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Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr David Wisinger (Chairman)

CS/NG

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

29 October 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, 6TH NOVEMBER, 2013** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

A G E N D A

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 1 - 22)

To confirm as a correct record the minutes of the meeting held on 9th October 2013.

- 5 **ITEMS TO BE DEFERRED**

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

6 **REPORTS OF HEAD OF PLANNING**

The report of the Head of Planning is enclosed.

REPORT OF HEAD OF PLANNING
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON
6TH NOVEMBER 2013

Item No	File Reference	DESCRIPTION (A=reported for approval, R=reported for refusal)
6.1	051266 - A	Full Application - Erection of 37 No. Dwellings and Associated External/Drainage Works and Part-Reconfiguration of Existing Road at Fair Oaks Drive, Connah's Quay (051266) (Pages 23 - 44)
6.2	049300 - R	Full Application - Erection of 2 No. Wind Turbines (110 m to Tip) and Ancillary Infrastructure and Access at Kingspan Limited, 2-4 Greenfield Business Park 2, Greenfield (049300) (Pages 45 - 68)
6.3	051152 - A	Full Application - Change of Use from Commercial to 11 No. Self Contained Flats and Bedsits at 94 Wrexham Street, Mold (051152) (Pages 69 - 76)
6.4	049531 - A	Outline Application - Erection of 2 No. Town Houses, Construction of Means of Access and Associated Works at 6 Welsh Road, Garden City, Deeside (049531) (Pages 77 - 86)
6.5	051191 - R	Full Application - Change of Use from Post Office to Residential and Associated Works at 15 Drury Lane, Drury (051191) (Pages 87 - 92)
6.6	051025 - A	Approval of Details Reserved by Condition - Discharge of Condition No. 6 (Submission of a Development Brief for the Site Comprising an Illustrative Land Use Master Plan, Green Infrastructure Plan and Flood Mitigation Plan for Built Development and a Design Statement) Attached to Outline Planning Permission Ref: 049320 at RAF Sealand South Camp, Welsh Road, Sealand (051025) (Pages 93 - 112)

Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.7	050049	Appeal by Mr. M. Jones Against the Decision of Flintshire County Council to Refuse Planning Permission for an 11 kw Micro Generation Wind Turbine with Control Box and all Associated Works at Gop Farm, Dyserth Road, Trelawnyd - DISMISSED (050049). (Pages 113 - 118)
6.8	050252	Appeal by OM Projects Ltd Against the Non-Determination by Flintshire County Council for the Erection of a Single Storey Convenience Store and Associated Car Parking Following the Demolition of Existing Storage Building at Morris Garage, Wrexham Road, Mold - ALLOWED (050252) (Pages 119 - 124)
6.9	050312	Appeal by Mr. N. Popplewell Against the Decision of Flintshire County Council to Refuse Planning Permission for the Demolition of Existing Garage and Erection of a One Bedroom Annex at 18 Vaughan Way, Connah's Quay - ALLOWED (050312) (Pages 125 - 128)

PLANNING & DEVELOPMENT CONTROL COMMITTEE
9 OCTOBER 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, 9th October, 2013

PRESENT: David Wisinger (Chairman)

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

APOLOGY:

Councillor Chris Bithell

ALSO PRESENT:

The following Councillors attended as local Members:

Councillor Rita Johnson – agenda item 6.1 and Councillor Dave Mackie – agenda item 6.4

The following Councillors attended as observers:

Councillors: Haydn Bateman and Marion Bateman

IN ATTENDANCE:

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

76. **DECLARATIONS OF INTEREST**

Councillors Billy Mullin and Mike Peers declared a personal and prejudicial interest and Councillor Derek Butler declared a personal interest in the following application:-

Agenda item 6.3 – Full application – Construction and operation of the Beluga Line Station and associated development (including preparatory earthworks) at British Aerospace Airbus Ltd, Chester Road, Broughton (051119)

Councillor Jim Falshaw declared a personal interest in the following application:-

Agenda item 6.7 Outline application – Erection of a detached bungalow at Belmont, South Street, Caerwys (050169)

In line with the Planning Code of Practice:-

Councillor Alison Halford declared that she had been contacted on more than three occasions on the following application:-

Agenda item 6.4 – Full application – Change of use from agricultural to caravan park with 27 spaces including the conversion of shed into

campsite and fishing facilities, conversion of barn into site managers dwelling, formation of an access, construction of fishing pools, parking and ancillary works at Stamford Way Farm, Stamford Way, Ewloe (050839)

77. **LATE OBSERVATIONS**

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

78. **MINUTES**

The draft minutes of the meeting of the Committee held on 4 September 2013 had been circulated to Members with the agenda.

RESOLVED:

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

79. **ITEMS TO BE DEFERRED**

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

He reminded Members of training sessions to be held on 15 October and 15 November 2013. He also advised that there had been some teething problems with viewing planning applications on the Council's new website but advised that the issues were being addressed.

80. **VARIATION IN ORDER OF BUSINESS**

The Chairman explained that there would be a slight change in the order of business and, for reasons that he outlined, agenda item 6.9 would be considered at the start of the agenda.

81. **FULL APPLICATION - ERECTION OF 2 NO. FLATS, DEMOLITION OF EXISTING GARAGE, CREATION OF TWO NEW VEHICLE ACCESSES WITH ASSOCIATED PARKING FOR THE PROPOSED FLATS AND EXISTING DWELLING OFF VICTORIA ROAD AT 16 BEACONSFIELD ROAD, SHOTTON. (051022)**

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 7 October 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that eight letters of objection had been received and the grounds of their objection were reported.

Mrs. F. McMonagle spoke against the application. She lived in the adjacent property and raised concerns about the introduction of a vehicular

access which would compromise the privacy of her garden. The proposal included the removal of outbuildings and Mrs. McMonagle queried what would be done to ensure that her property was not compromised during that operation. She also queried whether appropriate controls for materials used in the outbuildings such as asbestos would be put in place during the demolition of the garage. Traffic and parking were a significant issue in the area and Mrs. McMonagle queried whether five parking spaces were sufficient for the proposals. Due to a bend in the road, visibility was very limited and hazardous. The introduction of a new vehicular access would require vehicles to reverse onto or off Victoria Road and would increase the problem. Mrs. McMonagle was concerned that the site would be overdeveloped and not in keeping with the current buildings.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He said that concerns had been raised about parking but five spaces had been allocated. The issues raised were valid but had been addressed in the report. Although it was a tight site for development, it was an area of residential demand.

The officer confirmed that the conditions addressed the concerns raised. The site was in a Category A settlement and currently had parking for two vehicles on the existing site, with three additional spaces proposed which would meet the required standards. Any asbestos found during the demolition of the buildings would be removed in accordance with other legislation and on the issue of safety he said that it was the responsibility of the developer to undertake the work in accordance with safe practices.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide a commuted sum of £733 per unit to enhance recreation provision in the area in lieu of on site open space 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 REFUSE the application.

82. **APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL (035575) AT CROES ATTI, CHESTER ROAD, OAKENHOLT (050967)**

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

The officer detailed the background to the report explaining that this part of the site for 52 dwellings had reserved matters approval and the application

sought to amend house types on part of phase one. The proposal was to reduce some of the three storey dwellings to two storey with a range of terrace, semi detached and detached properties. He highlighted the late observations where it was reported that condition 6 should refer to plot 38 and not plot 40 as was reported. He added that the local Member had concerns about the impact of the development on the parking situation for the terraced properties adjoining the site and she felt that the developer should provide parking for these residents.

Mr. J. Yorke spoke against the application. He said that officers had advised Members not to fight the public inquiry in January 2013 on the basis of planning precedent and that Members had not been told that the planning condition imposed in September 2012 did not accord with what they had approved. Members were not advised of the error when they considered the application in December 2012. He spoke about accuracy and highlighted paragraph 7.06 which referred to 8 Bennetts Row; Mr Yorke said that this property did not exist. On the issue of density, he said that this site was part of a previously approved Anwyl application but was by a different developer with a different application number. He said that it must be ensured that approval did not create a precedent of non-adherence to the design brief of 35 dwellings per hectare as this part of the site was for over 41 per hectare. Mr. Yorke asked that condition 2 be tightened as he felt that the wording would allow developers the opportunity to think that 41 dwellings per hectare was the new standard. If this increase was allowed, it would result in 810 properties instead of the 683 permitted and he felt that the roundabout could not cope with the increase in traffic that this would create. This would also increase traffic movements on Prince of Wales Avenue and Coed Onn Road. He referred to the Localism Bill of 2012 and asked that assistance be given to the residents of Gardners Row and Bennetts Row by providing parking for them.

Ms. L. Hawley spoke in support of the application as agent for the applicant. She said that this site was part of Phase one and was land that benefited from extant outline and reserved matters approvals. She said that Persimmon Homes wanted to amend house types to provide family homes on this part of the site which would result in the loss of three dwellings from the originally submitted application. The density was under 35 dwellings per hectare with 10% being offered as affordable housing, and the type and tenure were satisfactory to Housing officers. Persimmon had their own affordable housing scheme in place which allowed applicants to purchase 100% of their property for 80% with the remainder being a loan until the property was sold. It was hoped that work on the site would commence early in 2014 and Ms. Hawley asked Members to approve the application in line with the officer recommendation.

Councillor Christine Jones proposed the recommendation for approval which was duly seconded.

Councillor Alison Halford queried the comments of Mr. Yorke about inaccuracies in advice given to Members and whether the application would result in a density of over 35 dwellings per hectare which would lead to a total exceeding the 683 houses originally approved.

The local Member, Councillor Rita Johnson, said that this was a new application by a new developer and should therefore comply with current policies

for 30% affordable housing. She concurred with Mr. Yorke that the number of dwellings would increase to 820 if the density of 41 dwellings per hectare was agreed. Councillor Johnson said that she had submitted a request in August 2013 for the provision of parking for Bennetts Row and this had been acknowledged in writing. She asked that this be provided and that condition two on density be re-worded accordingly.

Councillor Derek Butler concurred about the wording of condition two and said that it inferred that the density would increase. On the issue of parking for the residents of Bennetts Row, he asked that a request be submitted to Anwyl Homes, the original developer, and the Welsh Government to explore the possibility of removing the wall to create off road parking for the residents. Councillor Carol Ellis supported the suggestion and requested that a condition be included to protect the residents from mud on the road during the development which would be a hazard to existing and new properties. She referred to a similar development in her ward where a condition had originally been included to protect residents but when a different number was created for the site, the condition was not carried over to the new permission.

Councillor Owen Thomas referred to the Unitary Development Plan and the Council's policies on density and affordable housing which he said should be adhered to. He said that on the site visit, Members had identified that off road parking had been created for residents on the other side of the roundabout and queried why it could not be provided for Bennetts Row. Councillor Carolyn Thomas asked for clarification regarding the 30% affordable housing guideline and said that a condition had not been included about the maintenance of open space. Councillor Mike Peers proposed that density be capped at 35 dwellings per hectare on this part of the site and expressed concern that it appeared that the affordable housing development did not even reach 10%. He asked whether a section 106 obligation could be considered for provision of parking for the residents of Bennetts Row.

The officer said that density of 35 dwellings per hectare was a maximum across the whole of the site. He said that it was reasonable for a developer to seek amendments for slight changes and reminded Members that the proposal would result in the increase of one dwelling on this part of the site compared to what had been previously approved. He explained to Members that a Roman road had been discovered on part of the site and Anwyl had agreed not to develop in that area resulting in the loss of 20 to 25 units, some of which would be absorbed elsewhere across the site. On the issue of affordable housing provision, this had been fixed at 10% when the outline planning permission had been agreed and so it would be unreasonable to seek to increase that figure as part of this application. The wording on condition two was standard and re-imposed the safeguards already in place. The officer explained that no provision for off street parking for Bennetts Row had been sought as part of the outline application and it would be unreasonable to impose it at this stage. However, following the recent site visit, he had contacted Anwyl Homes and discussed this proposal with them. Whilst they could not be compelled to make that provision, Anwyl's had indicated that they would give it serious consideration as part of the access to Phase 2 of the development.

In response to the comments made, the Development Manager said that an additional condition could be included for wheel wash facilities to prevent mud on the highway but that mud on the site roads could not be controlled during the course of construction.. The officer said that the maintenance of public open space would be subject to a legal agreement but could either be by a management company or by the Council; this was yet to be agreed.

On the issue of density, the Planning Strategy Manager said that the condition referred to the whole site of 683 and explained that the average density across the site had not changed. There was nothing in the application to suggest that the number of units would increase to over 800 units and was therefore not for consideration by the Committee at this meeting.

In summing up, Councillor Christine Jones proposed including the condition suggested by Councillor Ellis for wheel wash facilities and she thanked the officers for their responses. However, she said that Members had had ample opportunity to raise issues and added that she did not agree with new items such as off road parking for Bennetts Row being suggested each time an application for the site was considered.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning (with condition 6 being amended to refer to plot 38) and with an additional condition about wheel wash facilities.

83. **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)**

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 and an amended recommendation that Condition 1 was not required, were circulated at the meeting.

The officer detailed the background to the report explaining that the application had been deferred at the meeting of this Committee held on 4 September 2013 to allow further discussions between officers and local Members/Community Council about a proposed footpath link from the development into the adjacent community council park and to clarify issues regarding the potential for an eastbound “off” slip road to serve Broughton from the A55. Following these discussions it had been determined that a direct footpath link from the site into the park was not required. However, if at a later date a link was considered to be required then this could be achieved over publicly owned land and consequently condition no. 7 mentioned in the recommendation to September’s Planning Committee had been deleted. On the A55 slip road issue, it had been confirmed to local Members that the current application did not infringe the land which historically had been indicated as a possible slip road location.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He asked whether a bond could be required for the provision of a future access across the old railway line. In response, the Principal Solicitor said that financial arrangements of that nature could not be conditioned and the report indicated that access was not required at this stage. Councillor Butler spoke about the existing hedgerow and trees and sought confirmation that the planting would be properly maintained if it was damaged during construction on the site.

Councillor Mike Peers said that at the September 2013 Committee meeting he had asked that a plan be shown which included the potential slip road but he said that this had not been forthcoming.

In response to the comments made, the officer said that a standard condition was included requiring the maintenance of the landscaping. He said that an alternative access to Broughton had been suggested, running parallel to what was proposed in this application. The route proposed had however passed a safety audit so an alternative route was not needed and a bond was therefore not required. On the slip road issue, he explained that the plan showed an area where the slip road would be situated: the area was adequate. The Development Manager said the original owner had retained whatever land was needed for a proposed slip road so if it was needed it could be constructed and he confirmed that this application could be approved without affecting that piece of land.

Councillor Carolyn Thomas raised concern that in the past, ongoing maintenance of sites had been discussed prior to consideration of an application by Committee but it was now to be discussed following approval. She felt that this could cause future problems if it was not conditioned as to whether the developer would contribute to the ongoing maintenance. Councillor Thomas felt that the issue should be considered at a future meeting of the Planning Strategy Group. The Head of Planning agreed to include the issue as an agenda item at a future meeting of the Group.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning with condition one being deleted.

84. **FULL APPLICATION - CONSTRUCTION AND OPERATION OF THE BELUGA LINE STATION AND ASSOCIATED DEVELOPMENT (INCLUDING PREPARATORY EARTHWORKS) AT BRITISH AEROSPACE AIRBUS LTD., CHESTER ROAD, BROUGHTON (051119)**

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. Councillors Billy Mullin and Mike Peers, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report explaining that a similar application had been approved by the Committee in May 2013. The scheme had

been slightly amended and was now for a different type of structure, requiring a further application.

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

Councillor Owen Thomas said that the building would be built on an area used for parking and queried whether alternative parking was to be provided. Councillor Derek Butler said that the application would allow Airbus to load and unload the Beluga in adverse weather which would enable more day flights to take place thereby reducing proposed evening flights. In response to the question from Councillor Thomas, the officer drew Members' attention to condition 7 about adequate parking facilities being provided and retained within the site.

Councillor Halford said that Airbus was a gem in the North Wales economy and referred to a letter from the company which said that they were addressing all of the issues raised to reduce problems and noise for neighbouring residents.

RESOLVED:

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

85. **FULL APPLICATION - CHANGE OF USE FROM AGRICULTURAL TO CARAVAN PARK WITH 27 SPACES INCLUDING THE CONVERSION OF SHED INTO CAMPSITE AND FISHING FACILITIES, CONVERSION OF BARN INTO SITE MANAGERS DWELLING, FORMATION OF AN ACCESS, CONSTRUCTION OF FISHING POOLS, PARKING AND ANCILLARY WORKS AT STAMFORD WAY FARM, STAMFORD WAY, EWLOE (050839)**

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

The officer detailed the background to the report explaining that this was a re-submission of a previous application which had been refused on the grounds as detailed in paragraph 7.02. The applicant had appealed the decision but, due to concerns raised by Countryside Council for Wales (now Natural Resources Wales), had been required to resubmit the application with additional information to address these matters.

The primary use for the site was the fishing ponds for 52 weeks of the year and 27 touring caravan pitches which would be open for eight months of the year to anglers and non anglers. It was proposed that one of the buildings would be utilised for accommodation for a manager and another to be converted into a café and shower block. The main issues for consideration included the effect on the openness of the green barrier and on the visual appearance and character of the open countryside. Paragraph 7.17 detailed when Policy GEN4 could be applied and paragraphs 7.18 and 7.19 referred to the Magazine Lane application, the decision of the Inspector for that site, and how it differed from this site. The officer said that because of the seasonal nature of the touring caravan part of the

application, the caravan site would not be in use from November to February. It was therefore considered that this proposal was acceptable and that any impact could be mitigated.

Mr. T. Rimmer spoke against the application on behalf of the owner of the working farm on the adjoining land. He said that the impact on the green barrier was a concern and that if the application was approved it would make it difficult for the farmer to undertake routine farming activities such as muck spreading, due to the close proximity of the site to his farm. He referred to Policy T6 which required that the site did not have a significant adverse impact on the amenity of other residents; Mr. Rimmer felt that it would cause a significant impact on the farmer. He felt that the proposal was too intensive for the land and there was no evidence that a hydrological survey had been carried out. He said that the impact on the amenity and upon the ponds had not been taken into account and urged Members to refuse the application. He concluded that the proposals would impact on the farming of neighbouring land.

Mr. E. Jones, the agent for the applicant, spoke in support of the application. He said that the application complied with all relevant policies in the Unitary Development Plan (UDP) and this was evidenced in the report. The proposed use was appropriate in the green barrier and Highways had no objection to the application subject to conditions which were detailed. He said that the site was in an ideal location for a fishing facility and though the provision of caravans was controversial, as that use would be seasonal, its impact was reversible, and it would contribute to the tourism of the area. It would be a family run facility with a sound base and would employ up to 12 local people on a full or part time basis. Tuition for fishing was to be provided and fishing competitions would also be arranged. Professional advice had been sought to ensure that there was no detrimental impact on neighbours. Mr. Jones added that it was an exciting opportunity and asked Members to approve the application.

Councillor Derek Butler proposed refusal of the application against officer recommendation which was duly seconded. He said that he could not see any difference to the application which was refused in 2012. He raised concern about the reasons given by Natural Resources Wales and said that, whilst an environmental assessment had previously been sought, it had not been asked for as part of this application. He felt that paragraph 7.12 did not show a business plan and he disagreed with the use of the word 'essential' in paragraphs 7.17 and 7.18 as he did not feel that the fishing ponds were big enough to attract customers to the site. Councillor Butler referred to the wealth of small ponds in the area which provided opportunities for fishing and said that he did not feel that the business was sustainable. He also raised concern about the lack of comments from the Tourism and Regeneration officers.

Councillor Carol Ellis asked if Northop Hall Community Council and the adjacent ward Member had been consulted on the proposals as the settlement boundary was near to Northop Hall. She supported refusal of the application on the grounds of non compliance with Policy T6 and the detrimental impact on the farms around it. Councillor Ellis highlighted paragraph 7.16 regarding the policy considerations and the principle of development, and disagreed with the comments made.

One of the local Members, Councillor Dave Mackie, said that in accordance with advice previously given, he would leave the chamber after speaking and prior to discussion of the application. He spoke against the application and said that, whilst some elements of the development were temporary, others were not, and it would be open and visible from a wide area which would make it harmful to the green barrier. He said that the Inspector in the Magazine Lane inquiry had not accepted that a rural location was essential for such a proposal. If the proposal went ahead, Councillor Mackie felt that fishing ponds could be dug anywhere. He said that the officer had recommended approval of the application in October 2012 but it had been refused by the Committee and he urged Members to be consistent and refuse the current application.

Councillor Alison Halford, the other local Member, said that one of the reasons that the application had previously been refused was because of the decision on the Magazine Lane application, the other because of the lack of proper consultation with the adjoining land owner; both of these issues had been addressed in the report. Three letters of support had been received along with ten letters of objection: more weight should be given to the former. She felt that there were no proper fishing facilities in the area. Councillor Halford said that the issues of drainage and boreholes had been covered in the report along with the visual impact of the caravans. She added that the visibility splay was to be conditioned which would be better than that at the nearby Ewloe Kennels. Councillor Halford said that the comment that children and fishing did not mix was untrue and referred to the pond at Ewloe which was well used. She felt that this was a wonderful opportunity and asked Members to approve the application.

Councillor Richard Jones disagreed with Councillor Halford regarding the availability of fishing facilities and referred to other ponds in the area. He queried the figures proposed in the business plan reported in paragraph 7.12. He raised concern about the boreholes which were to be dug and queried what effect this might have on the water table. He did not feel that this was the right proposal for this piece of land.

Councillor Gareth Roberts referred to paragraph 7.17 and said that he did not feel that this was an essential facility for outdoor sport and recreation. The crucial factor was that it was in the green barrier. He concurred that there were many fishing ponds in the area and that if it was permitted would set a precedent for similar types of application in the green barrier. He had supported officers in opposing a previous proposal in the green barrier on Sealand Road, near Chester. If he had been against that proposal, he could not see how he could support the current application.

Councillor Mike Peers felt that the application would have a detrimental impact on the green barrier and highlighted paragraphs 7.07, 7.08 and 7.31. Councillor Jim Falshaw spoke in support of the application and said that tourism in Flintshire was needed. Councillor Dave Cox concurred with approval of the application and spoke of the significant work that had been put into the application and that it would be a pleasant area for families to enjoy if the application was approved. He felt that the countryside was not exclusively for use by farmers. Councillor Owen Thomas said that a lot of work had been done and the conditions had been tightened but he disagreed with permitted

development removal saying that caravan occupants would have to accept associated smells from farming.

In response to comments from Councillors Butler and Ellis, the officer said that the Tourism and Regeneration officers had been consulted but no response had been received. Northop Community Council and the adjoining local Member had not been consulted.

The Planning Strategy Manager said that the UDP policies generally allowed this sort of development in this sort of location. The application did not have to meet all of the criteria within the green barrier policy (GEN 4) and that it did satisfy criteria (g), which referred to other appropriate uses. The important question was whether the proposal would unacceptably harm the green barrier and it was felt that this proposal did not. He also advised, in the context of policy T6, that agricultural activities such as muck spreading were infrequent and should not influence the decision.

In summing up, Councillor Butler said that the application should be refused for the same reasons as the previous application. He felt that the business plan needed further examination and added that the report did not contain any information on the need or demand for fishing ponds. He also said that a response was also required from the Tourism officer.

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 unacceptable use within this area of open countryside designated as green barrier which would lead to coalescence and erosion of the open character (the same reason as for application number 049803).

86. **FULL APPLICATION - ERECTION OF 3 BEDROOM DETACHED DWELLING WITH GARAGE (FOR THE ACCOMMODATION OF A REGISTERED DISABLED PERSON) AT 45 BROUGHTON HALL ROAD, BROUGHTON (051040)**

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

The officer detailed the background to the report explaining that a previous application had been refused by Committee and was the subject of an appeal. The applicant had amended the internal design of the property and had submitted this application along with supporting information about why he needed the new dwelling. As Broughton exceeded the growth levels of a Category B settlement the proposed dwelling was considered to meet the requirements in Policy HSG3 of the Flintshire Unitary Development Plan (UDP).

Mr. E. Roberts, the agent for the applicant, spoke in support of the application. He complimented the officer for her report and explained that the

previous application had been refused because it had demonstrated a need for the development. This application sought to do so, and included the fact that the applicant was wheelchair bound following an accident and that the current accommodation was deficient for reasons which included, inadequate turning space and layout, poor access to the front and rear of the property, and underutilisation of space.

Considerable alterations had already been carried out at the property which were now unsuitable and a purpose-designed dwelling was the only option available to the applicant. The proposed dwelling would alleviate the problems and would considerably improve the quality of life for the applicant. Mr. Roberts felt that the application complied with Policy HSG3 due to the local need and the applicant intended to sign the Section 106 obligation as detailed in the report.

Councillor Billy Mullin proposed the recommendation for approval which was duly seconded.

Councillor Derek Butler said that the application had been turned down previously for valid reasons but that the required information had now been submitted. Councillor Gareth Roberts highlighted paragraph 7.13 where the requirements of the Section 106 obligation were detailed. In response to a comment from Councillor Owen Thomas about the Council purchasing the property if it became available, the Planning Strategy Manager said that there was a demand for specialist adapted accommodation and that the Section 106 obligation would mean that the property would be offered to the Council in the first instance.

In summing up, Councillor Mullin said that the concerns expressed about the original application had been addressed and that if the Council did not want the property, it would be offered to a Registered Social Landlord.

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 the provide the following:-

- The property shall be occupied by the applicant Mr. Partington in the first instance;
- The Council would be offered first refusal to purchase the property if it is put up for sale at open market value within an agreed time period. If the Council do not wish to purchase the property, second refusal is given to a Registered Social Landlord within a similarly agreed time period.

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

87. **FULL APPLICATION - DEMOLITION AND REBUILD OF 4 NO. POULTRY BUILDINGS AND ASSOCIATED INFRASTRUCTURE (RETROSPECTIVE) AT TREUDDYN FARM, FFORDD Y BLAENAU, TREUDDYN (051050)**

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

The officer detailed the background to the report explaining that the buildings had collapsed during the snow earlier in the year, had been demolished and the site cleared. The application was for four poultry sheds to house 141,200 on a two hectare site and was accompanied by an Environmental Statement which addressed the likely environmental impacts of the development; they would be limited and could be managed. She added that the site operated under an environmental permit from Natural Resources Wales (NRW).

Mr. R. Mawby, an employee of the applicant, spoke in support of the application. He explained that the applicant wanted to rebuild the structures on the site and explained that the company provided poultry to businesses in Llangefni and Sandycroft. The site would be regularly monitored by NRW and failure to comply with the permit could result in the closure of the unit.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded. He said that the business was already established and the replacement buildings were needed.

Councillor Carolyn Thomas said that concerns had been raised but these had been addressed by the conditions.

RESOLVED:

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

88. **OUTLINE APPLICATION - ERECTION OF A DETACHED BUNGALOW AT BELMONT, SOUTH STREET, CAERWYS (050169)**

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

The officer detailed the background to the report explaining that it had been deferred at the 12 December 2012 meeting of the Committee pending the applicant submitting further information with regard to a pre-determination archaeological evaluation and local/affordable housing provision. The information had not been received and the recommendation was therefore for refusal of the application.

Mr. S. Hatherall, the agent for the applicant, spoke in support of the application. He said that the first reason for refusal was on the grounds of scale and massing but he did not feel that this reason was appropriate as it was an outline application and all matters had been reserved. The application was for a

moderate dwelling with two parking spaces which would comply with the space around dwellings policy. Caerwys had reached 19.7% growth which exceeded the 15% growth band for a Category B settlement, although there was some flexibility in those figures, which showed that applications of this nature could be approved. The development offered the chance of a dwelling to cater for a proven local affordable housing need although Mr. Hatherall said that this was unreasonable as it amounted to 100% affordability. He added that the cost of the archaeological assessment was more than £3,000 which did not guarantee approval of the application so the applicant could be left with approval on an unviable site.

Councillor Jim Falshaw proposed approval of the application against officer recommendation which was duly seconded. He said that the application had been deferred twice for further discussions and that the dwelling proposed was for the parents of the applicant. Other houses in the street were well established and maintained and this site was the only unmaintained site. The site had previously been for a taxi office and for the maintenance of vehicles and was therefore a brownfield site. He said that he had attended a meeting with officers where he had been advised that an archaeological survey would only be required if the application was approved. There had not been any house growth in Caerwys for seven years and there were sites smaller than this one on which three terraced properties had been built. Councillor Falshaw supported the application and could see no reason to refuse it.

Councillor Owen Thomas said that there was lots of infill in Caerwys and added that this was a piece of derelict land that could be cleaned up by having a bungalow built on it. He felt that local need had been established and that it was an ideal site for the proposal.

Councillor Derek Butler said that there was no reason to go against the officer recommendation as it did not comply with Policy HSG3 and he referred to the comments of Caerwys Town Council who were also against the proposal. Councillor Mike Peers referred to paragraph 7.10 which referred to the special character of the Conservation Area, but paragraphs 7.3 and 7.4 stated that the harm was already there. He agreed with the local Member that it was a brownfield site. He added that it was a vacant plot in the settlement boundary and that the proposal would not harm the special character or the area.

Councillor Alison Halford commented on the second and third reasons for refusal and asked if there was a balance for officers to help the applicant and point them in the right direction. Councillor Gareth Roberts felt that a dwelling could be built that was in keeping with a neighbouring property but said that a bungalow on the site was not suitable. He said that if this application was approved in an area that exceeded the 15% growth, how could other applications in other villages be refused. In response to a question from Councillor Richard Jones, the Principal Solicitor said that if the application was approved, delegated powers would be given to the Head of Planning to include any appropriate conditions.

In response to the comment from Councillor Alison Halford, the Development Manager said that discussions had taken place with the applicant and he had been advised of the information that he needed to submit, but to date

it had not been forthcoming. He added that each of the reasons for refusal were valid and would stand alone. The officer said that there was no proof that the property was required for local need and evidence about the impact of the development upon subsurface archaeology had not been submitted. He referred to paragraph 7.06 and the comments from Highways officers about setting the dwelling further back into the site to enable a set back of 2.5m from the adjoining highway, which would further compound the limited plot depth. The officer added that there was no history of a taxi office being on the site and that there was no reason to approve the application.

The Planning Strategy Manager said that just because the site was derelict, it was not a reason to grant permission. The growth percentage being over the limit for the settlement was not in dispute and an exceptional case had to be made to permit an application in this situation. The applicant had been advised of this but the information had not been forthcoming. He spoke about Policy HSG3 and the comments of the Clwyd Powys Archaeological Trust in relation to what was an important archaeological area. It had been reported that a pre-determination archaeological evaluation needed to be completed to supply information about the site and to allow subsequent discussion on mitigation. Nothing had been provided.

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

RESOLVED:

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

89. **FULL APPLICATION - ERECTION OF A GARDEN ROOM EXTENSION AT SMITHY COTTAGE, HENDRE (051029)**

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 7 October 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report explaining that an application for a similar application was submitted by the applicant but withdrawn in April 2013 following discussions with officers where the applicant had been advised that the proposals were out of character with the existing dwelling. An amended scheme had been submitted and granted permission in June 2013. The applicants had sought clarification as to why one application was acceptable and the other was not. They had been advised that the second application more closely reflected the rural character of the building. This proposal was similar to the application withdrawn in April 2013 although it showed a reduction in length from six metres to five metres.

Councillor Gareth Roberts proposed the recommendation for refusal which was duly seconded. He said that the proposals were out of character with the building and were similar to the application submitted earlier this year. He said that an extension to the building could be accommodated as reflected in the

proposals approved in June 2013 but added that refusal of this application was correct.

Councillor Derek Butler said that it was reported in paragraphs 7.09 and 7.12 that discussions had taken place and the applicant had been advised that an appropriate extension to the building could be achieved but he had chosen to submit this application which was unacceptable.

Councillor Owen Thomas said that the dwelling was hidden by trees and could not be seen from the road. He felt that the glazed link approved by the previous permission would not be in keeping with the existing character of the building. This application was in keeping with the character of building and of the area and should be approved.

In response to the comments made, the officer said that paragraph 7.13 highlighted the application which had been withdrawn, which proposed an extension at right angles to the property which was out of character with the linear building.

The Planning Strategy Manager said that this was a unique building. Discussions had been undertaken with the applicant about what was acceptable and this had been negotiated and agreed. However, the applicant had chosen to submit another application with a different proposal.

RESOLVED:

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

90. **OUTLINE APPLICATION - RESIDENTIAL DEVELOPMENT AT CHAPEL STREET, CONNAH'S QUAY (050153)**

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 it was reported that amended plans had been submitted which reduced the number of dwellings from five to four. It was also reported that condition 2.01 (a) about payment of an educational contribution, and condition 19 about proposed overspill parking at the Naval Club, were to be deleted.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He said that the site had never been used as part of the park and was in a Category A settlement being a continuation of the houses in Pinewood Avenue.

RESOLVED:

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

- Payment of not less than £1,100 per dwelling to be provided upon 50% sale or occupation of the development in lieu of on site public open space. The receipt to be used to enhance existing recreation provision in the community.

If the obligation/Unilateral Undertaking (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

91. **VARIATION OF CONDITION NO. 11 ATTACHED TO PLANNING PERMISSION REF: 048892 ASSOCIATED LAND AND FORMER WHITE LION PUB, CHESTER ROAD, PENYMYNYDD (051056)**

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

The officer detailed the background to the report explaining that if the application was approved, a supplemental Section 106 obligation would be required to tie the proposals into the wider site. He highlighted paragraph 7.03 where the original condition was reported which prohibited occupation of any of the dwellings until such time as a scheme of off site drainage system improvement works had been undertaken and completed. A scheme of works had been agreed between the developer and Welsh Water which was in two parts; the first phase of the works had been completed. The second part of the project required the upgrade of a 76 metre length of sewer pipe prior to its entry into the Penyffordd Waste Water Treatment Works. Welsh Water had programmed this part of the scheme to be undertaken alongside another unrelated piece of work which was planned to be completed by 31 March 2014. The officer had been advised that the outstanding upgrade works which were the subject of the condition were intended to be the first part of that larger scheme of works and were therefore anticipated to be completed earlier. Welsh Water had advised that there was no 'in principle' objection to the variation of the condition sought by the developer. However, they had assessed the current foul drainage system and had advised that, provided that no more than 50 properties were connected to the system before the completion of the upgrade works, there was no risk to existing residents.

Councillor Richard Jones proposed refusal of the application against officer recommendation which was duly seconded. He felt that the request to vary the condition should be refused and that no dwellings should be occupied until the works by Welsh Water had been completed.

Councillor Carol Ellis referred to an application which had been granted in her ward which had been conditioned that no properties be occupied until works

had been completed by Welsh Water; dwellings had subsequently flooded when it rained. She supported refusal of the application and said that conditions were put on for a reason and should be complied with. Councillor Carolyn Thomas queried whether the advice from Welsh Water was being given by an engineer or by a planner. Councillor Billy Mullin concurred that conditions were put in place to safeguard the residents and that they should be adhered to. Councillor Derek Butler said that the works would be completed by 31 March 2014 and that Welsh Water had no objection to the variation 'in principle'. Councillor Gareth Roberts considered that, if the condition needed to be imposed previously, it needed to be imposed now, and queried what would happen if the request to vary the condition was refused and the applicant appealed, as they had the support of Welsh Water.

In response to the comments made, the officer said that it was the choice of Welsh Water to undertake the project in two parts and that the contact at Welsh Water had been the same person so the response for both applications had been consistent. The developer would have programmed the building of the dwellings on the site into a build programme based on the original discussions with Welsh Water and they had confirmed that there would be no risk to residents. If there were any problems, any issues would be directed to Welsh Water. He reiterated the earlier comment that Welsh Water had indicated that up to 50 properties could be connected to the system before the completion of the upgrade works without risk to existing residents.

The Planning Strategy Manager said that it was not the fault of the developer that the scheme had been split into two parts, so if the application was refused, it would be for something which was out of the developer's control.

Councillor Jones said that conditions were applied to protect residents and ensure works were carried out accordingly. He felt that Welsh Water should complete the works before occupation. The Principal Solicitor asked for a reason for refusal and said that it was not for officers to supply one. He said that there was nothing to prevent developers applying for variations to conditions. The Head of Planning reminded Members that Welsh Water were a statutory consultee and had advised that 50 properties could be connected to the system before completion of the works. The Principal Solicitor said that an appeal inspector would give significant weight to the comments if the developer appealed refusal of the application.

Councillor Jones asked if third party advice could be sought. The Principal Solicitor said to do so would impact upon the timetable for the determination of the application, which reflected Welsh Water's projected timescales for the works, and that it was likely that any advice obtained would confirm Welsh Water's stance.

The officer reiterated his earlier comments about the scheme of works to be undertaken and why there had been a delay in the provision of the second part of the scheme. An element of occupancy up to 50 dwellings could be provided without putting the residents at risk. Councillor Jones asked for clarification on paragraphs 7.04 and 7.05 which the officer provided. Councillor Peers asked what assurance could be given if a problem occurred after any of the properties were occupied but before the works were completed. The officer

responded that the phasing of the works could not be conditioned and that it was incumbent on Welsh Water to correct any problems that occurred.

In response to an earlier comment from Councillor Jones about third party advice, the Head of Planning said that an option before the Committee was to defer the application and seek further advice. Councillor Alison Halford proposed deferment of the application. The officer explained that it was anticipated that the works affecting this site would be completed by 31 January 2014. Councillor Billy Mullin sought assurance that it would be completed by this date.

The Principal Solicitor suggested that, if the application was approved, a strongly worded letter could be sent to Welsh Water about its changed position on the scheme of works. Councillor David Evans felt that to defer the application could put potential purchasers in a difficult position. Councillor Jones changed his proposal to approval of the application, accompanied by the letter as suggested by the Principal Solicitor.

Following a further discussion, it was agreed that the letter could also include the comment about putting potential purchasers in a difficult position and a request that the number of properties occupied before the completion of the works could be reduced if any problems occurred.

RESOLVED:

That the condition be varied subject to the applicant entering into a Section 106 obligation to link to the previous application and a letter being sent to Welsh Water to express the concerns raised by the Committee.

If the obligation/Unilateral Undertaking (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

92. **APPEAL BY MR. MRS. SUE ROBERTS AGAINST THE NON-DETERMINATION OF AN EXTENSION TO FORM FIRST FLOOR OVER EXISTING SINGLE STOREY BUILDING FOR THE PROVISION OF 4 ADDITIONAL BEDROOMS AT BRYN BUNGALOW, ROCK LANE, CAERWRLE - DISMISSED (049553)**

RESOLVED:

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

93. **APPEAL BY MS. M. LLOYD-JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CONSTRUCTION OF A PUBLIC HOUSE, CREATION OF PARKING AND TURNING AREAS, CYCLE STORE AND MEANS OF ACCESS, THE PROVISION OF 45M² OF PHOLTOVOLTAIC CELLS AND HARD AND SOFT LANDSCAPE TREATMENT ON LAND ADJACENT TO SINGING KETTLE SERVICES, ST. ASAPH ROAD, LLOC, HOLYWELL (050008)**

RESOLVED:

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

94. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED:

That the press and public be excluded from the meeting for the following agenda item which was considered to be exempt by virtue of paragraphs 12, 13, 16 and 17 of Schedule 12A of the Local Government Act 1972 (as amended).

95. **FAILURE TO COMPLY WITH THE REQUIREMENTS OF AN ENFORCEMENT NOTICE**

The Development Manager introduced a report to consider if the Council should proceed with 'direct action' under the provisions contained within Section 178 of the Town and Country Planning Act 1990, to seek compliance with an enforcement notice.

He detailed the background to the report and explained that advice had been taken from Counsel. There was a need to determine how to take it forward and the current position and options available to the Council were detailed in the report.

Councillor Carol Ellis asked whether advice would be given to the occupier by Housing officers and queried whether the appropriate officers would be involved if and when the occupier was evicted from the property. The Principal Solicitor responded that this formed part of the Equality Impact Assessment referred to in the report. Councillor Richard Jones queried whether all appropriate steps had been followed and the Principal Solicitor detailed the work that had been undertaken. In response to a question from Councillor Ian Dunbar, the Principal Solicitor said any goods unclaimed could be sold and that the Council could seek to recover any costs it had incurred. The Head of Planning confirmed that Flintshire County Council had taken all the appropriate steps and would try to bring the case to a conclusion as soon as possible.

Councillor Alison Halford proposed the recommendation in the report which was duly seconded.

RESOLVED:

That direct action be taken under Section 178 of the Town & Country Planning Act 1990 to secure full compliance with the requirements of the Enforcement Notice.

Councillor Carolyn Thomas indicated that she wished it to be recorded in the minutes that she had abstained from voting.

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

There were 28 members of the public and 3 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 4.49 pm)

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Chairman

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **6TH NOVEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – ERECTION OF 37 NO. DWELLINGS AND ASSOCIATED EXTERNAL/DRAINAGE WORKS AND PART-RECONFIGURATION OF EXISTING ROAD AT FAIR OAKS DRIVE, CONNAH’S QUAY.**

APPLICATION NUMBER: **051266**

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

SITE: **FAIR OAKS DRIVE, CONNAH’S QUAY.**

APPLICATION VALID DATE: **18TH SEPTEMBER 2013**

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

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

REASON FOR COMMITTEE: **MEMBER REQUEST & SIZE & SCALE OF DEVELOPMENT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application for the erection of 37 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, 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 development is considered acceptable in planning policy terms. Issues in respect of community benefits, design, layout, access, residential amenity and ecology have been negotiated and resolved.

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

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

- a. Payment of £110,313 towards educational provision/improvements at Wepre CP School. The timing of such payment to be agreed with the Director of Lifelong Learning.
- b. Control the provision, location and first and subsequent occupation of the proposed 8 affordable dwellings.
- c. A 10 year maintenance commuted sum payment for the Council to adopt the POS.
- d. Payment of £40,000 for enhancement and maintenance of the piece of land in close proximity to the site owned by Flintshire County Council for wildlife and informal recreation.
- e. Payment of £800 for promotion, monitoring and evaluation of approved Travel Plan.

If the Obligation/Unilateral Undertaking (as outlined above) is not completed within 6 months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

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

Conditions

1. Time limit on commencement.
2. In accord with approved detail.
3. Samples of all external materials to be submitted and approved prior to commencement.
4. Detailed scheme of hard and soft landscaping to be further submitted and approved in writing prior to commencement.
5. Detailed layout, design, surface water drainage, street lighting and construction of the internal estate roads to be further submitted to and approved.

6. Siting, layout and design of the means of site access to be in accordance with details to be submitted to and approved.
7. Works associated with forming the means of the primary site access shall be kerbed and completed to carriageway base course layer up to the boundary between plots 5 & 6 prior to the commencement of any other site building operations.
8. Proposed amended private drive access at its junction with the proposed adopted road to have visibility splays of 2.4 m x 43 m measured along nearside kerb line.
9. Facilities to be provided and retained within the site for the parking, turning, loading and unloading of vehicles associated with the proposal and associated operations including bin storage.
10. Positive means to prevent the run off of surface water from any part of the site onto the highway shall be provided in accordance with details submitted to and approved by the Local Planning authority.
11. No development shall take place, including site clearance works, until a construction traffic management plan submitted and approved by the Local Planning Authority.
12. Full travel plan submitted to and approved in writing by the Local Planning Authority.
13. Foul water and surface water discharges derived separately from the site.
14. No surface water to connect, directly or indirectly to public sewerage system unless approved by the Local Planning Authority.
15. Land drainage run-off not permitted to discharge, directly or indirectly into public sewerage system.
16. No development to commence until developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and approved by the Local Planning Authority.
17. No buildings on the application site shall be brought into use earlier than 31st March 2014, unless upgrading of waste water treatment works completed.

18. Details of existing and proposed site levels and proposed finished floor levels submitted to and approved in writing by the Local Planning Authority.
19. Details of “design stage” assessment and related clarification to be further submitted to and approved by the Local Planning Authority.
20. Each dwelling to be constructed to achieve a minimum code for sustainable homes level 3 and achieve 1 credit under Category Ene1 in accordance with the requirements of Code for Sustainable Homes – Technical Guide April 2009.
21. No dwelling occupied until Code for Sustainable Homes “Post Construction Stage” Assessment has been carried out, a final certificate has been issued certifying Code Level 3 and 1 credit under Ene 1 have been achieved in writing by the Local Planning Authority.
22. Details of all boundary treatments to be submitted and approved.
23. Final dwelling not occupied until all roads and pavements completed to adoption standard.
24. Site investigation of the nature and extent of contamination to be carried out in accordance with the methodology to be further submitted to and approved in writing by the Local Planning Authority. Any contamination found, report specifying the remediation measures to be further submitted and approved by the Local Planning Authority.
25. Reasonable avoidance scheme for GCN to be further submitted and approved by the Local Planning Authority. Biosecurity Risk Assessment to be further submitted and approved and ecological compliance audit scheme to be further submitted and approved.
26. Submission of proposals to reduce or prevent the incidental capture or killing during and post construction for badgers.
27. Specification details of the type, location and amount of play equipment to be provided an open space to be further submitted to and agreed by the Local Planning Authority.

3.00 CONSULTATIONS

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

Councillor P. Shotton

Requests application be referred to Planning Committee and that a site visit take place. The reasons being for Committee determination are that the dwellings be in character with existing properties, affordable as Council policy and community benefits accrue. The reasons for the site visit are so that Members can look at the reconfiguration of the roadway and the character and appearance of the dwellings.

Connah's Quay Town Council

Reiterates its previous comments. These being requests any further development should be in character and reflect the nature and types of existing development in the area. Therefore request a site visit with local Members invited. Also asks close scrutiny be paid to the additional provisions now included in the proposal i.e., public open space, affordable housing, Section 106 and community benefits and that the dwellings are kept in character of the local environment. Some concern was expressed as to the narrowness, the access and express roadway.

Head of Assets and Transportation

Recommends any permission include suggested conditions. Drawings do not include details regarding vertical alignment of roads or street lighting. Drainage proposals are included but not supported by any ground investigation reports. Preference for soakaways situated outside of the highway, there would appear to be possibilities for siting at least some of the soakaways in the play area or landscaped areas. Proposals contain 8 No. 4 bedded properties each provided with 2 No. parking spaces, this is below guideline figure of 3 parking spaces. No justification has been provided and no opportunity to increase parking provision. Suggests requirement for a residential travel plan and a commuted sum (Section 106) to cover the Authority's cost in managing the plan. Sum of £100 per unit (total £800) required to promote, monitor and evaluate the travel plan.

Environment Directorate

(Rights of Way)

No affected public footpaths or bridleways in the immediate vicinity, therefore no observations to make.

Head of Public Protection

No objections in principle. However, site is in close proximity to former landfill. Recommends suggested condition is attached on any approval.

Director of Lifelong Learning

The 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

£110,313 for Wepre CP School.

Public Open Spaces Manager

No objections to the proposed P.O.S. provision subject to the Council agreeing the specification for the landscaping, fencing, boundary treatments and level of play equipment to be provided by the developer.

That the P.O.S. provision is completed upon 75% of sale or occupation of the development.

That should the development require the Council to adopt the P.O.S. a 10 year maintenance commuted sum payment be required upon formal adoption.

Also requires a 5 m gap in the hedgerow to provide a link with the southern piece of the allocation to provide pedestrian access and maintenance.

Housing Strategy Manager

Based on the current policy, 30% provision there is a requirement for 11 units to be delivered. However, as the developer is proposing to rent the units for affordable rental (80% of the market rent) purposes (at less than private rent and nomination to be made off the Council affordable home ownership register which is managed by Tai Clwyd) it has been agreed with the developer to provide 8 affordable rental properties.

Natural Resources Wales

In order to meet requirements of Section 8 of TAN15, recommends conditions be imposed on any planning permission in regard to drainage.

Mitigation proposals required for purposes of addressing direct and indirect on the SAC.

Not likely to be detrimental to the favourable conservation status of the great crested newt. Advise any consent subject to the imposition of planning conditions.

The North Wales Wildlife Trust

No response received to date.

North East Wales Wildlife

No response received to date.

Clwyd Badger Group

Object. Two badger setts on site – one main breeding sett and one subsidiary and surrounding land provides foraging for the badgers that occupy the setts. Reduction in number of houses will make no

difference to the badgers and will push them further west placing them in the territory of neighbouring badgers which would be totally unsatisfactory for both families and cause territorial fights. When badgers use gardens for foraging householders can become very irate when their lawns are dug up.

Welsh Water/Dwr Cymru

No response received to date.

Wales & West Utilities

No response received to date.

SP Energy Networks

No response received to date.

National Grid

No response received to date.

Airbus

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

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

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

- Out of character with rest of houses in the immediate area. Could reduce the desirability of what is currently highly sought after location as reflected in Council's housing banding.
- Loss of amenities to existing occupiers in terms of overlooking, loss of light, obtrusiveness.
- Existing development not completed.
- Builder will not fulfil his planning commitments. Not done so far so why will be doing anything different this time.
- High brick/masonry walls will result in dark areas and could lead to crime and anti-social behaviour.
- Increase in traffic will lead to increase in accidents.
- Location and construction of the artificial badger sett is unsuitable and inappropriate. Reinforced by comments from the Clwyd Badger Group.
- Huge pumping station to be built on site. Problems with drains when existing houses built. Dispute over tapping into drainage

system. Raises questions of what effect it will have on environment and who will maintain it. May cause additional noise and smells.

- Absence of garages will lead to parking on roads which will lead to accidents.
- Further development of the fields adjacent are likely and place strain on infrastructure and services.
- No need for these properties given high number of developments in Flintshire. Evidence also of empty properties and brownfield areas in Connah's Quay and surrounding areas.
- Changes to road layout will leave some Fair Oaks residents without a "legal" right of way to their properties.
- Works already begun on site. Forgone conclusion that planning permission will be granted.
- Provision of a play area will encourage anti-social behaviour and noise pollution.
- Further development on greenspace. To plant trees on this development is no consolation.
- Impact of constructing the properties upon amenities of adjoining residents in terms of noise, dust, vibration and HGV's leaving mud on the road.
- Increased traffic chaos during winter.
- Adjoining wetland will not be able to cope with drainage from the adjoining development.
- Is the proposed public open space an adequate size, including complying with Policy? Developer poor at completing works – would the public open space ever become useable and the play equipment ever be installed? Commuted sum for maintenance should be agreed before any planning permission is considered to ensure it does not fall into a state of disrepair.
- Affordable units will not be available to first time buyers.
- High voltage overhead lines will cause a health & safety danger to the occupiers of the proposed development.
- No indication of any street lighting which will lead to an increase in crime.

- Given past history of the developer, the void area of land between No. 26 and new highway will not be maintained.
- Pile of dumped tarmac on the site has not been removed.
- Proposed development is over-bearing and out of scale in appearance compared with existing homes in the vicinity.
- Building of a den for badgers to relocate them above ground on a site which has got decking style walkways which people regularly use will be very disturbing for them.
- Three public rights of way will be affected as a result of the development.
- Questions whether or not builder has consulted the correct environmental/conservation agencies with regard to wildlife/hedgerows/trees on the development site?
- Concerns over the construction of the wall.
- Implications of gas main running through the development need to be understood of diverting or moving the pipeline.
- Independent survey of the effect upon the badgers needs to be undertaken.
- Fair Oaks Drive cannot accommodate more than 20 extra houses.

5.00 SITE HISTORY

5.01 **050800** – Erection of 42 No. dwellings – Withdrawn 18th September 2013.

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

Adjoining Site

034942 – Erection of 8 No. detached dwellings and estate road – Granted 12th February 2003.

01/5/391 – Outline Erection of 7 No. dwellings – Granted 29th November 2001.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.
Policy STR4 – Housing.
Policy STR7 – Natural Environment.
Policy GEN1 – General Requirements for Development.
Policy GEN2 – Development Inside Settlement Boundaries.
Policy D1 – Design Quality, Location & 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 20th 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 37 No. detached and semi-detached dwellings, of which 29 units will be 3 bed roomed with the remaining 8 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. An equipped area of public open space equating to approximately 1050 m² will be provided within the south western corner of the site.

7.05 Issues
The main issues to consider within the determination of this application are the principle of the development in planning policy terms, the provision of open space and affordable housing together with educational contributions, 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 20th 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 Planning Application 50800 was later submitted for the whole of the northern section of the housing allocation under the joint control of the applicant companies seeking to overcome the reason for refusal on 048610. However, this was later withdrawn as again it was considered that the requisite community benefits were not being provided.
- 7.09 This current application, now for 37 dwellings, has been submitted for the whole of the northern section of the housing allocation with the applicant providing what is considered as the requisite community benefits in terms of both on site public open space and affordable housing and educational contributions.
- 7.10 Principle of Development
The site forms the whole of the northern part of the housing allocation HSG1 (7) land adjacent Fair Oaks Drive, Mold Road, Connah's Quay within the Flintshire Unitary Development Plan.
- 7.11 It is also located within the settlement boundary of 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.
- 7.12 Recreation & Public Open Space Provision
Approximately 1050 m² of public open space will be provided within the south western corner of the site which will also be fully equipped by the applicant to a specification agreed by the Council in terms of landscaping, fencing, boundary treatments and level of play equipment.
- 7.13 The Guidance within Policy SR5 and Local Planning Guidance Note 13 'Open Space Requirements' states that approximately 2,096 m² would have to be provided. However, given that the developer is providing other contributions in terms of education, affordable housing, promotion, monitoring and evaluation of a travel plan and

enhancement and maintenance of the adjacent area for wildlife and informal recreation, despite upon previous applications the case of non-viability of the schemes being proven, it is considered that this amount is considered acceptable.

7.14 The Public Open Spaces Manager has no objections to either this amount of provision or its location.

7.15 In relation to the location, this is away from the overhead power lines and adjacent to where another area of public open space is to be possibly sited in relation to the development of the southern half of the housing allocation. The Public Open Spaces Manager requires 5 metres of the southern hedgerow to be removed to provide a link and maintenance with the possible adjoining open space. However, as the applicant does not own this hedgerow, this will be addressed with any future application for this southern part of the allocation.

7.16 Affordable Housing Provision

The applicant is providing 8 No., 3 bedroom affordable rental homes, to be integrated within the scheme.

7.17 In policy terms, the affordable housing requirement based on 37 units, 30% affordable provision, would be 11 no. affordable units on site.

7.18 However, given that the proposals would address the vast majority of the need for affordable rental in Connah's Quay – currently there are 9 applicants registered for affordable rental, of which 7 are couples with children and 2 are single applicants with children, the Housing Strategy Manager raises no objections to the affordable provision proposed as part of this development.

7.19 The reason for the dispensation of the one unit not meeting the full housing need in this area is that the developer intends to provide affordable rental whereby the units have to be built at the developer's cost and will be taking on a long term reduced rental income. Members will also be aware that on the earlier application the case regarding lack of viability presented by the applicant was largely accepted by the District Valuer. Although the circumstances here are not substantially different the applicant has agreed to provide the element of affordable housing at his own cost without requesting an independent appraisal of viability. As stated above, in the light of the previous assessment it is likely that such an appraisal would result in fewer affordable units than what is on offer. Based on the support of the Housing Strategy Manager it is recommended that the proposals for affordable housing within the development are acceptable.

7.20 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 £110,313 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'.

- 7.21 The applicant is willing to pay the full contribution requested.
- 7.22 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.
- 7.23 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.
- 7.24 The site layout is conventional 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.
- 7.25 The character and design of the proposed development has been informed in part by the pattern and appearance of the existing nearby late 20th century dwellings, which are of a modern suburban appearance, and in part by the need for a development that responds not only to the 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.
- 7.26 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.
- 7.27 The density of development equates to approximately 33 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.

- 7.28 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, northern, and southern boundaries will be retained. This together with additional shrubbery and a mixture of trees to the front gardens, a large landscaped area and public open space in the north eastern and south western corners of the site will add to the rural feel of the development.
- 7.29 Impact Upon Adjoining Residents
The site is set at a higher level than those adjoining properties to the east on Fairoaks Drive. Plot Nos 12 – 23 will back onto the front of the properties Nos. 26 – 34 Fairoaks 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 Fairoaks Drive in terms of loss of privacy, overshadowing etc.
- 7.30 Those existing properties considered most affected by the proposals are Nos. 26 & 28 Fairoaks 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 Fairoaks Drive to Plots 1 & 2. Plot Nos 1 – 4 will be two storey at the front.
- 7.31 The separation distance between the front first floor windows of plots 1 & 2 and the front windows of No. 26 Fairoaks 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.
- 7.32 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 7.29 & 7.30 above.
- 7.33 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.
- 7.34 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'.

7.35 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. No response has yet been received from them but previously they have advised that in relation to foul drainage that a programme of system improvements are planned and are expected to be completed by 1st April 2014.

7.36 Accordingly, they requested that a Grampian style condition restricting the occupation of the proposed dwellings to a point not earlier than the 1st 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 was previously acceptable to Dwr Cymru/Welsh Water.

7.37 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.

7.38 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.

- 7.39 It is noted, however, that of the 37 properties, 8 are 4 bedded properties with the remainder being 3 bedded. Flintshire County Council's parking standards would be looking for a maximum of 2 parking spaces for the 3 bedded and 3 spaces for the 4 bedded. All properties are shown with 2 parking spaces, resulting in the 8 No. 4 bedded properties being one space short of the maximum.
- 7.40 However, the applicant will address this issue through the requirement to submit a travel plan together with the payment of a commuted sum to cover the Authority's cost to promote, monitor and evaluate it. The aim of this travel plan is to encourage the use of other modes of transport other than by car for the proposed residents, thereby reducing the number of car parking spaces.
- 7.41 The existing road and footways serving the exiting small development are 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 led to complaint and investigation 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.
- 7.42 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.
- 7.43 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.
- 7.44 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.
- 7.45 The application is accompanied by the relevant ecological assessments in relation to great crested newts and badgers.
- 7.46 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.

- 7.47 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.
- 7.48 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.
- 7.59 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.
- 7.50 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.
- 7.51 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).
- 7.52 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.

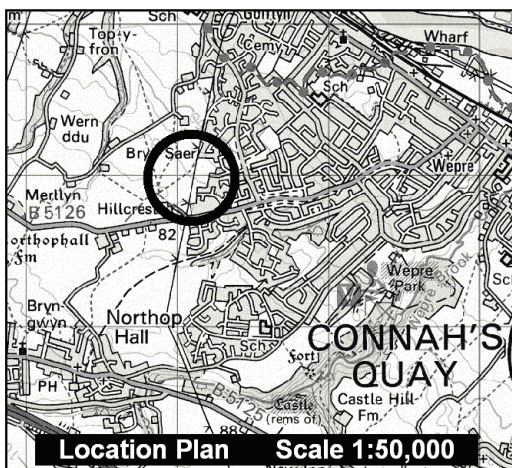
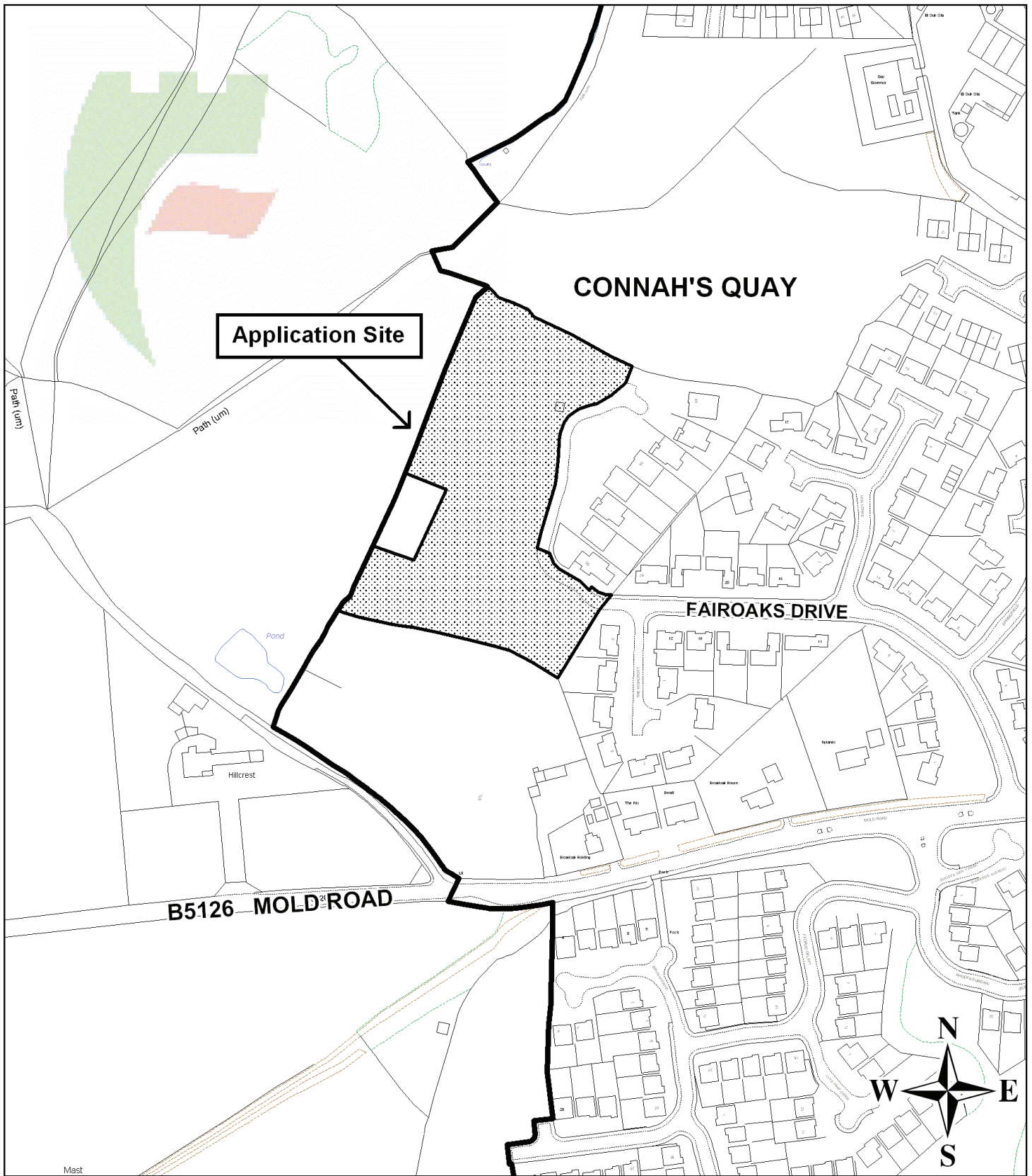
- 7.53 The Local Planning Authority must be satisfied that a proposal satisfies that appropriate Article 16 derogation and two mandatory tests as part of the planning decision process. The need is to consider this derogation is specifically identified in TAN5 and Regulation 53 of the Conservation & Habitats 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.
- 7.54 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.
- 7.55 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.
- 7.56 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. Despite the lack of progress on recent applications and proposals it is now considered that all the detailed matters have been resolved satisfactorily, allowing the application to be recommended for approval.
- 8.02


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

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



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

Legend

 Adopted Flintshire Unitary Development Plan Settlement Boundary

 Application Site Extent

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Map Scale 1:2500

OS Map ref SJ 2868

Planning Application **51266**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 6 NOVEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **049300 - FULL APPLICATION - ERECTION OF 2 NO. WIND TURBINES (110 M TO TIP) AND ANCILLARY INFRASTRUCTURE AND ACCESS AT KINGSPAN LIMITED, 2-4 GREENFIELD BUSINESS PARK 2, GREENFIELD**

APPLICATION NUMBER: **049300**

APPLICANT: **KINGSPAN LIMITED**

SITE: **2-4 GREENFIELD BUSINESS PARK 2, GREENFIELD, HOLYWELL.**

APPLICATION VALID DATE: **19TH DECEMBER 2011**

LOCAL MEMBERS: **COUNCILLOR J. JOHNSON**
COUNCILLOR MRS R. DOLPHIN

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

REASON FOR COMMITTEE: **MEMBER REQUEST AND DUE TO SIZE AND SCLAE OF DEVELOPMENT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application seeks planning permission for the erection of two, 2.5 mw, 110 m to tip high, wind turbines and ancillary infrastructure at Kingspan Ltd on the Greenfield Business Park 2, Greenfield. The main issues are the principle of development in planning policy terms, the impact upon the setting of scheduled ancient monuments, listed buildings and conservation areas, the effects upon the amenities of adjoining residents, the highway implications, the effects upon wildlife and the adjacent bridleway together with the effects upon the safety of

aircraft.

- 1.02 Whilst Kingspan's continued move to renewable energy is to be welcomed and their presence in the Flintshire economy recognised, it is considered, however, that the proposals will have a significant detrimental impact upon the landscape, the setting of the Scheduled Ancient Monument and listed building of Basingwerk Abbey.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01
1. Due to the height, size, location and movement of the turbines, it is considered that they would have a significant detrimental visual impact upon the character and appearance of the wider landscape and thereby contrary to Policies GEN1, L1, EWP4, and STR7 of the Flintshire Unitary Development Plan.
 2. Due to the height, size, location, movement and views of them, the proposed turbines are considered to adversely affect both the setting of the Scheduled Ancient Monument and Grade 1 Listed Building of Basingwerk Abbey and thereby contrary to Policies HE6, HE2 and EWP4 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member :

Councillor Mrs R. Dolphin

Requests Committee determination as:-

- Received many complaints as to size of application making it a contentious issue.
- Application is close to Basingwerk Abbey which is listed, development will have impact of this heritage site.

Requests site visit for:-

- Members to see the visual impact it would have on surrounding area, i.e., Dee Estuary, cycleway, SSSI etc.
- Closeness to properties and its detrimental impact on them in terms of noise, flicker and tv transmissions.

Preliminary views are:-

- Detrimental impact on coastal path/cycleway.
- Noise impact on residential amenity in Greenfield are serious concerns.
- Height of proposals are too much for the area.

Councillor J. Johnson

No response received to date.

Holywell Town Council

Object on the following grounds:-

- Impact on residential amenity by over dominance and noise.
- Impact on character and appearance of area through adverse visual intensity.
- Impact of construction on highway and general public health and safety, linked to flashes/flickers from large turbines blades and also damage that may occur to blades through wear and tear and bad weather.
- Impact to the detriment of community facilities including issues of Greenfield Dock and recently opened coastal path.
- Impact of effective search and rescue and communication functions of emergency services and support units (Police and Air Ambulance) and the RNLI operating in Dee Estuary.
- Absence of any independent assessment of proposal and its inland location.

Head of Assets and Transportation

Recommends that any permission includes suggested conditions.

Head of Public Protection

No adverse comments in terms of noise and shadow flicker. Suggests certain planning conditions upon any consent granted.

Countryside Council for Wales

Would object to the issue of consent for this proposal before completion of a satisfactory assessment under the Conservation of Habitats & Species Regulations (2010).

North Wales Wildlife Trust

No response received to date.

Wirral Council (Planning)

No response received to date.

Environmental Directorate (Rights of Way)

Public Footpath No. 39 abuts the site but no Diversion Order or Temporary Closure Order is required to facilitate the development. Therefore unaffected by the development. There could be permissive use by horse riders.

Network Rail

Has the following comments to make on the application.

- Wish to see wind turbine site so that the lateral distance from the railway to foot of mast is greater than height of mast and length of propeller blade plus 3 m.
- Request applicant makes contact with Network Rail Abnormal Loads Team to inform them of route of the wind turbine and blades to site. May be structures which are weight restricted and could be damaged.
- Should contact Network Rail Asset Protection Team to determine if proposed wind turbines represent any potential for shadow flicker affecting the ability of train drivers to view signals without restriction. Also the potential for any ground vibration.
- Must ensure all cabling is routed so that no access to the operational railway or land is required under the railway and land for cabling. If require access under Network Rail land for cabling, they would object.

Liverpool John Lennon Airport

Object to the proposals as the safe operation of the airport would be seriously compromised. The rotation of the wind turbine blades would be detected by the airports primary radar creating clutter. Effect can be highly distracting for a controller and cause confusion.

North Wales Police – Air Operations Unit

Concerned regarding potential of two significant obstructions along our access route in poorer weather. Conclude that the location is known to use and are able to circumnavigate them (by flying over the river). Requests turbines should display suggested aviation obstruction lights during hours of darkness and periods of poor light and visibility.

Civil Aviation Authority

Has no responsibilities for safeguarding sites other than its own property, and a consultation by a Council is taken as a request for clarification of procedural matters.

Defence Infrastructure Organisation

MOD has no objection to the proposal. MOD requests the turbines are fitted with 25 Candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200 ms to 500 ms duration at the highest practicable point.

National Air Traffic Services

No safeguarding objection to the proposal.

RSPB

Initially objected to the southern proposed turbine and had concerns related to the northern proposed turbine. Reasons for concerns were due to the nature conservation importance of the Dee Estuary, ecological impacts of the proposal, relevance to European and UK

legislation and further information and necessary mitigation measures.

Upon receipt of further information which has attempted to address main concerns, would be willing to withdraw its objection, if appropriate mitigation measures being provided. These being post construction monitoring of this roost and others, financial contribution to safeguarding wader roosts around the Dee Estuary and construction of a fence adjacent to the footpath/cycleway and oyster catcher roost to help exclude pedestrians and dog walkers from the foreshore.

CADW

It is probable that the north turbine will have some degree of visual impact upon views from all of the scheduled ancient monuments of Basingwerk Abbey, Holywell Castle, Wats Dyke: Section NE of Meadow Mills, St. Winefride's Chapel and Greenfield Valley Mills. This impact is to be mitigated to some extent by a variety of factors as outlined, with the exception of that of the northerly turbine 1 upon eastwards views of Basingwerk Abbey.

CPRW

Object on the following grounds:-

- The development due to their size will be obtrusive and completely dominate the surrounding landscape due to their size.
- Will adversely affect a significant level of both the residential and visual amenities of this urban location.
- Impact upon amenities of adjoining residents in terms of noise and shadow flicker.
- Turbines will interfere with televisions.
- Will change the visual amenity and character of the area that will be unable to be mitigated against not only impact upon residents but visitors and persons participating in recreational activities.
- Turbines and their moving features make them a sensitive issue when viewed from locations such as Basingwerk Abbey, a Scheduled Historical Monument, Greenfield Dock and the All Wales Coastal Path.
- Detrimental impact upon ecology of the area and the estuary in particular.
- Concern is expressed over safety of the turbines in relation to the proximity of their locations to the railway, roads and All Wales Coastal Path.

- Questions amount of electricity actually generated.
- Will set a precedent for similar large scale on shore electrical wind generating technology along Dee Estuary if planning consent is granted.

Airbus

Object – based on the unacceptable impact on air traffic safety and air traffic procedures. Proposed development is within safeguarded area of Hawarden Aerodrome for windfarms and its location is in direct line of sight from the Air Traffic Control's radar tower. Will produce a permanent echo return in the area cluttering the radar picture and impacting on Air Traffic Control safe operation and control of aircraft.

Ramblers Association

Size and scale of the proposals inappropriate for this location. Would be sited close to the All Wales Coastal Path and would have a detrimental effect on the enjoyment of those using what is expected to be a long distance walk of international standing. Kingspan's green initiatives and its desire to harness natural resources may be that small wind turbines would be more acceptable.

Clwydian Range AONB Joint Advisory Committee

Large scale development will have significant impacts over a wide area. Although turbines will be visible in some views from and into the AONB, having regard to local topography and distance from AONB, JAC does not consider there will be a significant impact on the Clwydian Range. The limited impact the development would have on the AONB could be mitigated further, if size of the proposed turbines were reduced.

Natural Resources Wales

Believe that the installation and operation of turbines as described in the Environmental Statement is unlikely to significantly affect the features of the European site concerned, namely, the Dee Estuary Special Protection Area (SPA), or those of the Dee Estuary Ramsar site.

Wales & West Utilities

Has gas pipes within the area. Applicant to be advised of safe digging practices used to verify and establish actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.

SP Energy Networks

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

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

50 letters of objection and 2 petitions with 25 signatures upon it received. The grounds of objection being:-

- Unconvinced that the relatively small amount of energy generated by turbines which is less than 30% of the installed capacity makes them a cost-effective option.
- Will be a visually significant alien intrusion into the panoramic sweep of the Dee Estuary as seen from the Wirral Coast and to an extent from the Welsh Coast. Visual impact from the Clwydian Hills and would affect the setting of Basingwerk Abbey, a scheduled ancient monument together with other local recreational areas.
- If application is approved – effectively on the Dee Estuary shore, it will set an unfortunate precedent, which would result in further applications, for even larger turbines, given the lucrative subsidies available to wind farm operators.
- Adverse impact on the Dee Estuary SSSI/SAC/RAMSAR Site.
- Impact upon tourism in Flintshire.
- Effect on local population with sound, wind, loss of light and dust.
- Blight on area.
- Loss of property values.
- Would not encourage companies to consider locating to the area with such a monstrosity on its doorstep.
- Will detrimentally affect farm animals.
- Wind turbine construction can disrupt the hydrology of the area and contaminate water supplies.
- Health concerns due to the low noise generated.
- Light pollution – strobe effect when sun is behind rotating blades can cause health problems.
- TV and radio broadcast will be interfered with.
- Workers at Kingspan will be affected in terms of their health.
- All further alternatives for cheaper electricity have not been fully researched e.g, power from the Dee and water through the Greenfield Valley.
- Flickering could affect the safety of motorists with potential for serious accidents – walkers and trains.
- Wind power most expensive form of electricity, it survives on direct and indirect subsidies. Cost to taxpayers is not good value because wind energy cannot provide firm generating capacity nor can it make a significant contribution in reducing greenhouse gas emissions.
- Impact of turbines on autistic people.
- Because of their height they would be a hazard to air sea rescue which use the railway tracks to guide them.
- Could mount solar panels on their walls of the factory. Could purchase more land and build a solar panel farm which may meet all their energy needs. Could use an underground heat pump or

build a power station using food or farm waste. Could purchase or build turbines further up the coast at the sea wind farm as this would meet all their energy costs.

- Safety aspects to ice build up on the blades due to close proximity to a footpath and secondary road.
- Potential for ground vibration.
- Impacts on approaches to Liverpool and Hawarden Airport. Impacts on emergency services and military flight paths and helicopters.
- Contamination assessment of the land is appropriate as land has been previously used by a chemical factory.
- Kingspan should have included proposals for screening.
- WAG targets are being used as a “red herring”. Turbines will simply benefit Kingspan alone and have a minimal impact on WAG targets.

Also Mark Isherwood AM

Concerns raised as follows:-

- Impact on residential amenity (e.g., hours of use, loss of privacy loss of light, over dominance, noise, traffic).
- Impact on character and appearance of area (design, appearance and intensity).
- Impact on community facilities.

Planning policies and proposals, or Government planning advice

5.00 SITE HISTORY

5.01 Various, but of most relevance are:-

050941

2 No. extensions to existing production building – granted 13th August 2013.

048323

Retention of 50 m high anemometry mast for a temporary period of 3 years – granted 19th May 2011.

048361

Installation of photovoltaic roof mounted power plant and associated electrical engineering works (retrospective) – granted 14th April 2011.

044135

Erection of a met mast – granted 7th February 2008.

044134

Erection of a wind turbine – withdrawn 21st December 2007.

041540

Erection of a small scale wind turbine to supply electricity to Kingspan

offices – granted 11th September 2006.

038621

Extension to existing office to form training and visitor centre with associated car parking – granted 2nd September 2005.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR3 – Employment.

STR6 – Tourism.

STR7 – Natural Environment.

STR8 – Built Environment.

STR10 – Resources.

STR11 – Sport, Leisure & Recreation.

GEN1 – General Requirements for Development.

GEN5 – Environmental Assessment.

D1 – Design Quality, Location & Layout.

D2 – Design.

D3 – Landscaping.

D4 – Outdoor Lighting.

L1 – Landscape Character.

L2 – Area of Outstanding Natural Beauty.

WB1 – Species Protection.

WB2 – Sites of International Importance.

WB3 – Statutory Sites of National Importance.

HE2 – Development Affecting Listed Buildings & Their Settings.

HE6 – Scheduled Ancient Monuments & Other Nationally Important Archaeological Sites.

AC12 – Airport Safeguarding Zone.

AC13 – Access & Traffic Impact.

EM3 – Development Zones & Principal Employment Areas.

SR8 – The Dee Estuary Corridor.

T10 – Greenfield Valley.

EWP1 – Sustainable Energy Generation.

EWP4 – Wind Turbine Generation.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP17 – Flood Risk.

National Policy

Planning Policy Wales Edition 5, November 2012.

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

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010).

Technical Advice Note (TAN) 8: Renewable Energy (2005).

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

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

Technical Advice Note (TAN) 13: Tourism (1997).
Technical Advice Note (TAN) 14: Coastal Planning (1998).
Technical Advice Note (TAN) 15: Development & Flood Risk (2004).
Technical Advice Note (TAN) 18: Transport (2007).

In terms of the National Policy context, it is clear that there is a positive approach taken by the Welsh Government to renewable energy having regard to the issue of global warming and climate change. The clear message of both Planning Policy Wales and the Flintshire Unitary Development Plan is that renewable energy proposals should be permitted unless there are unacceptable impacts on landscape, nature conservation and amenity etc.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises the existing Kingspan factory with the proposals sited on an area of land that is currently used as a lorry park in the north of the site, and storage for pallets at the end of the factory in the south of the site. Kingspan occupies an area of approximately 15 hectares and is used for storage, lorry parking and the construction of insulated panels. The coastal path, adjacent to the Dee Estuary marks the eastern edge of the boundary, the railway line forming its western boundary, the access road to the Greenfield Recycling Centre to the south and the Greenfield Docks upon the northern boundary.

7.02 Kingspan is located upon the eastern edge of Greenfield Business Park. This in turn is located approximately 2.48 km to the north east of Holywell and approximately 5.8 km north of Flint on flat low lying land.

7.03 With it forming part of the Greenfield Business Park, its immediate neighbours are also industrial businesses. The nearest residential dwellings to the northern turbine is approximately 357 m away with the nearest residential dwelling to the southern turbine is located approximately 427 m away.

7.04 The proposed scheme consists of two 2.5 MW wind turbines with a dedicated transformer, associated access track and infrastructure. The turbines will have a tip height of up to 110 m, with a 65 m tower and 45 m blades. The candidate turbine for this proposal is a Nordex N90.

7.05 The turbine towers will be a tapered tubular steel construction and the blades constructed from fibreglass with lightning protection, protecting the entire turbine. The finish of the turbines would be of low reflectivity, semi-matt white to mid-grey hue.

7.06 The ancillary works involve the creation of crane hardstandings, temporary construction compound, electrical enclosures, switchgear

house, grid connectors, new access track and access track upgrades. The wind energy scheme is designed to be monitored remotely, and would have an installed capacity of up to 5 MW. The scheme is expected to have an operational life of approximately 25 years. The wind turbines will provide approximately 60% of Kingspan's energy demand. When the wind turbines produce more energy than is required by Kingspan, the excess electricity would be exported to the National Grid. The amount of energy supplied to Kingspan and/or the grid will change dependant on demand from Kingspan and the wind resource.

7.07 The addition of the wind turbines to provide a source of renewable energy would help Kingspan in the long term by helping to reduce their carbon footprint, maintaining green credentials with major existing customers and attracting new ones. Reducing Kingspan's energy costs nationally would lead to some reduction in CO² emissions. The UK has a target of cutting its emissions by 80% by 2050.

7.08 Issues

The main uses to be considered within the determination of this planning application are the principle of development in planning policy terms, the effects upon the visual appearance and character of the landscape, the impact upon the setting of Scheduled Ancient Monuments, listed buildings and conservation areas, the effects upon the amenities of adjoining residents in terms of noise, obtrusiveness and loss of light etc, the highway implications, the effects upon wildlife, effects upon the safe and efficient operation of airports together with the effects upon the economy.

7.09 Principle of Development

In terms of national guidance, and the principle of the developments in planning policy terms, the most recent version of Planning Policy Wales (PPW) has been drafted in light of the Welsh Government's Energy Policy Statement (2010) which sets out the sustainable renewable energy potential for a variety of different energy technologies. The statement is clear that planning policy at all levels should facilitate the delivery of both the Statement and the UK/European targets on renewable energy.

7.10 PPW advises that the Assembly Government's aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimising environmental, social and economic impacts. This will be achieved through action on energy efficiently and strengthening renewable energy production.

7.11 In considering planning applications for renewable energy schemes, the Welsh Government advises that planning authorities should take into account:-

- ‘The contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy.
 - The wider environmental, social and economic benefits and opportunities from renewable energy and low carbon development.
 - The impact on the national heritage, the coast and the historic environment.
 - The need to minimise impacts on local communities, to safeguard quality of life for existing and future generations.
 - To avoid, mitigate or compensate identified adverse impacts’.
- 7.12 The Welsh Government provides more detailed guidance in TAN8 – Planning for Renewable Energy. It states that ‘the potential for the development of wind power within urban/industrial brownfield sites is so far largely untapped. A number of urban/industrial sites have been identified as having some potential based on strategic assessment in a report proposed for the Assembly Government There may be further opportunities for the development of wind farm or other renewable energy schemes or urban/industrial brownfield sites up to 15 MW within Wales and these should be encouraged’.
- 7.13 Welsh Government advises also that most areas outside strategic search areas should remain free of large wind power schemes. It states ‘in these areas there is a balance to be struck between the desirability of renewable energy and landscape protection whilst that balance should not result in severe restriction on the development of wind power capacity, there is a case for avoiding a situation where wind turbines are spread across the whole of a County’.
- 7.14 In terms of Local Planning Policy, the Flintshire Unitary Development Plan strategy identifies that sustainable development is a key theme running through the plan, in line with PPW. The vision for the plan is ‘to nurture sustainable development capable of improving the quality of life in Flintshire without causing social, economic, resource or environmental harm to existing or future generations’.
- 7.15 Policy STR10 provides guidance on the issue of resources and in terms of energy, criterion e advises ‘utilising clean, renewable and sustainable energy generation where environmentally acceptable in preference to non renewable energy generation’.
- 7.16 Turning to the plan’s detailed policies, Policy EWP1 sets the scene by adopting a presumption in favour of renewable energy schemes subject to them meeting the other relevant requirements of the plan. The detailed guidance on wind turbine development is set out in Policy EWP4, which requires proposals to meet specific criteria e.g., not have a significant adverse impact on landscape etc.

- 7.17 In conclusion, it is clear that there is a positive approach taken by Welsh Government to renewable energy having regard to the issue of global warming and climate change. The clear message of both PPW and the Flintshire Unitary Development Plan is that renewable energy proposals should be permitted unless there are unacceptable impacts on landscape, nature conservation, residential amenity etc. Therefore, it is considered that in principle, the proposals are acceptable in planning policy terms.
- 7.18 Landscape Character & Appearance
Policy L1 of the Flintshire Unitary Development Plan states that new development must be designed to maintain or enhance the character and appearance of the landscape.
- 7.19 The proposed development of the turbines, each with substantial foundations, ancillary buildings, hard surfacing and fencing within the Kingspan complex would, it is considered, cause little physical damage to the landscape as this is already substantially a hard surfaced brownfield site.
- 7.20 The development would however, be considered to alter the character of the site by the introduction of the two tall structures which would be visible from well outside the Business Park. The two turbines would be very significant, introducing tall vertical elements into the landscape on the edge of the Dee Estuary and the turning blades of the turbines would be visible well above the general level of coastal developments.
- 7.21 The Landscape and Visual Assessment undertaken within the submitted Environmental Impact Assessment (EIA) describes in detail the landscape character of the North Flintshire and Wirral coastal areas on either side of the Dee Estuary. Within the Flintshire Landscape Strategy (1996), Greenfield falls within the category of the 'Coastal and Estuarine Flats' and where the land rises to the south west it becomes the 'Dee Coastal Slopes'.
- 7.22 It is freely recognised in the EIA that the turbines would significantly affect the character of the landscape, especially where the turbines would be widely visible against the sky. The character of the landscape would be altered to the extent that it is suggested that the existing landscape character for the area is changed to 'Coastal and Estuarine Flats with Turbines' and 'Dee Coastal Slopes with Turbines'. The visual impact of the 110 m turbines would be extensive due to the great height of the structures. They would inevitably stand out due to the light colour and vertical shape which is uncharacteristic of most other features in the landscape. In addition the constant movement of the turbine blades, when in operation, would draw the eye thereby compounding the visual prominence.
- 7.23 In Landscape and Visual Assessment, the views from residential

properties, footpaths and outdoor recreational facilities, where people are likely to take an interest in the view, are rated as highly sensitive or of greater significance than views from other areas such as roads and industrial areas.

- 7.24 In the communities close to the site, the turbines would be seen to varying degrees rising up above the industrial buildings of the Greenfield Business Park and the tops of turbines would be seen from sections of the A548. Further away from the site, on the rising ground to the south west, the turbines would be increasingly visible. There would be significant views of the turbines from the residential areas of Holywell and the scattered communities situated on the coastal hills overlooking the Dee Estuary.
- 7.25 The EIA, indicates that the erection of the turbines would cause a significant change to the view from dwellings at Greenfield, Bryn Celyn, Whelstone and Pen y Maes situated 1-2 km away. There would also be significant change in the view from residential dwellings overlooking the site at Bagillt, 1.5 – 4.4 km away.
- 7.26 There would also be views of the turbines or parts of the moving blades from roads and housing on the hillside further afield such as from certain dwellings to the south east at Pentre Halkyn and Windmill.
- 7.27 The turbines would be seen standing out against the Dee Estuary from the large area of Open Access Land on rising ground to the west and south west of Holywell at Halkyn Mountain and close to Brynford. The outline of the turbines would be seen in some instances with the more distant ranks of coastal turbines beyond, causing a small cumulative effect with disturbing near and distant movement in the landscape. There would be a significant view of the turbines from sections of the National Cycle Route 5 near Brynford.
- 7.28 Due to the great height of the wind turbines they would be seen across the Dee Estuary from the Wirral. The wide, open landscape of the Dee Estuary with the Welsh coastal hills beyond is a very important feature viewed from many places on the Wirral. Buildings and other structures on the Welsh coast generally blend into the landscape. However, the proposed turbines would clearly stand out as two, intrusive, light coloured, vertical structures rising up from the water's edge, not breaking the skyline, but rising two thirds of the way up the coastal hills behind.
- 7.29 The turbines would be clearly visible from Heswall Fields and Parkgate and from many dwellings which have views across the Dee Estuary. From Heswall a number of dwellings would have unrestricted views across the estuary towards the proposals and the EIA indicates that the change to the view would be significant.

- 7.30 In addition the EIA indicates that there would be a significant change to the view from a number of recreational and leisure facilities close to the Dee Estuary including the Wirral Way, the Wirral Country Park, National Trust sites and golf courses. Photomontage visualisations from Heswall Fields public open space and from the summit of Thurstaston Hill opposite Greenfield give an indication of the appearance of the turbines in the Dee Estuary landscape. There are also caravan sites, footpaths and a yacht club where views of the turbines across the Dee Estuary would have a detrimental impact on the view.
- 7.31 To conclude, given the above, it is considered that the proposed turbines would be significantly intrusive in the landscape over a wide area and would change the character of the landscape to its visual detriment and therefore contrary to Policy L1 of the Flintshire Unitary Development Plan.
- 7.33 Setting of Scheduled Ancient Monuments
CADW have been consulted upon the likely impacts of the developments upon the Scheduled Ancient Monuments or registered historic landscapes, parks and gardens in the area.
- 7.34 The proposed development is located in the vicinity of the Scheduled Ancient Monuments known as Basingwerk Abbey, Holywell Castle, Wat's Dyke NE of Meadow Mills, St. Winefride's Chapel and Greenfield Valley Mills.
- 7.35 Basingwerk Abbey
It is considered that both turbines will be visible as a major feature in the skyline to the east of the Abbey. The setting of the Abbey when viewed from this direction is one of wooded seclusion with a fall to the coastal plain beyond. This aspect appears in several antiquarian views including those of Moses Griffith and PC Canot (1778). It is considered this setting makes a connection to the understanding and appreciation of the Abbey and the Cistercian ideals that influenced its location. On an arc running from the farm/museum to the south west through to the industrial estate to the north east, this setting has been substantially altered by post-medieval and more recent encroachment. It is considered that the prominent positions of the moving turbines in one of the few aspects which preserve any semblance of a pre-modern landscape will have a significant adverse impact upon the setting of Basingwerk Abbey.
- 7.36 Holywell Castle
It is possible that one or both of the turbines may be visible from the elevated position of this monument, albeit at a distance of over 1 km. It is considered that whilst the turbines are likely to have some impact upon the setting of the monument, it is likely to be limited by distance, intervening topography and the woods.

- 7.37 **Wats Dyke: Section NE of Meadow Mills**
The elevated position of this length of monument would dictate that one or both of the turbines are likely to be visible from various points along its length, although it is considered that the well-established woodland through which it runs limits those views.
- 7.38 **St. Winefride's Chapel**
It is considered that the tip of the blades of the northern turbine will be marginally visible when at the apex of their movement but the intervening topography and vegetation are likely to screen St. Winefride's from such views.
- 7.39 **Greenfield Valley Mills**
The northern turbine is more likely to be visible from the central Meadow Mills and the most northerly Abbey Mills, both located at a point where the valley begins to broaden out and falls to the coastal plain. There may be some impact upon the settings of both monuments, although this is likely to be partially, if not wholly mitigated by the visual barrier formed by the eastern side of the valley, vegetation and in the case of lower laying Abbey Mills, modern development.
- 7.40 To conclude, it is considered that the northern turbine will have some degree of visual impact upon views from all of the mentioned monuments. This impact is to be mitigated to some extent by a variety of factors. However, it is considered that both turbines will have a detrimental impact upon the setting of Basingwerk Abbey.
- 7.41 **Setting of Listed Buildings & Conservation Areas**
The EIA states a major impact on only one listed building, the station at Holywell Junction (Grade II*). However, it is considered, the impact on areas which are quiet and set in attractive landscapes and are not associated with movement are more likely to suffer impacts.
- 7.42 It is considered that the relatively close proximity of both turbines as a backdrop to views from within Basingwerk Abbey which is listed Grade I would be both significant and harmful. Its character is essentially contemplative and peaceful, deriving from its original purpose as an Abbey and place of religious observation and worship. The moving blades and the large scale of the turbines would be an unavoidable and highly discordant backdrop to the Abbey which is considered harmful to the character of the setting of the listed building. The presence of the turbines would make it very difficult to ignore our technological age and slip into quieter imaginings of a gentler slower paced time.
- 7.43 The revised report submitted by the applicant's agent states that the only possible detrimental impact from a Conservation Area is that of Gadlys. However, given that neither of the proposed turbines can be seen from this area and group of listed buildings, it is considered that

they will not detrimentally affect the setting of this Conservation Area or group of listed buildings.

7.44 Residential Amenity

In terms of noise, the assessment submitted by the Applicant's Agent shows that the wind speed dependent noise levels predicted at the groups of properties nearest the proposed wind turbines are comparable with the existing background levels at the same wind speed. They state that the turbine type is able to achieve the ETSU recommended noise limits. Total noise from all the turbines at all houses will remain within a 'flat' limit of 35 dB or 5dB above the background level, whichever is the greater (in terms of LA90). A severe night time noise limit level will also be met.

7.45 The Council's Environmental Health Department have been consulted upon the application, in relation to noise, who confirm that the two turbines would be ETSU-R-97 compliant and therefore would not significantly affect the amenity of local residents due to excessive noise. The turbines will not produce any significant mechanical noise and there is a significant separation distance between the turbine locations and the nearest noise sensitive properties. In the event of any possible noise disturbance there is a preference for a lower noise limit of 32dB to be placed upon any planning permission granted, as a condition. Other planning conditions are suggested e.g., to encompass normal and nighttime operation under ETSU-R-97, measures for the investigation of reported noise nuisance and the means of compliance/control of the nuisance can be shown to be occurring and measures to protect amenity during construction etc.

7.46 The Environmental Health Department consider also that there will be no significant detrimental impact upon the amenities of the nearby residents in terms of shadow flicker as any of the potential effects are likely only to occur in the early morning during the summer months and due to the separation distance of the turbines from the properties. Even then, each property can only be affected for a relatively short time. However, it is not possible to prove an adverse effect by calculation alone as there are a great deal of other factors that can affect the incidence of shadow flicker e.g., cloud cover on the day, wind direction, incidence/angle of rotor blades, angle and size of windows, residents daily routine etc. The incidence of shadow flicker can easily be established using computer programming so; it could easily be controlled in worst case/nuisance conditions by the use of computer controlled systems. It is recommended therefore, that an agreed investigation procedure could be developed and conditioned. In the worst case there may be scope to control each individual turbine so that they could be stopped at time when nuisance is being caused by the passage of the sun.

7.47 To conclude, due to the above it is considered that there will not be a significant detrimental impact upon residential amenity in terms of

noise and shadow flicker. Also due to the distance away of the properties from the proposals (400 m), it is considered that there will not be a significant detrimental impact in terms of obtrusiveness either.

7.48 Footpaths

Public Footpath No. 39 abuts the site but no diversion order or temporary closure order is required to facilitate the development. The footpath is therefore physically unaffected by the development. The comments from the Ramblers Associated are noted. However, it is considered that due to the height, distance away from the turbines to the footpath, low noise and shadow flicker generated from them, that they will not have a significant detrimental impact upon the walkers enjoyment of their activity along this small section of the All Wales Coastal Path.

7.49 Highways

An initial assessment of the access route was undertaken by the applicant's agent from suitable points to the site to ensure the local highway network could accommodate the large vehicles and vehicle movements associated with the delivery of the turbine components.

7.50 The assessment shows that the public roads are generally of good standard and would be suitable, subject to localised minor highway movements, to safely accommodate the large loads associated with the delivery of the turbine components during the construction period.

7.51 A swept path analysis has been submitted to determine if the junctions along the access route could accommodate the delivery of the turbine blades and towers which are the largest loads to be delivered to the site, and if any road improvements would be required.

7.52 The routes from the swept path analysis indicate that both the blades and tower transporters can be accommodated by the access route, if selected minor highway improvements and minor works are conducted.

7.53 This assessment and swept path analysis have been considered together with the highway improvements by our highways department who conclude that they are acceptable, subject to conditions placed upon any planning permission granted.

7.54 Wildlife

The development site is adjacent to the Dee Estuary Special Protection Area (SPA), designated under the EU Birds Directive. The SPA is also a Ramsar Site and Site of Special Scientific Interest (SSSI), designated and protected under the Wildlife & Country Act 1981 (as amended) and the Conservation of Habitats & Species Regulations (2010). These designations are due to the estuary's importance as a wintering site for significant populations of migratory

waders including Oystercatchers, and its importance for breeding seabirds such as Little Terns.

- 7.55 The key issue with regard to this application is the turbines potential disturbance effects on the migratory and wintering waders.
- 7.56 The two turbines are in close proximity to the designated site: 250 m from the foreshore and the southern turbine is within 300 m of the designated SPA/Ramsar feature, oyster-catcher high tide roost.
- 7.57 With respect to this supplementary information has been provided by the applicant summarising existing research/monitoring work regarding the likely reaction of roosting oystercatchers to the presence of an operational wind turbine, located approximately 300 m from the roost.
- 7.58 This information illustrates the paucity of research work on turbines and wader roosts, but both Natural Resources Wales and the Royal Society for the Protection of Birds accept that from this limited evidence, oystercatchers appear to be one of the less sensitive species of waders to suffer displacement from turbines.
- 7.59 As the proposals may therefore impact on the SPA/SAC, a Habitat Regulation Assessment (HRA) under Regulation 61 (Conservation of Habitats & Species Regulations 2010) has been undertaken.
- 7.60 This concludes that taking into account the site's conservation objectives and precautionary principle that oystercatchers are not likely to suffer displacement from wind turbines provided mitigation measures are undertaken to avoid potential in combination effects.
- 7.61 It is accepted that birds roosting (winter) on the salt marsh also suffer from recreational disturbance. Fencing/planting adjacent to the footpath would help protect the roost in the long term and avoid an in combination effect.
- 7.62 To conclude, it is considered that:-
- Construction effects can be avoided through timing of works and pollution controls.
 - From the supplementary information, the turbines are unlikely to have a significant effect on features of the Dee Estuary SPA/Ramsar Site, namely migratory and wintering waders and wildfowl, in this case specifically oystercatcher, monitoring during the construction and operation of the turbines will provide more robust information to demonstrate this and highlight changes.
 - Enhancement works mentioned within the supplementary information such as fencing the marsh, widening and/or other salt

marsh restoration works should be undertaken to protect the roost and avoid a potential in combination effect.

7.63 Aircraft Safety

Various organisations have been consulted upon the application to assess the developments potential to create a physical obstruction to air traffic movements, and cause interference to air traffic control and air defence radar installations. Both Airbus and Liverpool John Lennon Airport object to the proposals based on the unacceptable impact on air traffic safety and air traffic procedures.

7.64 Airbus advise that the proposed development is within the safeguarded area of Hawarden Aerodrome for windfarms (18.4 km) and their location is in direct line of sight from the air traffic control's radar tower. This will be producing a significant permanent echo return in the area, cluttering the radar picture and impacting on air traffic control safe separation and control of aircraft. Liverpool John Lennon Airport (LJLA) also confirm that the rotation of the wind turbine blades with this development would be detected by the airport's primary radar, creating clutter; e.g., in the form of twinkling or the formation of tracks on screen. This effect can be highly distracting for a controller and can cause confusion when trying to distinguish between rear aircraft and false targets, especially as the proposed site lies under a radar vectoring area for aircraft turning onto the final approach of LJLA's 09 runway.

7.65 The applicant's agent acknowledges that the scheme will impact upon the radar and that mitigation will be required. They argue that mitigation options are available, in particular the Thruput option. However, LJLA advise that this option is still being trialled and no work has been undertaken to develop a safety case to be considered by the CAA, as a result the scheme is still not proven. Therefore, the airports argue Thruput at this moment in time cannot be classed as a viable robust mitigation that could be implemented.

7.66 The applicant's agent suggests that a Grampian style condition is put on any grant of planning permission stating that development does not commence until a method statement for mitigation is agreed with the Local Planning Authority and the Airports. It is considered that both would want to agree to suitable and robust mitigation measures that have been agreed by all parties prior to planning permission being granted to ensure that both Airbus and LJLA's concerns can actually be mitigated against. The Head of Legal & Democratic Services advises that it would be appropriate to put such a condition upon any planning permission granted.

7.68 Socio Economic/Environmental Benefits

The scheme is designed to supply the site with energy from a renewable source and based on a 5 MW scheme, the electricity reduced from the turbines would provide 50% of Kingspan's electricity

requirements. Based upon a 28% capacity factor, the scheme would produce electricity equivalent to that consumed by 2,955 homes. Also 7,371 tonnes of carbon dioxide per annum would be saved by the implementation of the scheme.

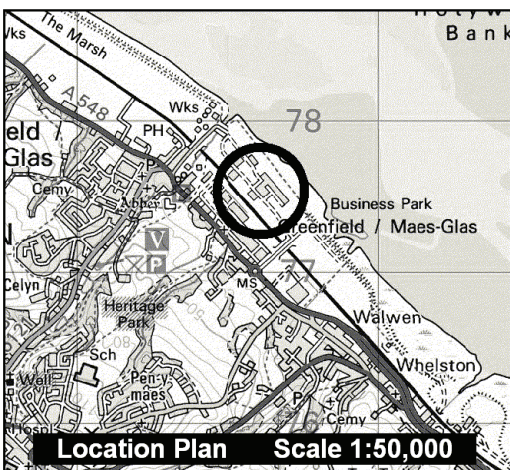
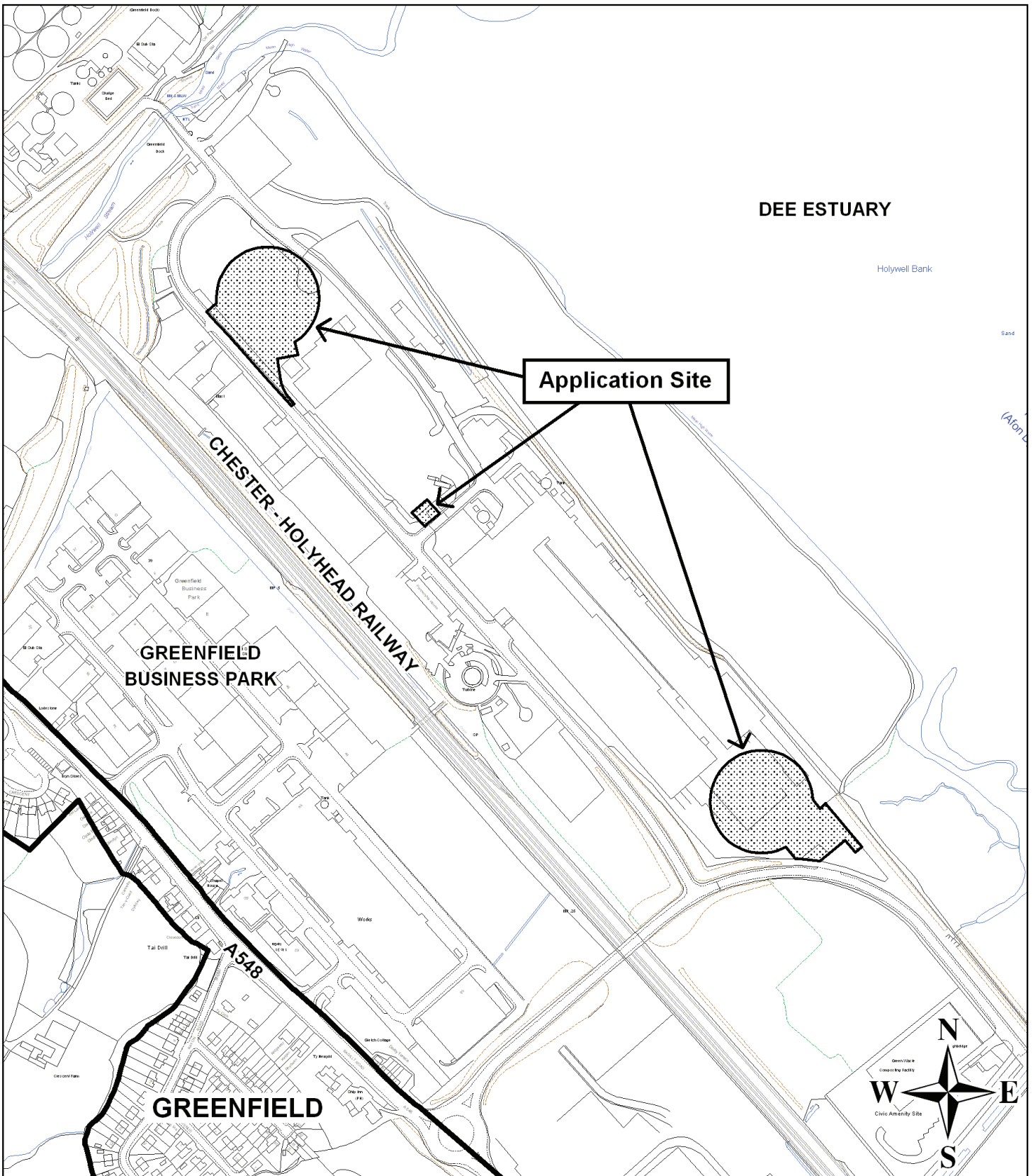
- 7.69 It is recognised that the Holywell site is Kingspan's Divisional Headquarters, managing operations throughout the UK, Ireland, France, Holland, Belgium, France, Scandinavia, Middle East, Singapore, Australia and New Zealand. As a result the company is considered an important part of the economy to the area, both as a major employer, directly employing around 350 staff, and through local sourcing of goods and services such as haulage, catering and office supplies.
- 7.70 If granted planning permission, it is considered that the benefits will be felt throughout the local area and beyond. The scheme would help to protect economic activity in the area which in turn strengthens the local economy. It is reported that for every megawatt of wind energy installed generates £700,000 worth of value for the UK, of which £100,000 stays in local area.

8.00 CONCLUSION

- 8.01 Whilst Kingspan's approach to the issue of global warming and climate change by the proposals is to be welcomed and their impact upon the local economy recognised, it is considered, however, that these factors do not outweigh the fact that the developments will have a significant detrimental impact upon the visual appearance and character of the landscape and the setting of the scheduled ancient monument and listed building of Basingwerk Abbey.
- 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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Planning Application 49300

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **6TH NOVEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION FOR THE CHANGE OF USE OF FORMER COMMERCIAL PREMISES TO 11No. SELF CONTAINED FLATS AT 94 WREXHAM STREET, MOLD, FLINTSHIRE.**

APPLICATION NUMBER: **051152**

APPLICANT: **MR. R. WHITEHEAD**

SITE: **94 WREXHAM STREET, MOLD, FLINTSHIRE, CH7 1NG.**

APPLICATION VALID DATE: **2ND SEPTEMBER 2013**

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

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

REASON FOR COMMITTEE: **SCALE OF PROPOSAL EXCEEDS THAT FOR WHICH THE DELEGATED POWERS TO THE HEAD OF PLANNING PERMIT TO BE DETERMINED.**

SITE VISIT: **YES. LOCAL MEMBER WISHES MEMBERS OF COMMITTEE TO SEE THE PARKING AND TRAFFIC ISSUES IN THE AREA DURING SCHOOL DAY START OR END.**

1.00 SUMMARY

1.01 This full application seeks planning permission for the change of use of this former commercial premises into 11 no. one bed apartments. The proposals include some exterior remodelling to make provision for 3 vehicle parking spaces in connection with the proposed use.

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

2.01 That conditional planning permission be granted, subject to the

applicant entering into a S.106 agreement which provides for the following;

- a) Ensure payment of a commuted sum payment in lieu of on site public open space provision of £8063, such sum to be used to upgrade existing open public open spaces within the locality. This sum shall be paid upon the occupation of the 5th apartment.

Conditions

1. Time limit.
2. In accordance with plans
3. No land drainage to public system.
4. No net increase in surface water to the public system unless agreed in advance.
5. Foul and Surface waters to be drained separately.
6. Pedestrian visibility splays to be provided in accordance with details to be agreed.
7. Construction Traffic management Plan to be submitted and agreed.
8. No HGV deliveries between 08.15 – 09.15am and 14.45 – 16.30pm Mon – Fri.
9. Materials to be agreed.
10. Parking facilities provided prior to first occupation and then retained.
11. Prior to commencement, bin store details to be provided.

3.00 CONSULTATIONS

3.01 Local Member

Councillor R. C. Bithell

Requests committee determination and site visit. Has concerns in relation to potential parking problems due to proximity of site to junction of many roads.

Mold Town Council

No objection. Observes that parking is lacking in the vicinity.

Head of Assets and Transportation

No objections. Requests to imposition of conditions and notes.

Head of Public Protection

No objections.

Public Open Spaces Manager

Advises that a commuted sum in respect of off site public open space provision. £733 per unit is sought. So a total of £8063 is required.

Head of Lifelong Learning

Advises that as the proposed apartments provide only one bedroom

accommodation, a contribution towards education facilities in the community will not be sought.

Dwr Cymru/ Welsh Water

No objection. Requests the imposition of conditions.

Coal Authority

No adverse comments. Standard advice applies.

Natural Resources Wales

No adverse comments. Standard advice applies.

4.00 PUBLICITY

4.01 The proposed development has been subject to publication by means of a press and site notice. Neighbour notification letters have also been sent.

4.02 2 no. responses have been received at time of writing, These raise objections to the proposals upon the following grounds;

- Overdevelopment giving rise to increased noise and disturbance.
- Proposed layout provides poor residential amenity.
- Insufficient and poorly arranged parking giving rise to pedestrian and highway danger to other users, especially road school traffic.

5.00 SITE HISTORY

5.01 **3/MO/854/79**

Illuminated Sign

Consented 16.5.1980

751/89

Illuminated Projecting Sign

Consented 14.9.1989

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

STR8 – Built Environment

GEN1 – General Requirements for Development

GEN2 – Development Inside Settlement Boundaries

D1 – Design Quality, Location and Layout

D2 – Design

AC18 – Parking Provision and New Development

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

7.00 PLANNING APPRAISAL

7.01 Site Description

The application occupies a prominent position at the junction of Wrexham Road and Alexander Street. The building is 2 storey in height and is late Victorian in origins, being constructed of red engineering brick beneath a slate roof. The majority of the original door and windows have been replaced by modern UPVC casements and doors. The site and building was lastly used as a commercial premises associated with the service and repair of domestic appliances. The proposals which are the subject of this application have been part commenced but have ceased pending the determination of this application.

7.02 The site surroundings are densely developed and are characterised as a mix of residential, commercial and educational facilities. The site lies in close proximity to Ysgol Delyn to the north west with Ysgol Maes Garmon and the Alun School located some distance across Wrexham Road to the south east. A funeral directors premises abuts the site to north.

7.03 The Proposed Development

This full application seeks permission for the development of this site through the conversion of the existing former commercial premises to create 11 no. apartments. The proposals include the provision of 3 no. parking spaces to serve the conversion off Alexander Road. The proposed apartments provide for 1 bed accommodation.

7.04 Pedestrian access is facilitated via existing door openings or modified windows openings at ground floor level within the elevations fronting Wrexham Road and Alexander Road. Access to the first floor is provided either internally or via an existing staircase to first floor external veranda off Alexander Road.

7.05 The Main Issues

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

- a. Principle of development having regard to the planning policies and other material considerations,
- b. Highways and access, and
- c. Public open space and recreation provision.

7.06 Principle of Development

In principle the proposal is in keeping with policies GEN2 and HSG3 as the site lies within the settlement boundary of Mold, which is a Category A settlement within the Flintshire UDP and a centre for the focus of such development proposals.

- 7.07 Policy STR4 sets the strategy for the delivery of housing across the county and identifies the need for a variety in the type and size of housing sites and seeks to make the most efficient use of housing sites, including the residential conversions of appropriate buildings.
- 7.08 Accordingly, and for the reasons set out above, the principle of housing development is acceptable.
- 7.09 Highway Impacts and Parking
Concerns have been raised in respect of the impact arising from traffic associated with the proposals upon both highway safety in general and pedestrian safety in particular at peak traffic times associated with the start and end of the school day.
- 7.10 Consultation has been undertaken with the Head of Assets and Transportation who advises that subject to the imposition of conditions, no adverse impacts upon highway and pedestrian safety are anticipated. Whilst the proposals provides for only 3 no. additional car parking spaces regard has been had to the location of the site within the town centre of Mold and its proximity to public transport links. Accordingly and in line with the guidance set out in LPG11 : Parking Standards, the normally applied standards are not deemed required in connection with this proposal.
- 7.11 Conditions are suggested in relation to the provision of pedestrian visibility splays and, having regard to the proximity of local schools and the peak traffic flows associated with them, a Construction Traffic Management Plan is requested. Furthermore, the hours during which larger delivery vehicles will be permitted to arrive at the site are also restricted to avoid the school start and end times and therefore avoid the potential for traffic conflict during the development phase of the proposal.
- 7.12 Recreation and Public Open Space Provision
Consultation with the Public Open Spaces manager has established that it is not appropriate to require the on site provision of formal recreation or play equipment. Accordingly, and in line with the requirements of both Local Planning Guidance Notes and UDP policies, it is requested that the applicant is required to make provision via a commuted sum in lieu of the provision. This provision shall equate to £733 per apartment. The total sum required is therefore £8063. I propose to recommend that permission is granted subject to either a S.106 agreement or unilateral undertaking requiring the same or the advance payment by the applicant of such a sum.
- 7.13 Other Matters
Views have been expressed in response to the consultation undertaken that adequate provision is not made for the locating of bins associated with the apartments. This observation is valid but is

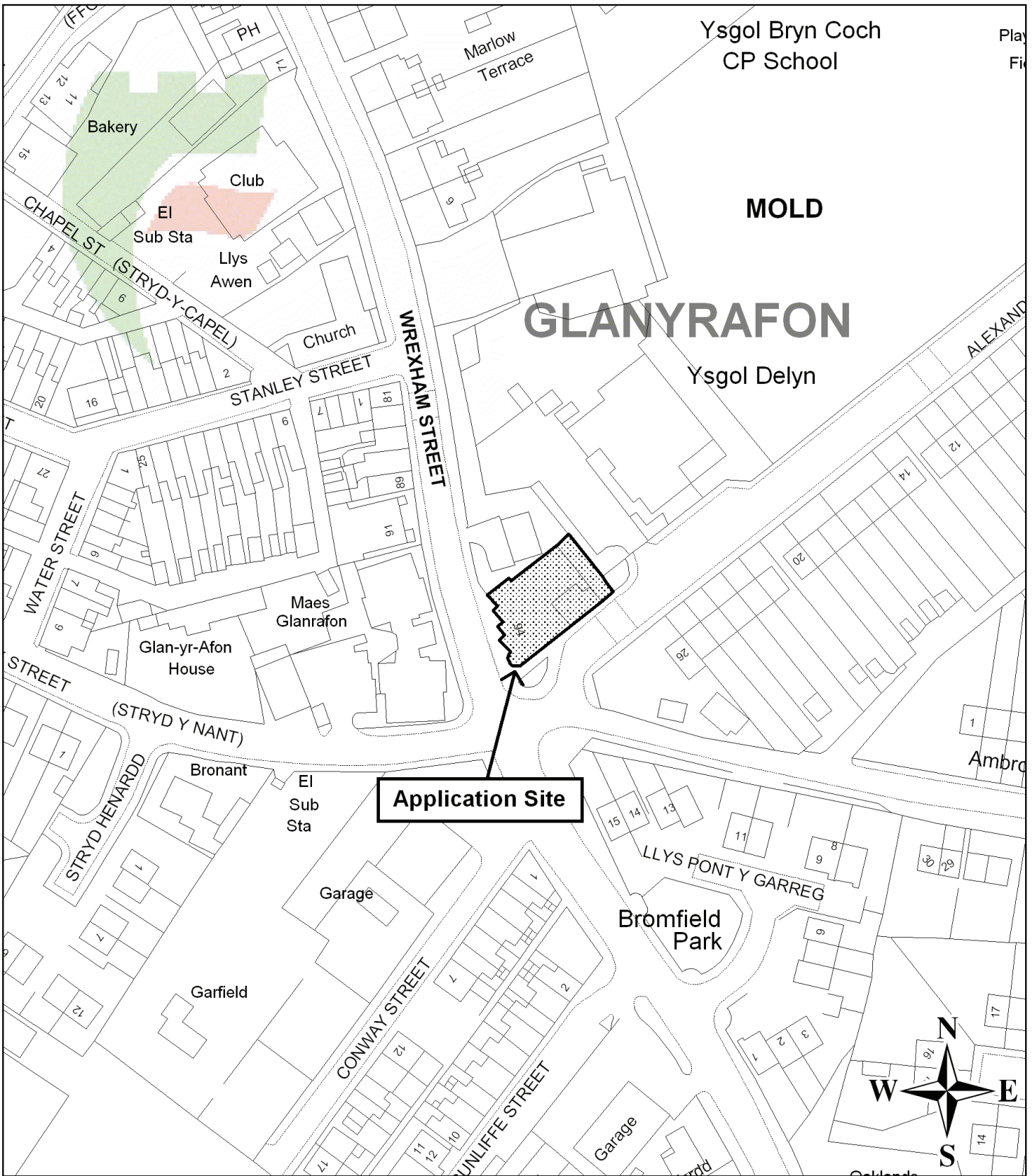
not such as precludes the determination of the application at this stage. I propose to make the agreement of such facilities a conditional requirements before the proposed apartments are brought into use.

- 7.14 Consultation with the Head of Lifelong Learning has revealed that whilst the development is for a number of residential units which would normally give rise to a requirement for educational contributions. Considering the nature of the accommodation proposed (1 bed apartments) it is unlikely that any children would be resident and therefore there is no additional demand placed upon educational facilities. Accordingly, no contribution under SPG 23 : Developer Contributions to Education is sought.

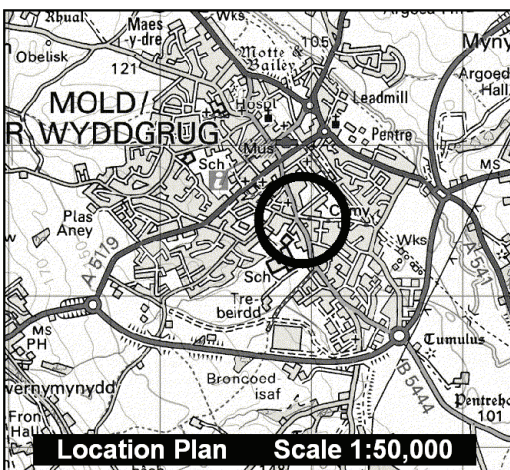
8.00 CONCLUSION

- 8.01 I am satisfied, having had regard to the provisions of the applicable policies and all other material considerations, that this proposal would accord with the provisions of the same and would, through the suggested legal agreement and conditions, represent an appropriate and acceptable form of development in this location.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

Contact Officer: David Glyn Jones
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Application Site



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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Map Scale 1:1250

OS Map ref SJ 2363

Planning Application **51152**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **6TH NOVEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **OUTLINE APPLICATION – ERECTION OF 2 NO. TOWN HOUSES, CONSTRUCTION OF MEANS OF ACCESS AND ASSOCIATED WORKS AT 6 WELSH ROAD, GARDEN CITY, DEESIDE.**

APPLICATION NUMBER: **049531**

APPLICANT: **F.M. PROPERTY DEVELOPMENTS LTD.**

SITE: **LAND AT 6 WELSH ROAD, GARDEN CITY, DEESIDE. CH5 2RA**

APPLICATION VALID DATE: **7TH MARCH 2012**

LOCAL MEMBERS: **COUNCILLOR MS C.M. JONES**

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

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST GIVEN. NEED TO ASSESS IMPACT OF DEVELOPMENT ON AMENITY OF RESIDENTS AND TO ADDRESS HIGHWAY ISSUES.**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This outline application proposes the erection of a pair of semi-detached dwellings on land to the rear of an existing detached residential property at 6 Welsh Road, Garden City, Deeside, Flintshire. The proposed access, site layout and scale of development proposed form part of this application.
- 1.02 For Members information the application has been resubmitted following the withdrawal of a previous application under Code No.

046465 on 4th May 2010 for the erection of 2 No. dwellings at this location. The application was previously withdrawn given concerns expressed by the then Environment Agency that the submitted Flood Consequences Assessment (FCA) was inadequate to enable an assessment to be made on the impact of potential flooding on the proposed development.

1.03 For Members information progression of this current application has been protracted in order to address flooding issues as part of the development proposed.

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

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

1. Outline – Reserved matters.
2. Outline – Time limit.
3. Materials to be submitted and approved.
4. Foul and surface water to be drained separately.
5. No surface water to connect into the public sewerage system.
6. No land drainage to discharge into public sewerage system.
7. Scheme for enhanced double secondary glazing to be submitted and approved.
8. Siting, layout and design of the means of access to be in accordance with details to be submitted and approved.
9. Access to be a minimum of 4.5 m in width for a distance of 10 m into the site.
10. Adequate facilities to be provided and retained within the site for the parking and turning of vehicles.
11. Site/finished floor levels to be submitted and approved prior to commencement of development.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Ms C.M. Jones

Request site visit and planning committee determination given concerns about impact on amenity of existing residents and adequacy of access.

Sealand Community Council

Object on the grounds that:-

- The proposed development would be extremely harmful for adjacent residents due to its extreme closeness to existing

properties.

- The proposal will create a general nuisance for residents which would have a negative impact on their lives.
- The proposal will create additional noise levels which would not be acceptable.
- The proposal will be harmful to the current townscape of Garden City.
- The proposal is situated very close to the River Dee with the site being within the River Dee flood plain.
- The access/egress onto Welsh Road is situated on the rise to the bridge across the River Dee which accentuates the traffic hazards which has restricted views. The situation is more problematic due to the nearness of Sealand Primary School.

Head of Assets and Transportation

Recommend that any permission includes conditions relating to access, visibility and provision of parking/turning facilities.

Head of Public Protection

No objections subject to the imposition of conditions requiring the installation of enhanced double/secondary glazing for bedroom and living room windows given noise levels from traffic on Welsh Road.

Welsh Water/Dwr Cymru

Request that any permission includes conditions relating to foul, surface and land drainage.

Natural Resources Wales

The submitted Flood Consequences Assessment (FCA) confirms that the dwellings can be safeguarded from proposed modelled flood levels.

Emergency Planning

No objection, as the properties can be safely evacuated in the event of a flooding incident.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

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

- Impact on privacy/amenity of occupiers of existing/proposed dwellings by way of overlooking.
- Development would be out of character with site/surroundings.

- Unacceptable form of backland development.
- Inadequacy of access.
- Inadequacy of drainage/potential for flooding.
- Impact on ecology.

5.00 SITE HISTORY

5.01 **044701** – Erection of 7 No. one bedroom flats in two blocks including the demolition of existing property – Withdrawn 30th April 2008.

046465 – Outline – Erection of 2 No. dwellings and new access – Withdrawn 4th May 2010.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy GEN1 - General Requirement for Development

Policy GEN2 - Development Inside Settlement Boundaries

Policy D2 - Location and Layout

Policy AC13 - Access and Traffic Impact

Policy AC18 - Parking Provision and New Development

Policy HSG3 - Housing on Unallocated Sites Within Settlement Boundaries

Policy HSG8 - Density of Development

Policy EWP17 - Flood Risk

Additional Guidance

Local Planning Guidance Note 2 – Space Around Dwellings.

Technical Advice Note 15 - 'Development and Flood Risk'

7.00 PLANNING APPRAISAL

7.01 Introduction

This outline application proposes the erection of a pair of semi-detached dwellings within the rear curtilage of an existing detached dwelling at 6 Welsh Road, Garden City, Deeside, Flintshire.

7.02 Site/Surroundings

The site the subject of this application, amounts to approximately 0.1 hectares in area and comprises part of the garden area of the existing dwelling. It is located in a central position to the east of an existing cul-de-sac development at Ferry Bank, to the west of an existing pair of semi-detached properties at 8/10 Welsh Road and north of an existing semi-detached development at Cleveland Grove.

7.03 Proposed Development

Although submitted in outline, indicative sketch plans illustrate the proposed development of a pair of semi-detached dwellings to the

rear of the existing detached property. Vehicular access to the existing property would be from a proposed new driveway, with the proposed development served by a new separate independent access to the west of the existing dwelling. It is proposed that the dwellings would be 2 storey in height to reflect the height of existing dwellings in proximity to the site.

7.04 Planning Policy/Principle

For Members information the site is located within the settlement boundary of Garden City as defined in the Flintshire Unitary Development Plan where the principle of residential development is supported subject to the safeguarding of relevant amenity considerations.

7.05 The application site comprises the rear garden area of an existing dwelling and constitutes a form of 'backland' development which involves the development of land behind an existing frontage of houses. The definition of the site as comprising a form of 'backland development' is not in itself an automatic reason for development to be refused and can be acceptable if a satisfactory means of access can be achieved and there is no detrimental impact on the privacy/amenity of the occupiers of nearby residential properties.

7.06 Impact on Character of Surrounding Area

The area is characterised predominantly by semi-detached and terraced properties particularly adjacent to the southern and western boundaries of the application site. It is considered that the development of a pair of semi-detached properties could be satisfactorily accommodated on the site with adequate circulation space provided so as not to harm the character and appearance of the surrounding area.

7.07 Impact on Privacy/Amenity

Indicative sketch plans submitted as part of the application illustrate the development of a pair of semi-detached dwellings, the distances between existing properties complying with the Council's Space About Dwellings standards. It is considered that the privacy/amenity of the occupiers of existing/proposed dwellings would be safeguarded as part of the proposed development.

7.08 Adequacy of Highways

Consultation on the application has been undertaken with the Head of Assets & Transportation who raises no objection to the proposed development at this location subject to the imposition of conditions relating to access, visibility and parking/turning.

7.09 Flood Risk

As the site lies within a C1 Flood Zone, a Flood Consequences Assessment (FCA) has been submitted as part of the application in accordance with the requirements of Technical Advice Note 15 –

Development and Flood Risk.

- 7.10 Consultation on the FCA has been undertaken with Natural Resources Wales (NRA) in order to assess whether the flood risks associated with the proposed development can be acceptably managed.
- 7.11 Natural Resources Wales have confirmed that there is no objection to the principle of development subject to the setting of the floor levels of the proposed dwellings at 6.24 m AOD. In addition and given the proposal to strengthen the flood defences of the River Dee, as part of the Northern Gateway development, it is considered that these works once undertaken will provide betterment in terms of the existing flood risk to the proposed dwellings. This will allow the opportunity for finished floor levels of the dwellings to be reduced from that currently proposed which can be addressed at reserved matters stage.
- 7.12 Of particular concern however is the need to ensure that the breach scenario depths and velocities of flood risk outside the buildings themselves will eliminate the associated risks to the access route to/from the development site.
- 7.13 Consultation on this particular aspect of the development has been undertaken with the Council's Emergency Planners with it being concluded that emergency evacuation would be acceptable under such conditions.
- 7.14 Material Considerations
Whilst it is recognised that each application needs to be assessed on its own individual merits, there are a number of appeal decisions which have been allowed by the Planning Inspectorate which are considered to be material to the determination of this application. For Members information these relate to proposals for backland development on two sites in Mynydd Isa which have been allowed contrary to the Local Planning Authority's decision to refuse permission. The characteristics of this site and surroundings are extremely similar to those allowed on appeal. In these circumstances it is considered that these decisions are of particular relevance and material to the determination of this application.

8.00 CONCLUSION

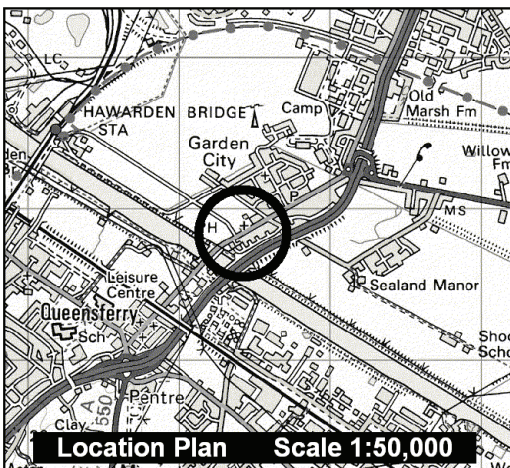
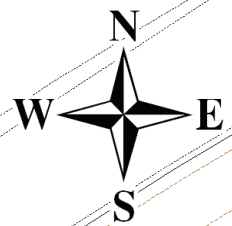
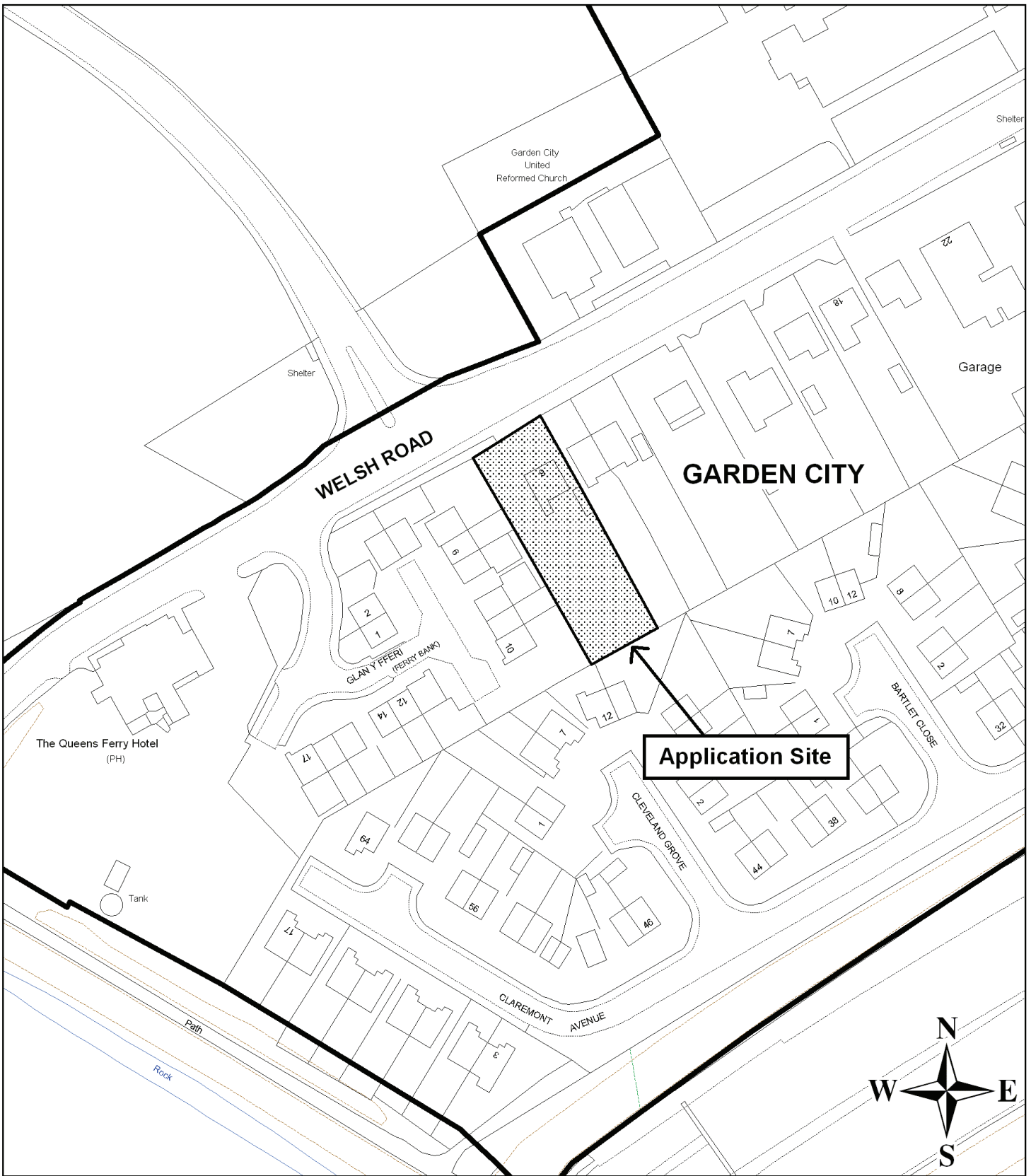
- 8.01 Whilst the site falls within the definition of 'backland development', as previously highlighted, this is not in itself an automatic reason for the principle of development to be refused, given that it can be acceptable subject to the safeguarding of relevant amenity considerations. It is considered that the site is physically capable of accommodating a pair of semi-detached dwellings, whilst maintaining adequate separation distances between the existing/proposed dwellings forming this application. The scale of development is in my view reflective and

sympathetic to the character of existing development in proximity to the site and there is no objection subject to conditions to the development from the Head of Assets & Transportation. Natural Resources Wales and the Council's Emergency Planners do not object to the impact of potential flooding on the proposed development and I therefore recommend accordingly.

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

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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 3268

Planning Application **49531**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 6 NOVEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION - CHANGE OF USE FROM POST OFFICE TO RESIDENTIAL AND ASSOCIATED WORKS AT 15 DRURY LANE, DRURY.**

APPLICATION NUMBER: **051191**

APPLICANT: **MR MICHAEL COOPER**

SITE: **15, THE OLD POST OFFICE, DRURY LANE, DRURY**

APPLICATION VALID DATE: **30TH AUGUST 2013**

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

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

REASON FOR COMMITTEE: **COUNCILLOR M J PEERS AND COUNCILLOR D HUTCHINSON REQUEST THAT THE APPLICATION IS REFERRED TO THE PLANNING COMMITTEE FOR DETERMINATION**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This application seeks planning permission for the change of use of the old Post Office to provide a residential garage for the existing dwelling at 15 Drury Lane, Drury.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 The proposal is recommended for REFUSAL for the following reason :

1. By virtue of the lack of adequate visibility from and of emerging vehicles and the lack of off road provision for opening the door and manoeuvring into the garage, the use of the proposed garage would be likely to obstruct the footway and the adjoining highway to the detriment of the free and safe flow of pedestrian and vehicular traffic and have an unacceptable detrimental impact on highway safety.

3.00 CONSULTATIONS

3.01 Local Member
Councillor M J Peers

Requests that the application be referred to the Planning Committee to discuss the application and local issues. A site visit is also requested to allow Members to see the local situation regarding road use, parking and visibility.

Councillor D Hutchinson

Requests that the application is referred to the Planning Committee and a site visit is carried out because he does not agree with the Officer's recommendation.

Buckley Town Council

No observations

Head of Assets and Transportation

Advises that the proposal will result in the creation of an access that does not provide adequate visibility from and of emerging vehicles to the detriment of highway safety and considers that the proposed garage will likely result in a driver turning into the site and, whilst the door is being operated, obstruct the footway and the adjoining Class III highway to the detriment of the free and safe flow of pedestrian and vehicular traffic.

Head of Public Protection

No objection.

4.00 PUBLICITY

4.01 Neighbour Notification
No representations received

5.00 SITE HISTORY

5.01 051008 - Change of use of former Post Office into residential and the erection of a new porch (withdrawn 14.08.2013)

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
GEN1 – General Requirements for Development
D2 – Design
S11 – Retention of Local Facilities
AC18 – Parking Provision and New Development
CF1 – Retention of Existing Facilities

7.00 PLANNING APPRAISAL

- 7.01 Application Site
The application site is located within the settlement boundary of Drury as defined in the adopted Flintshire Unitary Development Plan.
- 7.02 The building currently has a mixed use of residential and Post Office; however, the post office has not been in use for some time. The building fronts onto Drury Lane, a Class III highway.
- 7.03 Main Issues
The main issues to consider in the determination of this application is whether or not, in principle, the proposed loss of a local facility, i.e. the Post Office, is acceptable; and, the impact the proposal will have on highway safety.
- 7.04 Principle of Development
In principle, the change of use of the Post Office to additional residential accommodation for no.15 Drury Lane is acceptable. Policy CF1 and S11 seek to retain local facilities unless they are no longer needed to meet a local need or suitable alternative provision is available. Following the retirement of the post mistress some time ago, the post office use has now transferred to the existing convenience store at No.60 Drury Lane. There is therefore no objection to the principle of changing the use to residential.
- 7.05 Highways Impact
Like some other properties in this part of Drury there is no dedicated off road parking or garage serving the property. In seeking to address this the application proposes the creation of an integral garage within the former post office which would open out onto Drury Lane. The garage will be set back approximately 1.8m distance from the footway and the plans show that the garage door would be of a roller shutter type.
- 7.06 Members will be aware that there is normally a requirement for the front of proposed garages to be set back from the back of the footway/ highway by a distance of 5.5 metres. This is to allow a car to be pulled up outside the garage, clear of the highway, to allow the garage door to be opened. However, the distance here will not allow this

manoeuvre, meaning that the car would have to stand on the highway or across the footway until the garage door was opened, which is considered to be unacceptable in highway safety terms. Combined with this is the resultant lack of visibility, particularly for the driver of the vehicle exiting the garage and the similar lack of visibility of emerging vehicles for approaching drivers, which would result in there being an unacceptable detrimental impact on highway safety.

8.00 CONCLUSION

- 8.01 It is considered that, in principle, the change of use of the Post Office is acceptable, if for example it was to be used as additional habitable accommodation for the existing dwelling. However, given that the proposal is for a garage, the impact of the development would have an unacceptably detrimental impact on 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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FLINTSHIRE COUNTY COUNCIL

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

DATE: **6TH NOVEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **DISCHARGE OF CONDITION 6 (SUBMISSION OF A DEVELOPMENT BRIEF) ATTACHED TO OUTLINE PLANNING PERMISISON REF 049320 AT RAF SEALAND SOUTH CAMP, WELSH ROAD, SEALAND**

APPLICATION NUMBER: **051025**

APPLICANT: **CRAG HILL ESTATES LTD**

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

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

LOCAL MEMBERS: **COUNCILLOR C JONES**

TOWNCOMMUNITY COUNCIL: **SEALAND**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST AND DUE TO SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is an application to discharge condition 6 of permission 049320 to deliver “an employment led mixed use regeneration scheme, comprising a range of employment generating uses, local shops, residential development, public open space, surface water drainage improvements and new site access arrangements” as part of the strategic development site allocated in the UDP under policy HSG2a known as ‘The Northern Gateway’.
- 1.02 The main issues to consider are the mix of land uses proposed, road,

cycle, pedestrian and cycleway provision and connectivity, the flooding impacts and solutions proposed and the overall green infrastructure and open space proposals.

1.03 It is considered that the submitted details are compatible with the Councils own Framework Masterplan for the site.

2.00 RECOMMENDATION: TO DISCHARGE THE CONDITION IN ACCORDANCE WITH THE SUBMITTED DETAILS

3.00 CONSULTATIONS

3.01 Local Member
Councillor C Jones

Requests Committee determination due to the scale of the development.

3.02 Hawarden Community Council

No objections.

3.03 Head of Assets and Transportation

Recommend that the application be amended/further clarification is sought on the following in order to satisfy highway requirements;

- The routes coloured cream on the green infrastructure plan are all to be constructed as 3m wide shared footway/cycleway routes
- The linkage with the existing Sealand Avenue shall cater for public transport, walking and cycling and should be redesigned accordingly
- A 3m wide footway/cycleway shall be provided, on highway land, along the westerly side of the complete length of Sealand Avenue
- The width of the link to the PRDL land should be adequate to accommodate bus linkage (ie) min 7.3m
- Clarification that the proposed phase 2 on the phasing plan, contained within the design statement will bring forward the complete and useable link between Welsh Road and DIP
- Clarification that the Vectos paramics model included, within the capacity assessment for the proposed DIP signals, the redistributed flows from Garden City/Queensferry/Shotton as a result of the employment link road
- Clarification that the Vectos paramics model included, within the capacity assessment for the residential access (priority junction) onto Welsh Road, the provision of the bus gate.
- The phasing plan within the design statement does not indicate the full residential link to the internal roundabout
- The details for the district centre should be accessed from both the residential and employment spine road and should be designed to prevent rat running

- Turning heads will be required on the residential spine road and at the end of Sealand Avenue depending on the location of the bus gates
- The stopping up of the existing road to the industrial estate should be referred to
- The footway/cycleway link to the rear of The Leprechaun shall be replanned to connect to the existing adopted highway on Cedar Avenue
- The reference to the use of on street parking for residential purposes should be removed from the design statement

3.04 Head of Public Protection

No objection.

3.05 Natural Resources Wales

The FCA has looked at numerous scenarios which could result in flooding of the site – these include both tidal and fluvial sources as well as consideration of potential breaches of the River Dee’s flood defences.

The FCA has shown that, with the implementation of the required mitigation measures, the development itself complies with TAN15 (section A1.14 – i.e. flood free in the design flood event). The main mitigation measure – the implementation of improved flood defences from the A494 to the railway-line – will provide significant betterment to Garden City insofar that it will reduce the risk of the defence failing. This currently poses the most severe flood risk to Garden City.

The FCA has not shown that the site is fully compliant with TAN15 with respect to off-site flooding. Small increases are predicted on third-party land, although much of this increase is likely to be small (<30mm) and considered by the applicant to be below model tolerance. We suggest that it is for the Local Planning Authority to determine whether the small increases in flood risk to third-parties is outweighed by the betterment afforded by the improved defences and therefore the reduced risk of breach.

We recommend that the defence improvement works are extended to include the short stretch of defence immediately downstream to the railway-line.

Full mitigation for the fluvial flood risk to the site is dependent on works taking place on land outside the developer’s control. It has been demonstrated that part of the site can be developed without this work being completed; however it is unlikely that the site would be fully developable without the works being completed. These issues will need to be addressed as FCAs are produced for individual phases of the development (condition 12).

The detail of surface water drainage will need to be addressed as part

of FCAs for individual phases of the development (condition 8).

3.06 Public Open Spaces Manager

The proposals as presented require further consideration specifically to consider how sports and older children's needs can be better met by this proposal. We would suggest

- Amendment of application to include at least one full sized sports pitch (to accommodate senior football/rugby) with dedicated changing and shower facilities, car parking
- Amendment of application to include a wheeled play facility to accommodate bmx's and/or skate
- Amendment of application to include a second multi use games area

3.07 Others

Formal publicity is not required for such applications, only consultation with the relevant internal consultees and external statutory consultees however comments have been received from the neighbouring land owner PRDL in respect of issues raised in the submitted details. These have been considered in the consideration of the application where relevant.

4.00 SITE HISTORY

4.01 **049320** - Outline application for the redevelopment of a strategic brownfield site for an employment led mixed use development with new accesses and associated infrastructure including flood defences and landscaping. Approved 07/01/13.

5.00 PLANNING POLICIES

5.01 Flintshire Unitary Development Plan

STR1 – New Development

STR2 – Transport and Communications

STR3 – Employment

STR4 – Housing

STR7 – Natural Environment

STR8 – Built Environment

STR11- Sport Leisure and Recreation

GEN1 – General requirements for Development

GEN2 – Development Inside Settlement boundaries

D1 – Design quality, location and layout

D2 – Design

D3 – Landscaping

D4 – Outdoor Lighting

WB1 – Species Protection

AC2 – Pedestrian Provision and public Rights of Way

AC3 – Cycling Provision

AC8 - Buses

AC13 – Access and Traffic Impact

AC18 – Parking provision and new development
HSG2A – Strategic Mixed Use Development: Land North West of Garden City
HSG10 – Affordable Housing within settlement boundaries
S4 – Small scale shopping development within settlements
SR5 – Outdoor Play Space and new residential development
EWP17 – Flood Risk

The details comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

Outline planning permission 049320 was granted on 07/01/13 to deliver “an employment led mixed use regeneration scheme, comprising a range of employment generating uses, local shops, residential development, public open space, surface water drainage improvements and new site access arrangements” as part of the strategic development site allocated in the UDP under policy HSG2a known as ‘The Northern Gateway’. All matters were reserved for future consideration and the outline permission was subject to a number of conditions relating to principles of how the site would be developed.

7.02 Applications are now coming forward to discharge the pre-commencement conditions prior to the submission of reserved matters applications to bring the site forward for development. This application to discharge condition 6 is one of the first applications to be submitted. It was agreed at the consideration of the outline application by this Committee that the discharge of condition application which deals with the masterplan of the site should come before this Committee.

7.03 Condition 6 requires;

“Prior to the approval of reserved matters applications a Development Brief for the site comprising an illustrative land use Master Plan, green infrastructure plan and a flood mitigation plan for the built development and a Design Statement shall be submitted to the Local Planning Authority for approval and the development shall be carried out in accordance with the approved details, unless other wise agreed in writing by the Local Planning Authority.”

7.04 The submission to discharge this condition takes the form of;

- An Illustrative land use master plan
- Green infrastructure plan
- Flood mitigation plan
- Design Statement

prepared by Barnes Walker and Fletcher Rae, who brand the site “The Airfields”.

- 7.05 The submission is set against the aspiration to bring the site forward to deliver a high quality, employment led, mixed use development which will be sustainable, create employment and integrate with and support the local community. The discharge of pre-commencement conditions is the first stage in this process that will feed into and inform the detailed design of the first phases of development which be the subject of subsequent reserved matters applications. This process complies with the requirements of Policy HSG2A of the UDP.
- 7.06 The Design Statement for “The Airfileds” has a set of strategic aims and objectives for the development of the site these include;
- Set out design guidelines for each of the development parcels to control future Reserved Matters applications
 - To demonstrate a robust and efficient Flood Mitigation Strategy
 - To demonstrate that the site will have good connections to the wider landscape and surrounding land uses by all forms of transport modes including road, rail, bus and cycle way
 - To present a vision with supporting details for an attractive ecologically diverse Green Infrastructure
 - Phasing and delivery programme for the site
 - Create an uplifting vision that will make ‘The Airfields’ an attractive development opportunity
 - To explain clearly how an iterative design process has taken each of the site wide issues or constraints and turned them into a positive solution
- 7.07 The Design Statement includes a series of design responses to create a sense of place turning the site constraints into positive solutions. These include;
- Creating a drainage solution on a flat site with a large fluvial storage capacity into an interconnected stream system with supporting open channels and low lying areas for fluvial storage
 - Forming sculptural mounds to create interest to allow residential and industrial uses to be in close proximity
 - Creating a site wide sense of place through the use of landscaping treatments
 - Ensuring there are good pedestrian, cycle and rail links to the wider landscape
 - Separating traffic movements between the main employment and residential area of the development
- 7.08 The Design Statement sets the principles for the Illustrative land Use Masterplan with subdivision of the site into proposed land uses in a series of plots and pods. The Flood Mitigation Strategy, Green Infrastructure Plan, and the Open Space Strategy have been conceived as one from the outset.
- 7.09 The Flood Mitigation plan

In order to inform the level of flood risk to the site from both fluvial and tidal sources a detailed hydraulic modelling study has been undertaken by Weetwood. This has subsequently been utilised to develop a flood risk mitigation strategy for the site. The strategy is outlined within the Design Statement and illustrated in the Flood Mitigation Plan. This also forms part of the detailed site wide Flood Consequences Assessment (FCA) which has been submitted to discharge condition 12 of the outline permission.

7.10 This includes;

- Works to the River Dee, the Shotwick Brook Garden City Drain and the network of drainage channels that surround and run through the site,
- Finished floor levels for the development and the spine road,
- Landscape strategy,
- Surface water drainage scheme.

This has been considered by NRW in the context of the site wide development proposals as referred to in their comments.

7.11 Green Infrastructure Plan

The green infrastructure plan sets a number of 'common elements of place making'. These include;

- Screen mounds and feature earth works – to protect the housing development from the built form and activity of the employment areas and to separate the housing from Welsh Road and the A494. The form of the mounds will be landscaped into conical features across the site to contribute to the sense of place.
- Avenue trees along spine road – semi-mature stock along prominent routes
- Feature hedgerow and set piece trees – to establish a landscape theme along the sites road frontage along Welsh Road
- Woodland hedgerows – large scale hedgerows to enclose each parcel of employment land and to create bird habitat
- Native hedgerows and oak trees – frontage treatment along footpaths and cycle ways
- Flood storage areas and drainage channels – functional features will create interest within the landscape and habitat for waders
- Line and clusters of trees – to divide space between car parking areas and internal roads
- Set aside grassland – alongside Shotwick Brook to serve as an area of ecological continuity
- Place making stream system and focal open space – the stream course is both practical and aesthetic, whilst providing fluvial storage capacity within a contoured landform creating an attractive and practical areas for informal leisure use. This will include diverse planting and a range of benches and bridges.

- Community parks – Five community parks will be located strategically around the community providing play spaces for toddlers and young children
- Drainage fingers and green fingers – narrow open drainage channels are required alongside the principal access roadways within each housing pod
- Private gardens – will play an important part in creating an overriding sense of place

7.12 The Green Infrastructure will be established at an early phase of the development so each phase of built development will occur within an established landscape. The management of the green infrastructure will be undertaken by a private management company that will be established at the outset.

7.13 Access and Highways

This sets principles for the access arrangements for the Employment and residential development areas along with the cycle and footpath network.

7.14 Employment Development Access

- The access to the development will be via a priority junction with Welsh Road to the east, designed to allow left turn movements only to focus commercial development traffic movements at Deeside Industrial Park interchange to minimise traffic and environmental impacts
- To the northwest via a signal controlled junction with Parkway within Deeside Industrial Park
- Signage to the development from the north and south is proposed to focus commercial traffic towards Deeside Industrial Park Interchange
- Internal commercial spine road running east to west from Welsh Road to an internal four arm roundabout
- The commercial spine road links the internal roundabout to Deeside Industrial Park above the existing watercourse and cycleway/footpath
- To the south the internal roundabout links to the residential spine road
- Pedestrian and cycle facilities are provided on the commercial spine road separated from the carriageway by a verge
- Commercial spine road will be designed to accommodate bus movements and bus stops
- At the Welsh Road junction on the spine road approach a bus only lane is provided to allow buses only to turn right into Welsh Road

7.15 Residential Development Access

- Access to the residential elements of the development would be via a separate all movements priority junction with Welsh

Road

- Residential access road 30 mph providing access to the mix of uses in plot A (district centre)
- Through the residential area the residential distributor road will be 20mph with a horizontal realignment to reinforce this
- A form of traffic management will be required to achieve the objective of separating out commercial development and residential development traffic while allowing bus access. The favoured option is a bus gate on the residential distributor road from the internal roundabout to prevent the residential distributor road becoming a rat run

7.16 Cycle and Footpath Network

Provision of an extensive network of footpaths and cycle ways that are threaded throughout the green infrastructure. Key links are made to;

- Hawarden Bridge Station
- The River Dee bankside walks
- Cycle route No5
- Garden City

7.17 Employment Areas

The commercial plots are set out in accordance with the current outline planning consent with a central spine road with the commercial development to its north and residential development to its south. The plots are proposed to have the following mix of uses;

- Plot B – Hotel, restaurant, public house, car showroom uses (A1, A2, A3, B1, C1, D1 and D2)
- Plots C, D and E – industrial and storage and distribution (B2, B8)

7.18

In line with the proposed uses Plots A and B would have smaller scale buildings typically 1 up to 3 storey in height. As you move further into the site the building size would become larger to accommodate the industrial uses, with eaves heights of up to 30m. The nature of the plots would accommodate a range of building sizes which would be detailed in the subsequent reserved matters applications. Each plot would have its own dedicated parking and HGV service provision. BREEAM target ratings would be submitted specific to the detailed design proposals.

7.19

District Centre

The district centre would be on plot A at the site entrance between the residential access road the central commercial spine road. This location allows the functionality of the facilities to serve both the employment area and the residential development. The principle access to this area would be to the south from the residential development with access from the commercial spine road controlled to prevent it being used as a rat run. Buildings would be located along the eastern boundary along the road frontage and along its boundary with the residential properties. The proposed uses are food retail,

public house, medical centre and pharmacy, community centre and general retail covered by classifications A1, A2, A3, B1, C1, D1 and D2. It is anticipated the built form would be 1 or 2 storey with a central parking area and individual servicing provision softened by landscaping.

7.20 Housing Layout

The Design Statement has an aspiration “To create a place of distinct and consistent character, focused on and facing the core water management channels and their associated high quality landscape. The place will be green, tranquil and prioritise pedestrians and cyclists over cars It will be a desirable place to live and raise a family within a community..”

7.21 The parameters for the residential development are;

- Road layout – a residential distributor road with a 20mph speed limit and each housing pod would be accessed from this via a priority junction. Emphasis will be given to pedestrian and cycle movements with the use of shared surfaces.
- Housing Layout – Dwellings will be fronted towards the landscaped edges, roads and public open space to create a sense of place, utilising a variety of parking solutions.
- Built form – building heights would not exceed 3 metres, the roofscape will be of traditional form with pitched roofs of varying heights.
- Housing Design – dwellings should have obvious entrances and front doors with a consistent use of materials throughout. All dwellings on the edges of each pod will be rendered and have their roofs covered in a material of a single colour. Beyond the spine road a greater variety of materials will be utilised to create individual identities for each parcel of development.

7.22 Open Space Strategy

Creating a network of open spaces totalling 5 hectares that will allow pedestrians and cyclists to move easily through the community. There will be a 'Place Making Focal Open Space' which will form the centre piece of the open space Strategy with a balanced distribution of open space across the site. This takes the form of;

- Formal open spaces
 - Five equipped play spaces with an average size of 1100m² located between housing pod boundaries to provide a transition between differences in architectural style
 - Park areas will be enhanced with a range of sculpted lawns, feature tree, hedge and shrub planting
- Free play and multi-use pitch
 - A multi-use games area and large open free play games area will be provided in the south east corner of the site

- The focal open space has an area of 3.6ha and will define how residents move through the new community with a range of features
- A meandering stream bed leading to a series of open lakes and ponds
- Grass and gravel pathways allow ease of access
- A range of trees will define the space at the upper level
- Different mowing regimes, reed beds and clusters of shrubs will define space at the lower level
- A range of benches and seats
- A range of bridges and shelters

7.23 Ecology

Extensive ecological surveys have been undertaken of the site. The site is dominated by species poor grassland. The Shotwick Brook and Northern Drain form the northern and western edges of the site and Manor Drain is located along part of the southern boundary. These watercourse all contain pockets of marginal and emergent vegetation with scrub and rough grassland along the banks. The site is known to provide habitat for a number of species including common lizard, water voles, breeding and wintering birds and is also used by badgers and bats for foraging. The ecological strategy is designed to provide extensive wildlife habitats as part of the green infrastructure and flood mitigation strategy. These include;

- A designated wildlife area located in an undisturbed part of the site maintaining habitat connectivity to the existing brooks and hedgerows to provide habitat for a number of species
- Creation of ditches to provide optimal habitat for water voles
- Areas of wildflower rich grassland
- New ponds to support amphibians and invertebrates
- Native hedgerows will be created throughout the site to create wildlife corridors
- Woodland and scrub planting will provided habitat for breeding birds and trees
- The Northern Drain and Shotwick Brook will be reprofiled and areas of reedbed and marginal wetland vegetation will be created
- The green infrastructure scheme will provide foraging habitat throughout and around the site to ensure badgers and bats can continue to use the site
- Development opportunities within the built environment of the site to create roosting areas for bats and nesting features for birds. The existing bat roost building to the north of the development will be retained.
- The public open space provision will ensure that the residents have onsite facilities for recreation thus minimising potential effects of increased recreation on existing nature conservation sites within the local vicinity.

Once established the created habitats within the site will be managed in the long term by a management company with input from

biodiversity focused organisations.

7.24 The Framework Ecological Mitigation and Enhancement Strategy has been submitted and agreed by the Council and NRW to discharge condition 24 of the outline permission.

7.25 Renewable Energy

Detailed proposals would be evaluated and submitted specific to the detailed design proposals for each plot at the appropriate reserved matters stage.

7.26 Secured by Design

The principles of secured by design would be incorporated into the housing layouts at the detailed planning stage. Each employment plot is self contained allowing each plot to undertaken appropriate security measures and perimeter treatment.

7.27 Phasing Scheme

The initial phasing of the delivery of the master plan for the site involve enabling and infrastructure works to bring the brownfield site to a point where main development restrictions have been removed and primary infrastructure provided to the earlier phases of employment and residential development. Subsequent phases involve the development or sale of these plots before the completion/extension of the infrastructure to remaining plots and their subsequent development or sale.

Year 1	River Dee Embankment Strengthening works
Year 1	Road and landscape infrastructure including flood mitigation
Year 1 - 3	<ul style="list-style-type: none"> • Employment Plot C (B2/B8) 7.18 ha • District Centre Plot A (Public House, hotel, restaurant, small shops, crèche and doctors surgery, (A1,A2,A3,B1, C1,D1, D2) 2.22 ha • Residential Development Pod's 1 – 3 Total 8.03ha
Year 4 - 6	<ul style="list-style-type: none"> • Employment Plot B, (A1,A2,A3,B1, C1,D1, D2) 5 hectares and Plot D (B2/B8) 11.2ha • Residential Development Pod's 3 – 6 Total 10.03 ha
Year 6 - 8	<ul style="list-style-type: none"> • Employment Plots E

	(B2/B8) 19.73 ha and F (B2/B8) 6.23 ha • Residential Development Pod's 7 – 9 Total 7.46 ha
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- 7.28 Consideration of the issues raised
 The main issues to consider are the mix of land uses proposed, road, cycle, pedestrian and cycleway provision and connectivity, the flooding impacts and solutions proposed and the overall green infrastructure and open space proposals.
- 7.29 General layout and land uses
 Overall the approach taken with regard to the overall masterplanning ethos for the site sets a vision for creating an attractive environment and sense of place utilising the constraints of the site. The implementation of the strategic landscaping and road network will enable the site to accommodate a variety of uses without potential conflict between users and aims to create serviced plots to attract investors. The Green Infrastructure Plan and Flood Mitigation Plan together will establish a sustainable solution to the flood risk and surface water drainage issues whilst creating a high quality environment.
- 7.30 The masterplan reflects the proposed land uses and mix of uses put forward at the time of the outline planning application, although not formally agreed at that time. The Transport Assessment previously undertaken has therefore accommodated for this mix of development. This provides for 44 hectares of Employment Land (B2/B8), 7.22 hectares of Commercial Uses (A1, A2, A3, B1, C1, D1, D2) and 25.52 hectares of residential land. This could equate to approximately 700 houses at 30 per hectare.
- 7.31 At this stage the nature of the mix of uses of the commercial land which will include a District Centre to serve the existing and proposed communities is indicative and will be detailed during any subsequent reserved matters stage. The level of residential development on the site as a whole, has increased from the initial UDP allocation as a result of the evolution of the flooding and drainage solutions. Initially at the UDP allocation stage, it was considered that the flooding and drainage solution may take the form of large water bodies for storage purposes. However it is now considered that the River Dee strengthening works in combination with the proposed scheme set out in the green infrastructure plan flood mitigation plan provide a solution which does not require any significant amount of water storage bodies and therefore opens up more developable areas of land.
- 7.32 While the design statement and masterplan set out the phasing in general terms, the detailed phasing of each parcel is required to be submitted under condition 5 prior to the development of that phase. The level of detail provided as part of this application is therefore

deemed sufficient as this stage. Similarly while the Green Infrastructure Plan sets the strategic landscaping for the site as a whole the details for each phase will be submitted for consideration as the site comes forward for development in accordance with condition 19 of the outline permission.

7.33 The proposed masterplan and design statement put forward as part of this application is in accordance with the Council's own requirements as set out in the Masterplan Framework approved by this Committee on 4th September 2013.

7.34 Highways

It is considered that the masterplan shows the key highway, pedestrian and cycle linkages to the wider network in accordance with the previously agreed Transport Assessment. The comments set out by the Head of Assets and Transportation have been taken on board by the applicant and have been incorporated within a revised scheme. The applicant is willing to take on board all of the comments except for the requirement to provide a 3m wide footway/cycleway on highway land, along the westerly side of the complete length of Sealand Avenue. It is considered that is not financially viable to commit to this, at this stage.

7.35 From a planning point of view as the request for this element is for off-site works, it is difficult to insist on this through this form of application. In terms of discharging the masterplan condition, the applicants show a footpath/cycleway link to Sealand Avenue within their site. It is considered that any request to provide off site highway works in the form of an extension of the footway/cycleway along Sealand Avenue should be made through the subsequent reserved matters applications or through the discharge of the highway conditions.

7.36 Flood Risk

The Flood Mitigation Plan submitted as part of the application to discharge condition 6 is part of the overall site side Flood Consequences Assessment (FCA) submitted to discharge condition 12 undertaken by Weetwood. Natural Resources Wales in their assessment of the Flood Mitigation Plan element of this application have therefore also assessed the Flood Consequence's Assessment as a whole.

7.37 The FCA has looked at numerous scenarios which could result in flooding of the site – these include both tidal and fluvial sources as well as consideration of potential breaches of the River Dee's flood defences.

7.38 It is accepted that the most severe flood risk to the site would result from a breach of the River Dee's flood defences, anywhere between the A494 and the railway line. The FCA has shown that, with the implementation of the required mitigation measures, the development

itself complies with TAN15 (section A1.14 – i.e. flood free in the design flood event). The main mitigation measure; the implementation of improved flood defences from the A494 to the railway-line, will provide significant betterment to Garden City insofar that it will reduce the risk of the defence failing. This currently poses the most severe flood risk to Garden City.

- 7.39 In terms of overtopping of the defences, the FCA indicates that the proposed development platform levels would ensure that the site would be flood-free in an over-topping scenario – for a 0.5% annual exceedance probability (AEP) flood event with an allowance for sea level rise due to climate change over the next 100 years. This is compliant with the requirements of section A1.14 of TAN15.
- 7.40 However NRW highlight that the FCA has not shown that the site is fully compliant with TAN15 with respect to off-site flooding. Small increases to flood risk are predicted on third-party land, although these increases are likely to be small (<30mm). These areas are mainly along the routes of existing drainage channels on PRDL land with some very minor areas within the existing Garden City. The applicant's consultant Weetwood considers such increases are negligible both in terms of depth and extent and are considered to be significantly outweighed by the betterment afforded by the wider scheme to be below model tolerance. These potential flood risks would only ever be realised in extreme flood events (i.e. a 1 in 200 year (0.5% AEP) tidal level including 100 years allowance for possible climate change. Weetwood's FCA has been undertaken with the current situation on the PRDL site, i.e. no development, in order to ensure that it does not prejudice PRDL's ability to develop the site. This in turn may require some amendments to Hyder's FCA for the PRDL site in order for their site to meet with TAN 15.
- 7.41 NRW recommend that the defence improvement works to be undertaken by Welsh Government as part of the Enterprise Zone, are extended to include the short stretch of defence immediately downstream to the railway-line. Weetwood have undertaken a 'River Dee Embankment Breach Propensity at Hawarden Railway Bridge' report which concludes that the likelihood of a breach of the defences at this location is very unlikely as this stretch of defence is in good condition. NRW do not disagree with these conclusions however, as this section of defence is in third party control, there can be no guarantees that work to maintain the standard of protection will be undertaken in the future. However, this is on third party land and as such is out of the control of the applicants. It is also not within the remit of this application to be able to request the delivery of offsite works. NRW have previously agreed and accepted the extent of the defence improvement works which Welsh Government are due to undertake.
- 7.42 Full mitigation for the fluvial flood risk to the site is dependent on

works taking place on land outside the developer's control, namely the upgrading of a sub-standard culvert beneath the Sealand Bank Farm access road on the PRDL land. It has been demonstrated by Weetwood to NRW that all of the employment and commercial land can be developed, along with parcels 1 – 6 of the residential development without this work being completed. The remaining parcels of residential land (7 – 9) are unlikely to be capable of being developed until the works are complete. However this does not account for the flood mitigation works and drainage works required to develop the PRDL site. Depending on the phasing for PRDL, it may be that these works are completed as part of the development of the PRDL part of the site before they are required for the phases of this site. These issues will need to be addressed as FCA's are produced for individual phases of the development in accordance with condition 12 of permission 049320.

7.43 NRW are satisfied that the FCA has demonstrated that suitable mitigation measures could be implemented to ensure that the development is not at risk from surface water flooding and that runoff can be attenuated to ensure no impacts elsewhere. As the detail of the development proposals for the site are not yet known, the detail of surface water drainage will need to be addressed as planning applications are made for each phase of the development in accordance with condition 8 of permission 049320.

7.44 It is therefore considered that the Flood Mitigation Plan submitted as part of this discharge of condition application in respect of the requirements of condition 6 sets a framework for the site in terms of dealing with flood risk and surface water drainage. The FCA demonstrates that the development would be flood free. In terms of the potential increases in flood risk on third party land, the details of this will be dealt with as and when reserved matters applications come forward with their respective FCA's.

7.45 Open Space

The masterplan provides for 5 hectares of public open space. The Council's requirement in terms of Local Planning Guidance Note 13 Open Space is 4 hectares, however the designation of this as required by the Public Open Spaces manager is in a more formalised way that that proposed.

7.46 The masterplan provides a network of open spaces to encourage movement between the different residential areas within the site and also provide connectivity with the existing settlement of Garden City. Also the constraints of the site in terms of flood risk and drainage require an amount of land raising and the creation of a network of drainage ditches and open spaces. While these open spaces will be suitable for informal play provision, due to the flood risk issues it is not possible to provide an additional multi use games area, as this would increase the amount of impermeable surfaces. The details of the

open space provision for each phase of the development are controlled by a further condition on the outline permission. This would allow the consideration of the provision of a wheeled play facility during the consideration of the detailed provision at each phase of the development.

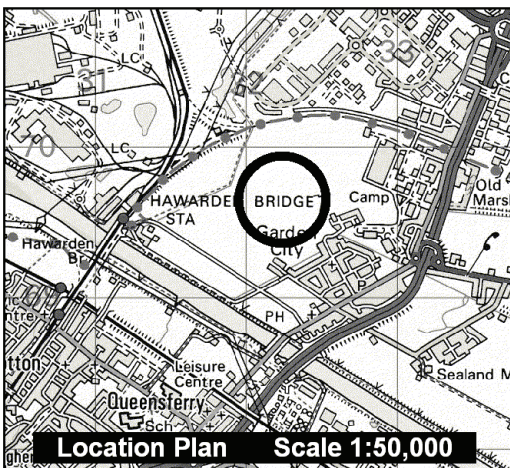
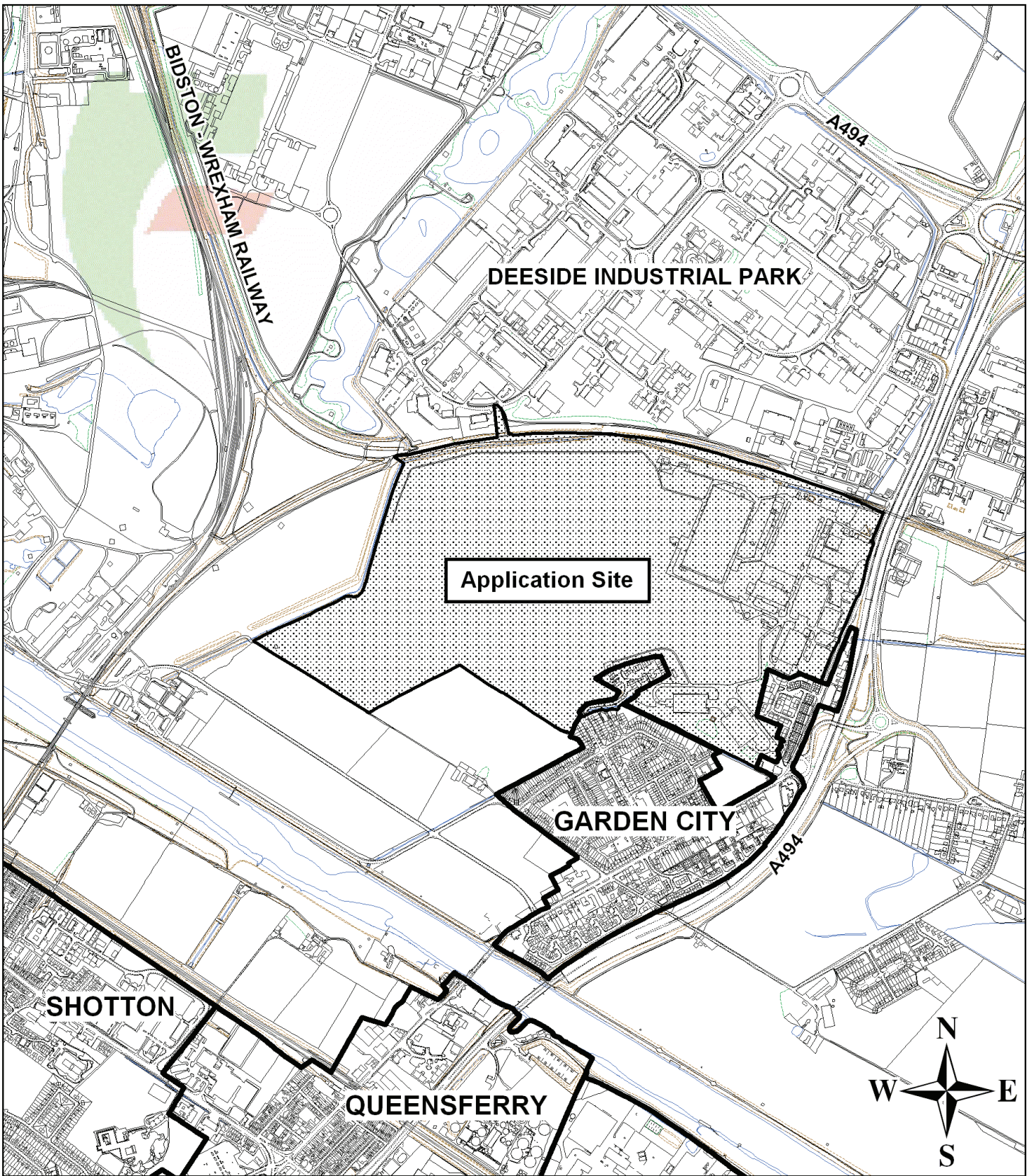
8.00 CONCLUSION

8.01 It is considered that the details submitted to discharge condition 6 are sufficient and meet the requirements of the condition.

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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Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
Development Plan
Settlement Boundary



Application Site Extent

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Planning Application 51025

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **6TH NOVEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR. M. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A 11KW MICRO GENERATION WIND TURBINE WITH CONTROL BOX AND ALL ASSOCIATED WORKS ON LAND AT GOP FARM, TRELAWNYD, FLINTSHIRE, LL18 6DG.**

1.00 APPLICATION NUMBER

1.01 050049

2.00 APPLICANT

2.01 MR. M. JONES

3.00 SITE

3.01 GOP FARM, TRELAWNYD, FLINTSHIRE, LL18 6DG

4.00 APPLICATION VALID DATE

4.01 4TH SEPTEMBER 2012

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal into the refusal of planning permission under delegated powers for the proposed erection of a 24.9 metre high (to blade tip) 11kW micro generation wind turbine and ancillary works on land to the south of Gop Farm, Trelawnyd. The appeal was held by way of the exchange of written representations and was DISMISSED.

6.00 REPORT

6.01 The Main Issues

The Inspector considered the main issues for examination in the consideration of this appeal to relate to the following:

1. the impact upon the character and appearance of the locality with the particular effect upon the Clwydian Range Area of Outstanding Natural Beauty (AONB);
2. the impact upon the settings of nearby listed buildings and Scheduled Ancient Monuments; and
3. other material considerations.

6.02 Impact upon AONB and landscape character and appearance.

The Inspector noted that the appeal site sits in very close proximity to Gop Hill and its associated cairn which he considered to be prominent and distinctive landmarks within the landscape at this part of the AONB. He considered that the turbine would, by virtue of its location, amount to a prominent visual feature along the adjacent A5151. He took the view that its height, combined with its associated movement would draw the eye.

6.03 The Inspector also considered the impact of the turbine upon views of the AONB from the upper slopes of Gop Hill. He noted the views across the western margin of the AONB from this significant viewpoint were important and concluded that the turbine would appear as a substantial isolated structure which amounted to a prominent and distracting foreground element to the panorama of the AONB, the Vale of Clwyd and the distant views to the mountains of Snowdonia beyond.

6.04 Accordingly he concluded that the proposals would be contrary to the provisions of Policy L2 of the UDP and would result in clear harm to the visual and landscape quality and the natural beauty of the AONB.

6.05 Listed Building

The Inspector noted that Gop Farm Dovecote occupies a prominent position in relation to the appeal site. He considered that, notwithstanding other utilitarian agricultural buildings, the dovecote was a striking feature within the landscape with the most striking aspect of its structure, its stepped gables, a clearly visible and prominent feature.

6.06 He concluded that views towards the dovecote would be interrupted by the turbine to such an extent that its setting and the public appreciation of the building would be unacceptably harmed. He concluded that the statutory duty to preserve the setting of such buildings would not be achieved through this proposal and therefore the proposals were also contrary to Policy HE2 of the UDP.

6.07 Scheduled Ancient Monuments

The Inspector noted that the Gop Cairn was a large impressive feature, prominently visible upon the summit of Gop Hill. Whilst he noted that Gop Caves were not, in themselves, especially prominent except at close quarters, they were nevertheless visible as part of the limestone outcrop within the hillside as a whole. He considered that that Gop Hill and its surrounding landscape, including the caves, were a significant element of the settings of the Scheduled Ancient Monument.

6.08 He concluded that the proposed siting of a tall structure with rotating blades within this landscape would significantly detract from and result in harm to the this setting, contrary to Policy HE6 of the UDP.

Other Matters

6.09 Notwithstanding the main issues for consideration, the Inspector had regard to the landscape and visual impact assessment and the accompanying historic asset impact assessment. He shared the view of the Local Planning Authority that these reports were too narrow in their focus and attributed weight incorrectly to the assessment of the significance of Gop Hill and its Cairn to the landscape and AONB.

6.10 The Inspector also noted the recent decision of Denbighshire County Council to allow a 50kW turbine some 1.5km to the south of the site. However, he considered that the appeal site had a completely different relationship to the AONB in a wider sense and in particular to the significant historic assets at and adjoining the site.

6.11 He also noted the arguments advanced in respect of the renewable energy benefit, changes made to take account of the location and the economic benefits to the farming operations.

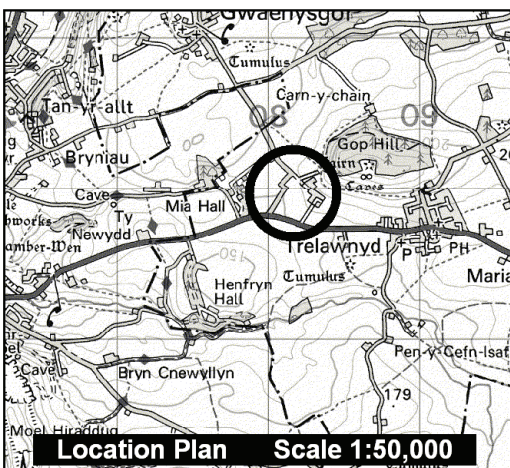
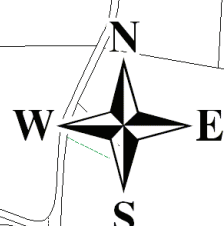
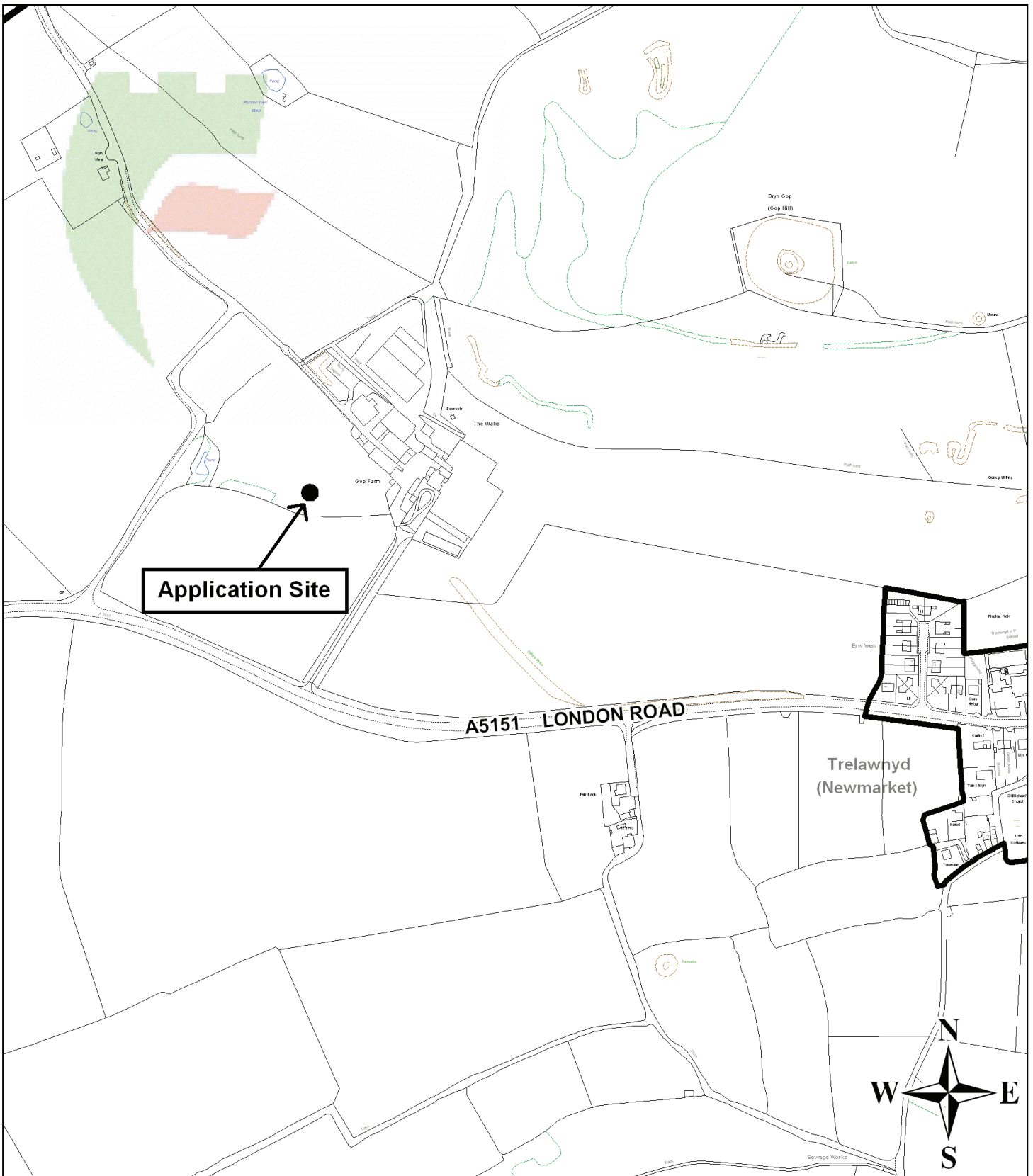
7.00 CONCLUSION

7.01 The Inspector concluded that the other considerations were not such, either in isolation or taken cumulatively, that they would outweigh the harm to the AONB of the settings of the listed building or Scheduled Ancient Monuments he had identified.

7.02 Consequently, and for the reasons given above, the Inspector considered the appeal should be DISMISSED.

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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 0879

Planning Application 50049

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **6TH NOVEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY OM PROJECTS LTD AGAINST THE FAILURE OF FLINTSHIRE COUNTY COUNCIL TO DETERMINE A PLANNING APPLICATION FOR THE ERECTION OF A SINGLE STOREY CONVENIENCE STORE AND ASSOCIATED CAR PARKING FOLLOWING THE DEMOLITION OF THE EXISTING STORAGE BUILDING AT FORMER MORRIS'S GARAGE, WREXHAM ROAD, MOLD, FLINTSHIRE, CH7 1HS.**

1.00 APPLICATION NUMBER

1.01 050252

2.00 APPLICANT

2.01 OM PROJECTS LTD

3.00 SITE

3.01 FORMER MORRIS'S GARAGE, WREXHAM ROAD, MOLD, FLINTSHIRE, CH7 1HS.

4.00 APPLICATION VALID DATE

4.01 2ND NOVEMBER 2012

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal into the failure of the Local Planning Authority to determine an application for planning permission for the proposed erection of a single storey convenience store, car parking and demolition of the existing building at the former Morris's garage site, Wrexham Road, Mold. The appeal was held by way of an informal hearing held on the 31st July 2013 and was ALLOWED.

6.00 REPORT

6.01 The Main Issue

The Inspector considered there to be a single main issue for examination in the consideration of this appeal. He considered that issue to be the effect of the proposal upon the residential amenity of nearby residents, particularly in relation to noise and disturbance.

6.02 Background matters

The Inspector noted that whilst the appeal had been made upon the basis of non-determination of the application, Council's Planning Committee had actually considered the proposals on 2 separate occasions. He noted that the second consideration arose following consideration by the Council's Licensing Sub-Committee of an application to permit the sale of alcohol. He concurred with the advice of the Head of Planning that control over the sale of alcohol was not a planning matter and considered conditional control to that effect through the planning process would be inappropriate.

6.03 He noted that there was no issue between either the Council or the applicant in relation to the principle of the proposals but that a difference of view existed in respect of the appropriate opening hours of the store. He also noted that this difference was based largely upon concerns that the hours sought by the applicant would give rise to adverse impacts upon the residential amenities of existing nearby residents.

6.04 He had regard to the difference of hours considered acceptable by Members of the Planning and Development Control Committee and those considered acceptable by Members of the Licensing Sub-Committee relating to the sale of alcohol. Whilst he agreed that the decision of the Licensing Sub-Committee was not binding upon the Planning and Development Control Committee, it was nonetheless, a material consideration in the appeal.

6.05 Impact upon residential amenity

The Inspector heard from the local member and residents in respect of concerns relating to anti social behaviour and disturbance arising from late opening hours and associated alcohol sales. Whilst the Inspector acknowledged the concerns, He did not consider there to be any evidence to support this claim. He also considered that insufficient evidence was available to substantiate the stance of the Planning and Development Control Committee in relation to the opening hours it deemed acceptable and furthermore concluded that such hours would indeed render the scheme unviable.

6.06 He concluded that the hours sought by the appellant struck a reasonable balance between store viability and amenity.

6.07 Other Matters

The Inspector noted views expressed that the area did not need further development of this form. However, he noted that it was not the role of the planning system to seek to restrict economic competition between retailers.

6.08 He also had regard to a Unilateral Undertaking submitted by the appellant relating to the costs associated with a Traffic Regulation Order and associated parking restriction road markings. He considered that the Undertaking was necessary to make the proposals acceptable in planning terms and so accepted its submission.

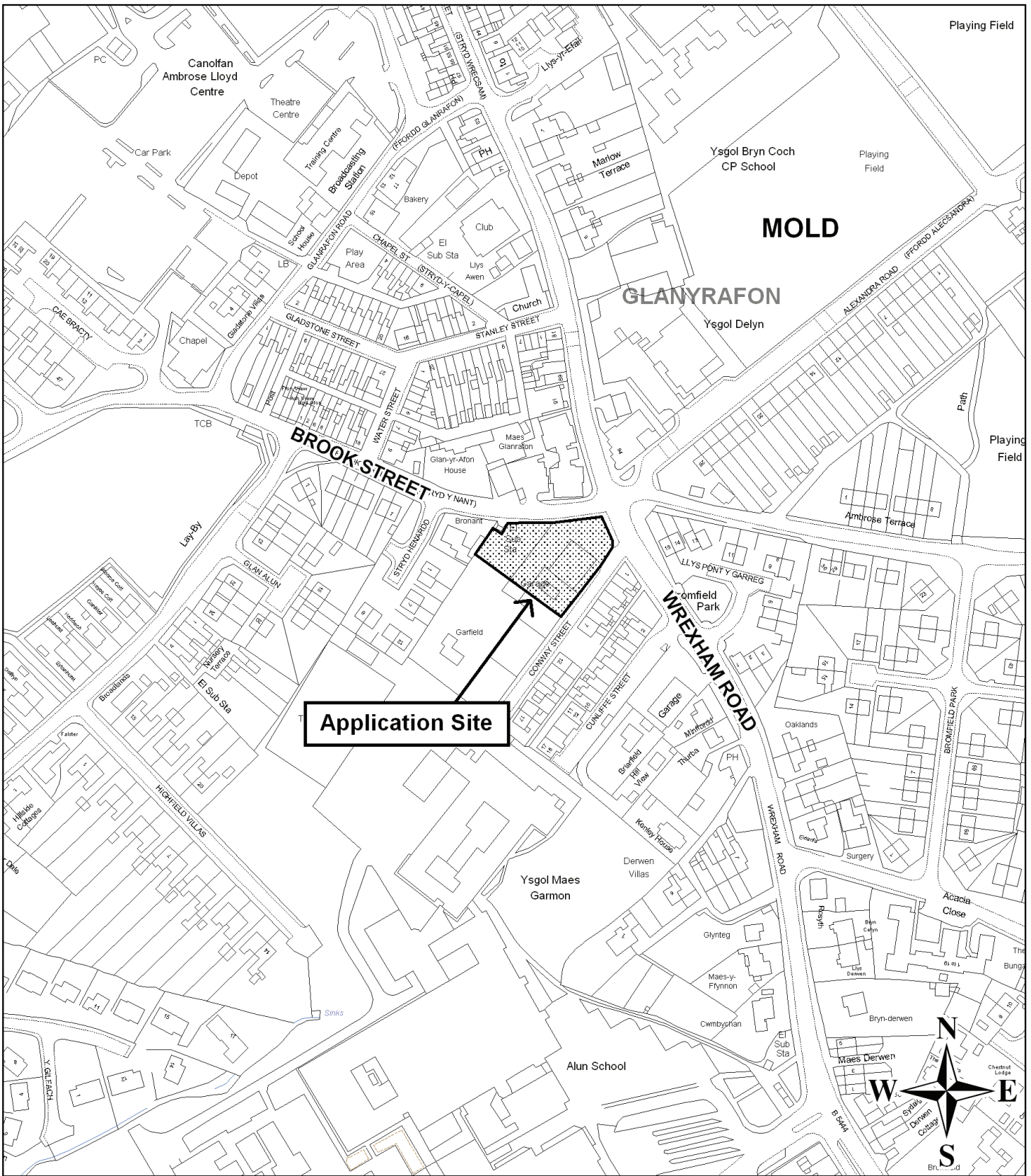
7.00 CONCLUSION

7.01 The Inspector concluded that notwithstanding the representations made, that the proposals were acceptable in principle and would not give rise to unacceptable impacts upon the living conditions of neighbours.

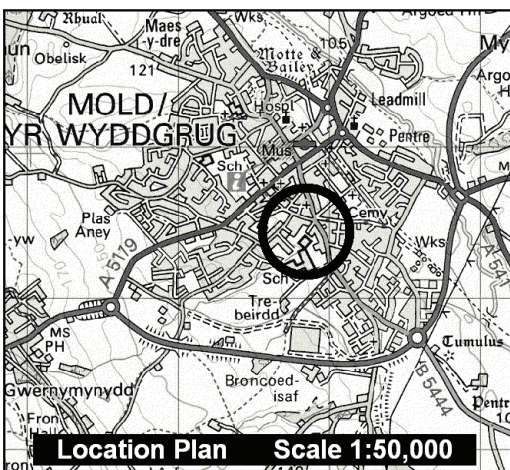
7.02 Consequently, and for the reasons given above, the Inspector considered the appeal should be ALLOWED and the deemed application for permission GRANTED subject to the S.106 Agreement and conditions.

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Application Site



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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Planning Application 50252

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **6TH NOVEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR. N. POPPLEWELL AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING GARAGE AND ERECTION OF A ONE BEDROOM ANNEX AT 18 VAUGHAN WAY, CONNAH'S QUAY**

1.00 APPLICATION NUMBER

1.01 050312

2.00 APPLICANT

2.01 Mr. N Popplewell

3.00 SITE

3.01 18 Vaughan Way, Connah's Quay

4.00 APPLICATION VALID DATE

4.01 12th 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 at Planning Committee contrary to the Officer's recommendation. The appeal was considered by way of an informal hearing and was allowed. A costs application was also submitted by the appellant but subsequently refused.

6.00 REPORT

6.01 The Inspector considered the main issues for consideration to be the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of neighbouring properties.

6.02 The Inspector noted that the existing garage could be converted into

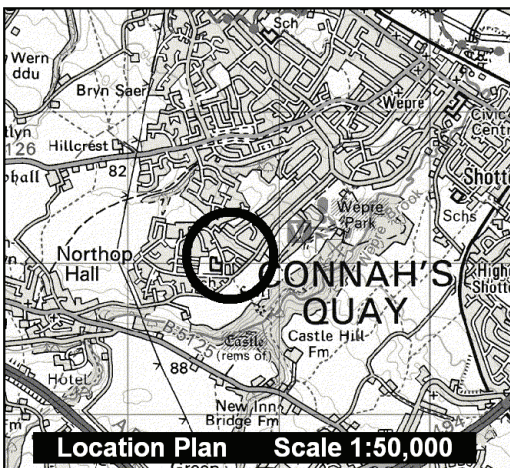
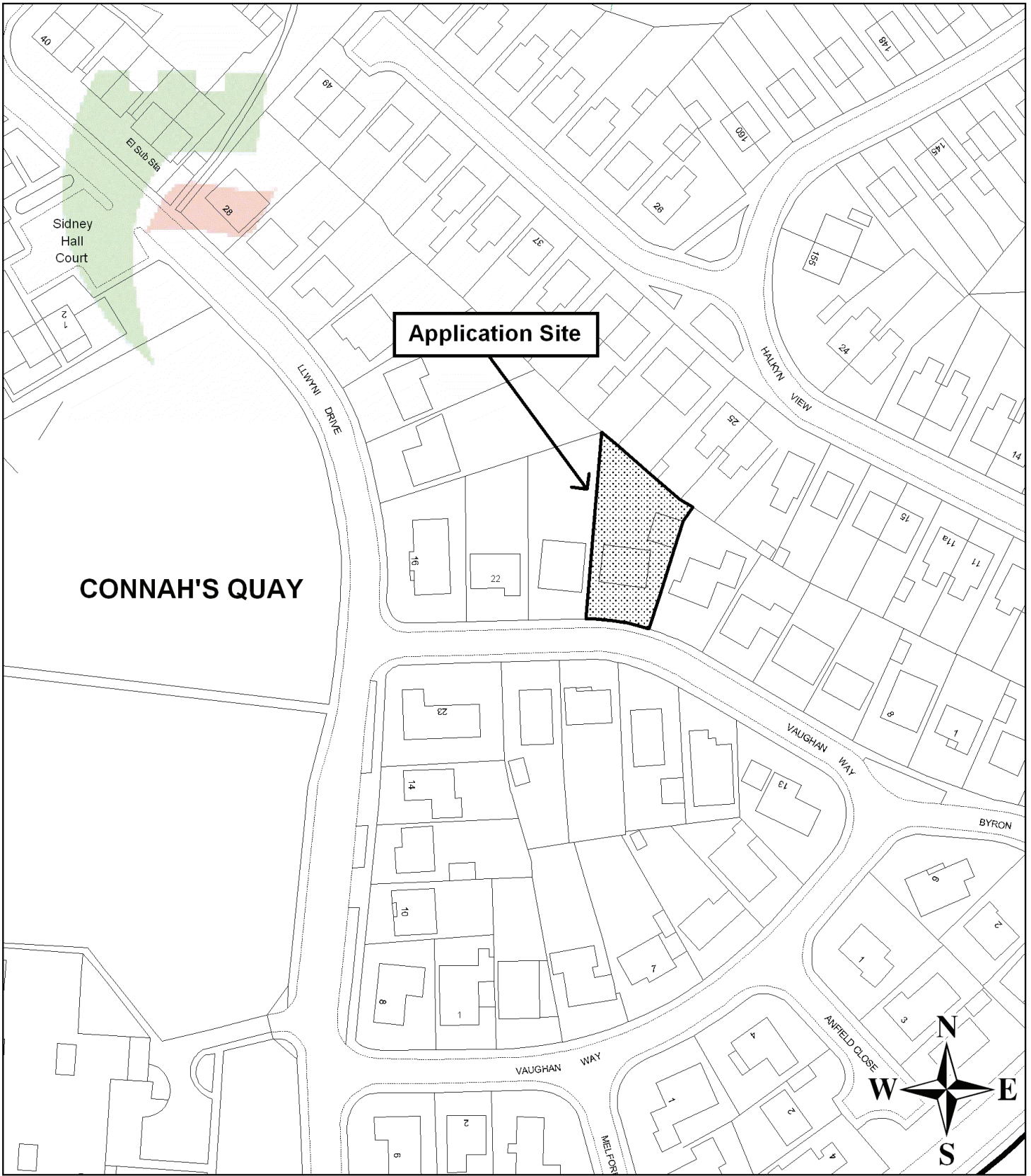
annexe accommodation under permitted development rights. The proposal was for the replacement of the existing garage with a new structure, which the Inspector opined would be of a better quality and would be largely on the same footprint. The scale, form and mass would not be that different than the existing garage. For these reasons, it was considered that the proposal did not conflict with the spirit and purpose of policy HSG13.

- 6.03 Whilst the proposed building would be slightly closer to the rear shared boundary, even though there will be a window and French doors on the rear elevation, the existence of the boundary fence will preclude any adverse overlooking. Furthermore, the properties on Halkyn View are set down from the boundary fence, further restricting direct views.
- 6.04 Although the roof form would be different than that of the existing garage, thus increasing the scale and mass, the Inspector considered that it would not have a significant impact on the outlook from neighbouring properties as a result.
- 6.05 The application for costs was made on the grounds that the Council acted unreasonably in refusing the application. The Inspector concluded that the Council's reasons for refusal were good reasons why the authority considered that the application should have been refused. As such, the Council did not act unreasonably in refusing planning permission and therefore an award of costs would be unjustified.

7.00 CONCLUSION

- 7.01 The Inspector concluded that the annexe would have a comparatively small impact, would not represent an overdevelopment of the site and would not, therefore, harm the character or appearance of the surrounding area. There would be little loss of privacy from actual or perceived overlooking and would not result in a poor outlook for neighbouring residents. As such the proposal did not conflict with the relevant policies and the appeal was allowed.

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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	50312

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