Infrastructure and Markets Sector Plan, a draft revision of Planning Policy Wales, Chapter 12, and a draft revision to Technical Advice Note 21: Waste, both for consultation. The changes contained within these documents were the subject of much debate during the inquiry, particularly in relation to the issue of overprovision and what the level of need is across the region. The Inspector considered it appropriate to look beyond the Regional Waste Plan First Review, despite this being the policy document referred to in policy EWP 7.
- 6.05 The Inspector considered the evidence base contained within the Collections, Infrastructure and Markets Sector Plan, and an update of the modelling provided by the Council which gave estimates of when landfill is estimated to run out based upon different scenarios. The Inspector considered that estimates of landfill void running out in 2023/24 (without the adjacent consented Parry’s site being developed for landfill) and remaining void beyond 2025 (if the landfill permission at Parry’s is implemented) are realistic.

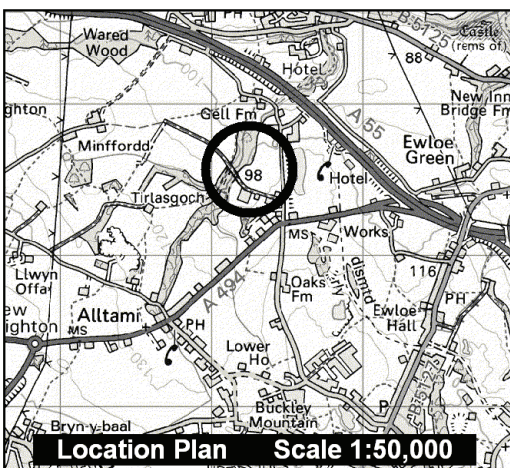
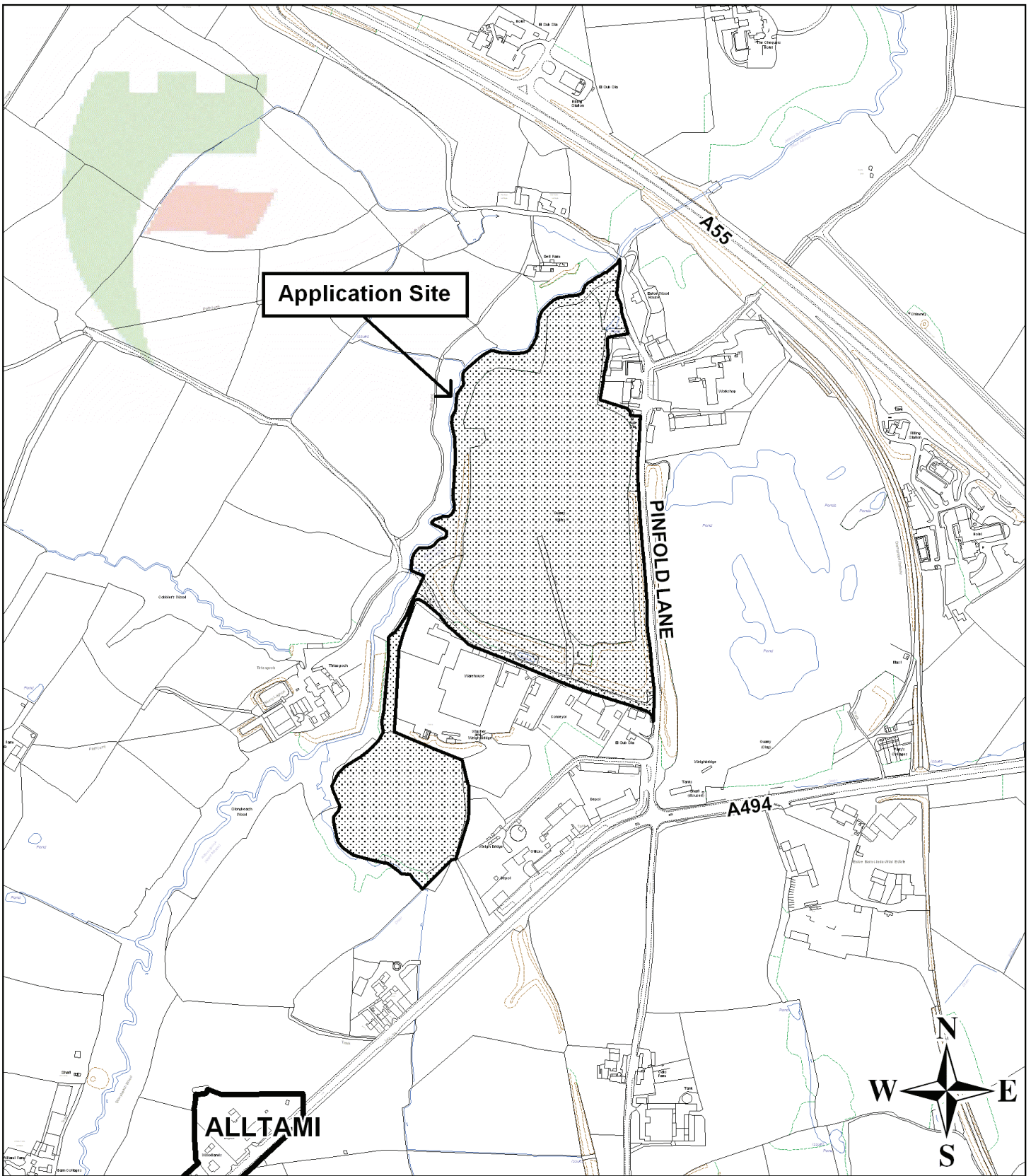
- 6.06 The Inspector also considered current rates of landfill deposition and when landfill would run out if nothing changed, i.e. if deposition rates remained the same as 2011 levels. The Inspector noted that at these deposition rates there is insufficient landfill void within the region, including Parry's, to meet the 10 year requirement identified by the current Technical Advice Note 21. However, the Inspector did not agree with the conversion rates applied by the Council and concluded that a less conservative conversion rate was more appropriate which increased the remaining void in years across the region. He also recognised apparent inaccuracies in the data sets provided by the Environment Agency Wales (now Natural Resources Wales).
- 6.07 The Inspector concluded that the implementation of the landfill planning permission at Parry's Quarry, opposite the appeal site, would enable the requirements of both the current and the emerging TAN to be complied with. However, **development of both sites would result in significant overprovision.**
- 6.08 Overprovision - harm  
The Inspector also considered whether there was harm from overprovision and concluded that it would be wasteful of void, delay restoration of Parry's Quarry (if both operated at the same time) and would reduce gate fees (through competition), resulting in waste being managed lower down the waste hierarchy.
- 6.09 Economic Argument  
The Inspector considered whether there was an economic requirement to co-locate the landfill and non-landfill elements of the proposal together to enable the non-landfill elements to come forward. He concluded that it is not necessary and that the non-landfill elements can be brought forward as stand alone facilities using contractual arrangements to secure disposal capacity.
- 6.10 The Inspector also considered the availability of existing consented landfill, and noted that in the event that the Parry's Quarry landfill permission is not implemented by February 2014, it is open to the operators of both Pinfold Lane Quarry and Parry's Quarry to re-submit.

## **7.00 CONCLUSION**

- 7.01 This was an unusual application as significant time has passed since the application was originally submitted. Since then national policy has changed significantly which has supported the refusal of the application.
- 7.02 The Inspector broadly concluded that there is no need for additional landfill provision within the region at the present time given the existing planning permission at Parry's Quarry. In the event that

planning permission at Parry's Quarry lapses, should a further application for non-hazardous landfill within the County be received, the Council will need to consider whether, in light of any further changes to national policy, a need would arise.

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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 43948

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> SEPTEMBER 2013**

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

**SUBJECT:** **APPEAL BY MR STEWART RUMNEY AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE FROM AGRICULTURAL BUILDING TO B2 USE IN PART (50%) WITH THE REMAINING 50% REMAINING IN AGRICULTURAL USE (IN RETROSPECT) AT BANNEL DAIRY FARM, BANNEL LANE, PENYMYNYDD**

**1.00 APPLICATION NUMBER**

1.01 048595

**2.00 APPLICANT**

2.01 MR STEWART RUMNEY

**3.00 SITE**

3.01 "BANNEL DAIRY FARM", BANNEL LANE, PENYMYNYDD, CHESTER

**4.00 APPLICATION VALID DATE**

4.01 6<sup>TH</sup> MAY 2011

**5.00 PURPOSE OF REPORT**

5.01 To inform members of the Planning Inspectorate's decision in regards to an appeal against the Council's decision to refuse retrospective planning permission for the change of use of part of a building from agricultural use to B2 use. The appeal was considered by way of an informal hearing and was DISMISSED.

**6.00 REPORT**

6.01 The Inspector considered that the main issues to be the general effect of the B2 use on the character of its rural settings; whether there is a material possibility that such a use would cause danger on the A5118;

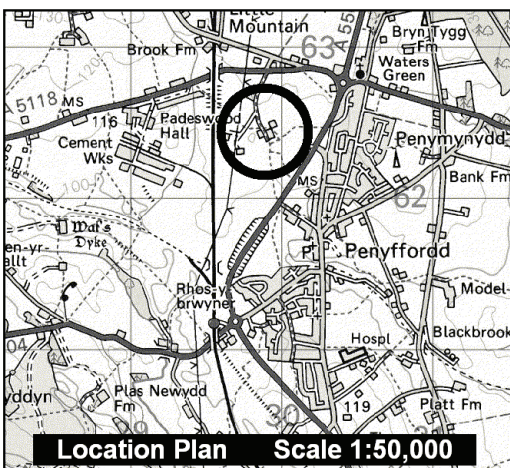
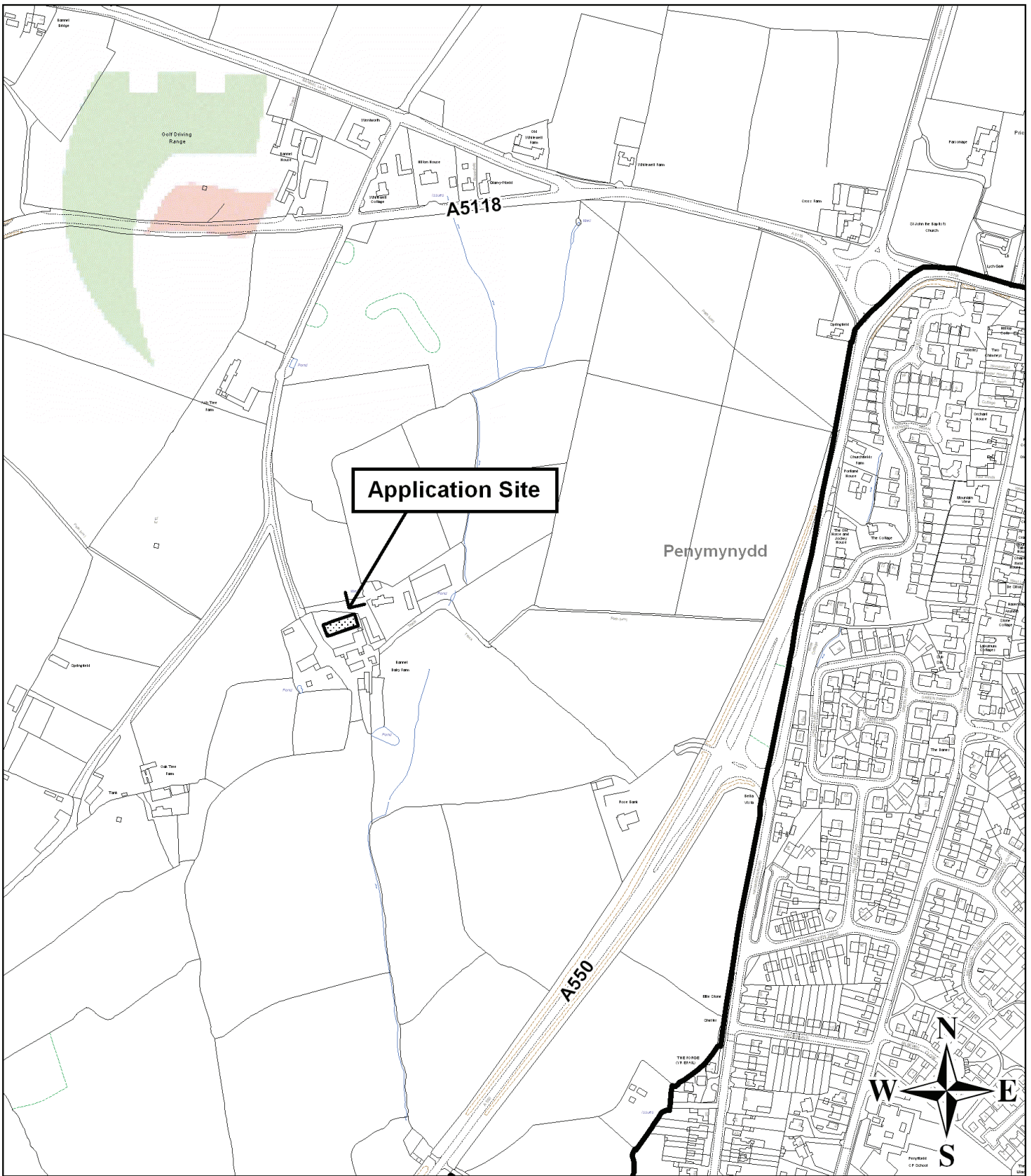
and, whether there is evidence to suggest that there has been an attempt to abuse the permitted development rights for the construction of this agricultural building.

- 6.02 On the first issue, the inspector considered that the existing use of the building is small scale; however, there would be no way of preventing the remaining part of the business, which is carried out at another premises in Sandycroft, relocating to the site and thus resulting in a much larger scale use. There would be no control over the number of people working at or visiting the site. As such, the development would be contrary to policy RE4 of the Flintshire Unitary Development Plan.
- 6.03 On the second issue, whilst the Council did not refuse the planning application on the grounds of its impact on highway safety, the Inspector re-examined this issue and considered that the junction onto the A5118 was unsuitable to accommodate an increase in traffic which the B2 could potentially generate. As such, a short temporary permission would not even be acceptable.
- 6.04 The final issue raised by the Inspector was with regard to whether or not the building was built with the intention of its early conversion to another use. Having questioned the appellant during the hearing it was evident that the change of use of the building took place only 6 months after it was constructed. There is not evidence that the building was reasonably required for agriculture on the small 11ha farm when it was constructed. The Inspector concluded that he was not persuaded that the building had been erected solely for the purposes of agriculture on the holding. He made a further comment that the appellant had submitted a prior approval application for the building and therefore should have understood that he needed permission for its change of use.

## **7.00 CONCLUSION**

- 7.01 The Inspector concluded that it would not be possible to control any potential intensification of the B2 use; the access to the site is unsuitable and would be a risk to highway safety; and finally, there was insufficient evidence to allay his concerns that there had been an attempt by the applicant to abuse agricultural permitted development rights. The Inspector finally noted that a short temporary permission for the B2 industrial use would not be justified.

**Contact Officer:** Alex Walker  
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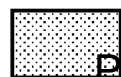


Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary



Application Site Extent

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Planning Application **48595**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>th</sup> SEPTEMBER 2013**

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

**SUBJECT:** **APPEAL BY MR PAUL SCHLEISING AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A BALCONY TO REAR OF DWELLING OFF SUNROOM AT 11 MANOR PARK, SYCHDYN, MOLD.**

**1.00 APPLICATION NUMBER**

1.01 050184

**2.00 APPLICANT**

2.01 MR & MRS PAUL SCHLEISING

**3.00 SITE**

3.01 11 MANOR PARK, SYCHDYN, MOLD.

**4.00 APPLICATION VALID DATE**

4.01 3<sup>RD</sup> OCTOBER 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 officer delegated powers. The appeal was dealt with by means of written representation under the Householders Appeals Service (HAS) pilot scheme and the appeal was dismissed

**6.00 REPORT**

6.01 **Main Issue**

The inspector considered the main issue in this case to be the effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to overlooking/privacy and visual impact.

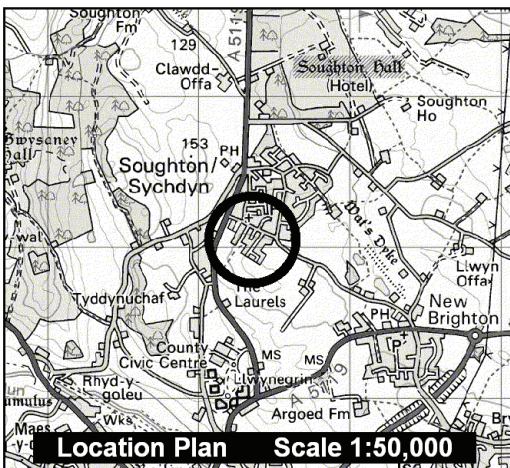
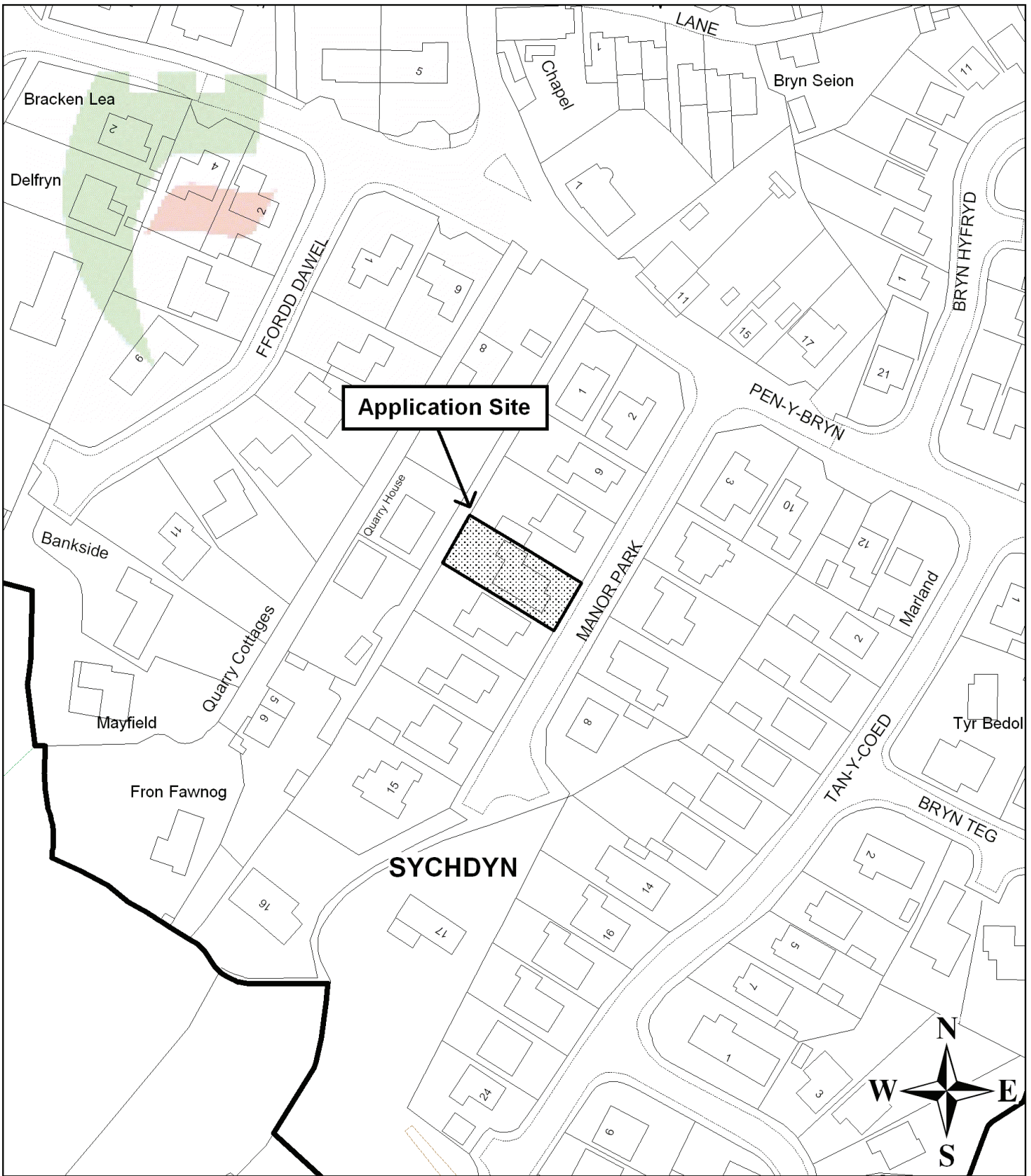
- 6.02 Having visited the site the Inspector noted that the proposed balcony would protrude 2m or so beyond the patio doors in the rear of the converted garage which are themselves a few metres further back than the rear elevation of the bungalow as originally constructed. He noted that the balcony would provide users with a direct, elevated and fairly close view of the facing elevation of Quarry Lodge which appeared to contain habitable room windows. The resultant loss of privacy would in his opinion, result in significant harm to the living conditions of the occupiers of Quarry Lodge and as such that the proposal conflicts with Flintshire Unitary Development Plan policies GEN1 and HSG12.
- 6.03 Whilst he noted that the current occupier of Quarry Lodge did not object to the erection of a small balcony to the rear of No 11. In any event, he was mindful of the need to protect the living conditions of future, as well as existing occupiers.
- 6.04 The proposal could also overlook the rear garden of No 10 next door, but a garage and shed within the curtilage of No 10 would provide some screening. This could be supplemented with a screen to the side of the balcony to ensure that any overlooking was not at a level which would result in material harm to the living conditions of the Occupier's of No 10.
- 6.05 Insofar as visual impact is concerned, He was satisfied that the proposal would not be of such a scale as to have a dominant or overbearing visual appearance when seen from neighbouring properties.
- 6.06 The inspector also noted that the Council also had pointed out that other works which have been implemented at No 11 that may have required planning permission. However, as these were not part of the appeal proposal and therefore this was a matter between the Council and the appellant.

## **7.00 CONCLUSION**

- 7.01 For the reasons given above the Inspector concluded that the appeal 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 **50184**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> SEPTEMBER 2013**

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

**SUBJECT:** **APPEAL BY MR. ANDREW ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A DETACHED DOUBLE GARAGE AT SEA VIEW, MAIN ROAD, FFLNNONGROYW – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 050334

**2.00 APPLICANT**

2.01 Mr. A. Roberts

**3.00 SITE**

3.01 Sea View, Main Road, Ffynnongroyw, Holywell, CH8 9SN

**4.00 APPLICATION VALID DATE**

4.01 5<sup>TH</sup> December 2012

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's appeal decision on the above application which was refused under officer delegated powers and. The appeal was considered by way of exchange of written representations and unaccompanied site visit and was dismissed.

**6.00 REPORT**

6.01 The Inspector considered the main issue to be the effect of the proposal on public safety. The site is one of pair of semi detached houses facing Main Road, Ffynnongroyw, it has a long garden bounded to the rear by a Public Right of Way, (PROW) known locally as Well Lane. The double garage was proposed to be located to the rear of the garden, with vehicular access on to Well Lane. The appellant had confirmed that he had no easement or other right in title.

He did however maintain that rights are assigned to properties backing on to Well Lane and disputed the status of the PROW and the legality of driving along Well Lane. He also drew attention to the obstruction provided by the bollard placed to the east of Sea View.

6.02 The Inspector considered that the evidence provided by the Council's Rights of Way seemed conclusive, and that the bollard was installed lawfully by the Council, to prevent vehicular access along the westerly portion of Well Lane, and that to drive along the PROW would constitute a criminal offence unless an easement or other right existed.

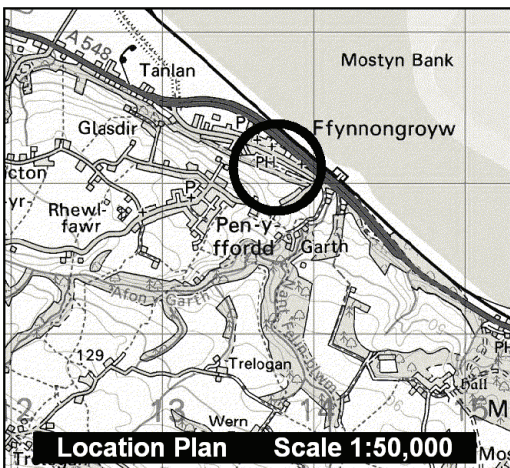
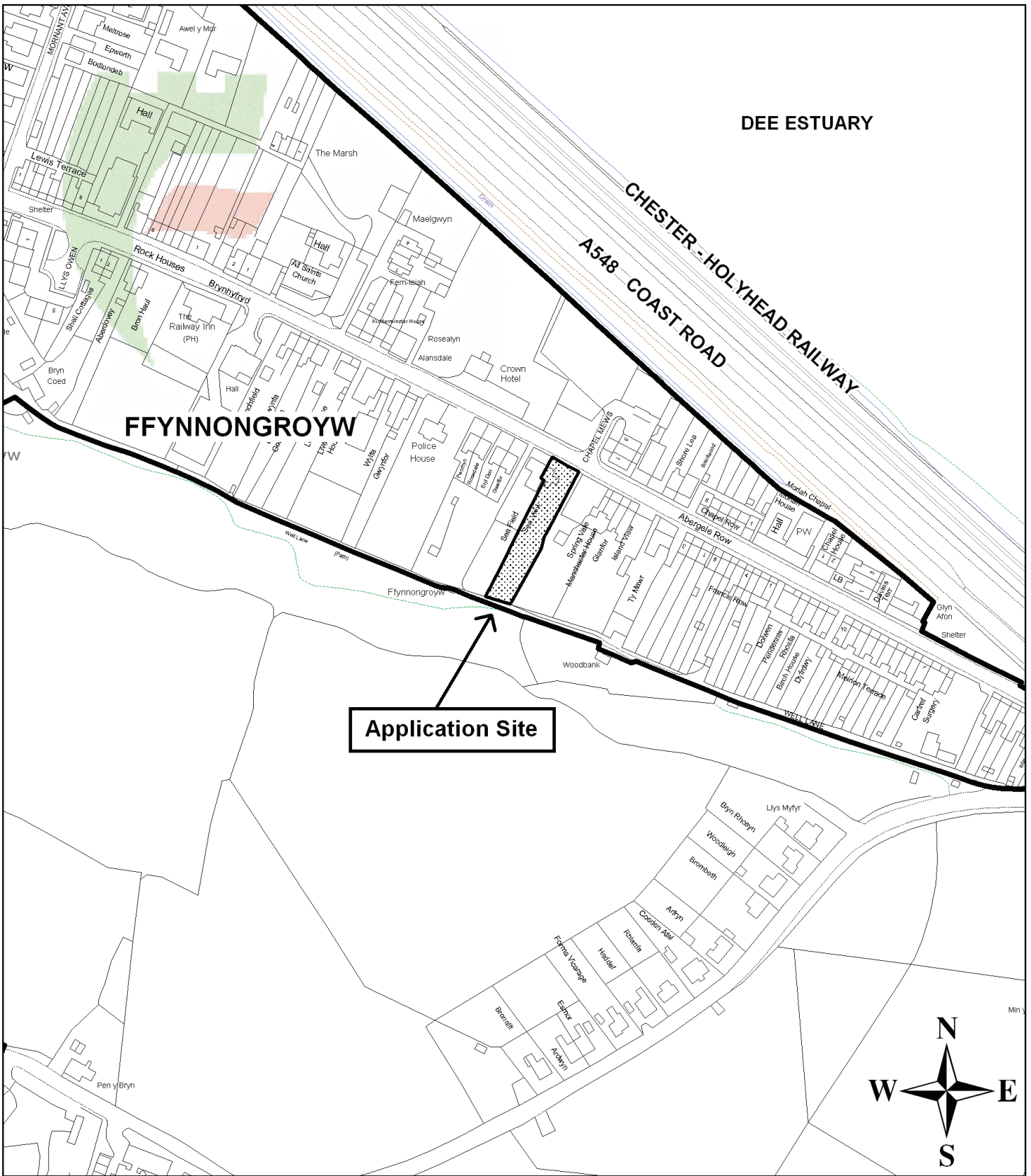
6.03 Notwithstanding the above, the Inspector considered that the section of Well Lane where the bollard is installed to be narrow and constricted by a building and retaining wall, whilst the footpath continues as a narrow footpath, capable of being widened. Even so the Inspector considered that any vehicular traffic on the lane would present a significant hazard to the users of the PROW of Well Lane. He considered that the passage and manoeuvring of vehicles would conflict with other users of the PROW, posing a highly significant risk to safety.


6.04 The Inspector considered that whilst the lane is used by cars to access the rear of properties, more vehicles would find it difficult to turn around within the lane and vehicles meeting would require reversing a significant distance in order for them to pass safely. Whilst he accepted that the speeds of vehicles would be low, due to the narrowness of the lane there would be conflict between vehicles, and especially between vehicles and pedestrians, and any additional traffic would lead to an unacceptable risk to road safety, and considered that the proposal was contrary to policies GEN1 and AC13 of the adopted Flintshire Unitary Development Plan and would be in conflict with national advice contained within Technical Advice Note 18, with regard to the provision of safety of the public realm.

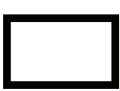
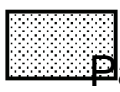
## **7.00 CONCLUSION**

7.01 For the reasons above, the Inspector Dismissed the appeal, on the grounds of the proposal being contrary to Policies GEN1 and AC13 of the Flintshire Unitary Development Plan, as the proposal was considered to have a significant impact on the safety of users of the PROW and the users of nearby land.

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 Director: Mr. Carl Longland

Legend	
	Adopted Flintshire Unitary Development Plan Settlement Boundary
	Application Site Extent

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Planning Application	<b>50334</b>

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