

Public Document Pack

Gareth Owens LL.B Barrister/Bargyfreithiwr
Head of Legal and Democratic Services
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr David Wisinger (Chairman)

CS/TAW

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

3 December 2013

Tracy Waters 01352 702331
tracy.waters@flintshire.gov.uk

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, 11TH DECEMBER, 2013** at **1.15 PM** to consider the following items.

****Members will note the start time of the meeting is 15 minutes later than normal. This is for a short informal meeting at 1pm to receive a briefing on declarations of interest from the Monitoring Officer/Deputy Monitoring Officer.****

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**

County Hall, Mold. CH7 6NA
Tel. 01352 702400 DX 708591 Mold 4
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NR
Ffôn 01352 702400 DX 708591 Mold 4
www.siryfflint.gov.uk

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

4 **MINUTES** (Pages 1 - 16)

To confirm as a correct record the minutes of the meeting held on 6th November 2013.

5 **ITEMS TO BE DEFERRED**

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
11 DECEMBER 2013

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	051212 - A	Reserved Matters - Details of Appearance, Layout, Scale, Landscaping and Access Submitted in Accordance with Condition No. 1 Attached to Outline Planning Permission Ref: 041456 at Rhewl Fawr Road, Penyffordd, Holywell (051212) (Pages 17 - 26)
6.2	051315 - A	Full Application - Application for the Siting of a Wind Turbine at Orsedd Farm, Gorsedd, Holywell (051315) (Pages 27 - 36)
6.3	051151 - A	Full Application - Installation and Commissioning of a Single 10kw Wind Turbine at Tyn y Coed, Starkey Lane, Northop (051151) (Pages 37 - 44)
6.4	051338 - R	Outline Application - Erection of a Detached Bungalow at Sundawn Nurseries, Babell Road, Pantasaph (051338) (Pages 45 - 52)
6.5	051425 - A	Full Application - Installation of Ground Mounted Solar Panels up to 3.804MWp (Peak), Power Generation Capacity and Ancillary Equipment Including Two Substations and Associated Cabling at Toyota Motor Manufacturing UK, Tenth Avenue, Deeside Industrial Park, Deeside (051425) (Pages 53 - 64)
6.6	051234 - A	Full Application - Erection of a Four Bedroom Detached Dwelling and Detached Double Garage at 37 Wood Lane, Hawarden (051234) (Pages 65 - 74)
6.7	047780	General Matters - Demolition of Existing Vacant Properties and Redevelopment of Site for Affordable Housing (Outline Planning Permission Ref: 046185) at Aston Mead Estate, Hawarden (047780) (Pages 75 - 90)

Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.8	050002	Appeal by J & T Gizzi Builders Ltd Against the Decision of Flintshire County Council for the Creation/Enhancement of Existing Track/Drive. Excavation and Removal of Soil/Clay and Replace with Hardcore at Springfield, Northop Road, Northop - DISMISSED (050002) (Pages 91 - 96)
6.9	050542	Appeal by Mr. Stephen Dale Against the Decision of Flintshire County Council to Refuse Planning Permission for a Proposed Loft Conversion with Side Dormer and Existing Ridge Line Local to Dormer to be Raised by 400 mm at 50 Highland Avenue, Queensferry - DISMISSED (050542) (Pages 97 - 100)
6.10	050545	Appeal by Mr. K. Partington Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of a 3 Bedroom Detached Dwelling with Garage (for Disabled Person) at 45 Broughton Hall Road, Broughton - DISMISSED (050545) (Pages 101 - 106)

PLANNING & DEVELOPMENT CONTROL COMMITTEE
6 NOVEMBER 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, 6th November, 2013

PRESENT: Councillor David Wisinger (Chairman)

Councillors: David Cox, Ian Dunbar, David Evans, Jim Falshaw, Veronica Gay, Alison Halford, Ray Hughes, Christine Jones, Brian Lloyd, Billy Mullin, Mike Peers, Neville Phillips and Gareth Roberts

APOLOGIES:

Councillors: Derek Butler, Ron Hampson, Richard Jones and Carolyn Thomas

SUBSTITUTES:

Councillors: Marion Bateman for Carol Ellis and Mike Lowe for Chris Bithell

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillors Andy Dunbobbin and Paul Shotton – for agenda item 6.1

The following Councillor attended as an observer:-

Councillor Haydn Bateman

IN ATTENDANCE:

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

97. **DECLARATIONS OF INTEREST**

Councillor Ian Dunbar declared a personal and prejudicial interest in the following application:-

Agenda item 6.1 – 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)

Councillors Ian Dunbar, Billy Mullin and Mike Peers declared a personal interest in the following application:-

Agenda item 6.2 – Full application – Erection of 2 No. wind turbines (110m to tip) and ancillary infrastructure and access at Kingspan Limited, 2-4 Greenfield Business Park 2, Greenfield (049300)

In line with the Planning Code of Practice:-

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

Agenda item 6.4 – Outline application – Erection of 2 no. town houses, construction of means of access and associated works at 6 Welsh Road, Garden City, Deeside (049531)

98. **LATE OBSERVATIONS**

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

99. **MINUTES**

The draft minutes of the meeting of the Committee held on 9th October 2013 had been circulated to Members with the agenda.

Councillor Mike Peers referred to the minute number 84, saying that he and Councillor Billy Mullin had been recorded as leaving the meeting prior to the determination of the application. He asked that the minute be amended to reflect the fact that they had returned to the meeting after the discussion.

RESOLVED:

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

100. **ITEMS TO BE DEFERRED**

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

101. **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)**

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 4th November 2013. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting. Councillor Ian Dunbar, having earlier declared an interest in the application, left the meeting during its discussion.

The officer detailed the background to the report and drew Members' attention to the late observations where responses from consultees and an additional letter of objection were reported. An additional condition and the replacement of condition 26 were also reported. Following the site visit, clarification had been provided that the type C houses would have dormers on to the front and the rear. The development was acceptable in principle and the main issues for consideration, which included the provision of open space and affordable housing, were reported in paragraph 1.01. An education contribution requirement would be met through a section 106 obligation if the application was approved and the public open space was considered acceptable. The development was not of executive style homes but provided a reasonable mix

and balance of house types and sizes so as to cater for a range of housing needs. There had been no objection on the issue of drainage by Natural Resources Wales or Dŵr Cymru/Welsh Water subject to conditions and Highways had not objected to the proposals. The officer explained that space around dwellings guidance had been met and the mitigation measures proposed had been assessed by the Ecologist who had advised that, with conditions and the £40,000 proposed payment for the enhancement of the wildlife area, there would be no detrimental impact on wildlife. The recommendation was therefore for approval subject to conditions and a section 106 agreement.

Mr. I. Davies spoke against the application. He said that residents were extremely frustrated by the developer due to his not completing works that should have been undertaken on the existing site. He said that existing residents, who had not been advised that there would be a reduction in the specification on the proposed site, strongly objected to living on a building site. Mr. Davies raised concern at the obvious lack of parking which he felt would force residents to park on adjacent roads. He commented on the badgers which were to be relocated to wetland which was not their natural habitat. He questioned the adequacy of the report dealing with that aspect. Mr. Davies felt that the proposed houses were not in keeping with the current homes and the 167 letters of objection reflected the feeling of local people. The development would detrimentally alter the character of the estate forever. He felt that the site did not comply with policies D1 and D2 and asked the Committee to refuse the application.

Mr. P. Moren, the agent for the applicant, spoke in support of the application which he said had been the subject of extensive negotiation over three years. This was the third application for the site which had been submitted to the Committee and he felt that it addressed all of the concerns that had been raised. The application now included on site provision for open space and eight affordable rental homes and the applicant had confirmed that that he would enter into a Section 106 obligation for affordable homes, educational contributions, open space maintenance, enhancement and maintenance of wetland and a payment towards a travel plan. Mr. Moren said that the site had been allocated in the Unitary Development Plan (UDP) and as no development brief related to the site, there were no site specific requirements. He said that the site would be developed at the appropriate density and the character and design of the properties would be appropriate to the setting. He felt there was a general need for smaller, more affordable, family homes to meet market requirements. He added that as the Council was unable to meet its five year housing supply, the development should be permitted as it complied with national policies and was overall in accord with the UDP.

Councillor Mike Peers proposed refusal of the application, against officer recommendation, which was duly seconded. He said that the shortfall in housing did not mean that the application should be approved and the issue of the 2.5 storey dwellings overlooking the existing properties was still a concern. He requested information about the provision of the pumping station reported in paragraph 7.04 and regarding the issue of parking spaces which would result in the eight four bedroom properties being one short of the maximum standard. He felt that the provision of a travel plan was not a suitable alternative. Councillor Peers said that if a site was allocated in the UDP there was a need to ensure that it was the right development for that site and he felt that the Housing Strategy

Manager should have been in attendance at the meeting to explain why the affordable housing element was acceptable. He proposed refusal on the grounds of inadequate supply of affordable housing, lack of parking provision and the 2.5 storey properties overlooking existing dwellings.

Councillor Alison Halford concurred with the comments of Councillor Peers and referred to a letter which had been placed in the Councillor's pigeon holes about changes to the existing road layout which would result in the existing residents not being able to access their properties. She raised concern that the details of the letter were not included in the officer's report. In response, the Principal Solicitor referred to the last sentence in paragraph 7.41 where it was reported that it was noted that some of the residents of the existing eight houses had stated that they would not allow the realignment of the private road. He advised that this was not a factor to be taken into consideration in the determination of this application. He emphasised that the rights of the residents over that land was not a planning issue and was not relevant to Members considering this application.

One of the local Members, Councillor Paul Shotton, spoke against the application. He informed the Committee that he had sought the advice of the Deputy Monitoring Officer about a possible interest and had been advised that he could speak for five minutes. He said that the proposed development was not in keeping with the existing properties and was out of character with the area. He said that the UDP indicated that developments should be permitted if the design related well and was in keeping, which this application did not. He commented on the road layout which was one of the main concerns as it could not be altered until agreed by the residents, and he added that there did not appear to be any responsibility for the maintenance of the existing road. Councillor Shotton felt that it was unacceptable to relocate the badgers as it would place them in an unnatural habitat which was close to another badger set so could result in territorial fights. He also commented upon the reduced number of parking spaces for the four bed properties; the need for a soil contamination test; and a detailed scheme for the removal of surface water. He also felt that a financial contribution for Golftyn school should be included and play equipment provided for smaller children.

The other local Member, Councillor Andy Dunbobbin, also spoke against the application. He had received the same advice as that referred to by Councillor Shotton. He felt that the properties were out of character and not in keeping with the area and that the existing access was narrow and could not accommodate the 74 more vehicles that the new dwellings would create. He said that residents had been informed that only 15 properties were to be built on the site and that this, along with the lack of parking, was a concern. He felt that the shortfall of eight parking spaces did not comply with Council policies. Councillor Dunbobbin referred to proposed condition 23 that the final dwelling should not be occupied until all roads and pavements had been completed to adoption standard. He said that a similar condition had been included for the previous site but had not been complied with, and he therefore requested that a bond be put in place to ensure that this did not happen on this site. He felt that the six foot high wall which was to be erected would be seen by the existing residents and was not in keeping with the site. He also raised concern about the properties which were to be sited under power cables, and the lack of a response from National

Grid. Councillor Dunbobbin asked that the application be refused to allow a more appropriate application to be submitted which would protect the character of the area and complied with UDP policies. He said that residents were not against the development but wanted a development that was in line with the UDP.

Councillor Neville Phillips also referred to the letter to Members, which was dated 9 July 2013, and queried why its contents had not been included in the report. The Principal Solicitor reiterated his earlier comments and said that he had not seen the letter but if it related to the legal dispute about the realignment of the road layout, then it was not relevant for determination of this application. The Development Manager referred to the displayed information which provided detail of the current layout and the proposed new layout of the road. He confirmed that the alternative alignment provided a better access arrangement in planning terms but that the developer could not force the existing residents to use one as opposed to the other. The Planning officer confirmed that he had seen the letter and had referred to the fact that this was not a planning consideration in paragraph 7.41 of his report.

Councillor Gareth Roberts accepted that realignment of the road was a civil matter and also added that the issue of houses being under the electricity cables was not a material consideration for the committee although the proposed road alignment appeared to put them clear of houses. He referred to paragraph 7.36 and the Grampian style condition requested restricting the occupation of the proposed dwellings to a point not earlier than 1 April 2014; he asked what would happen if the works had not been completed by that date. On the issue of parking, he referred to applications in Mynydd Isa and the provision of a travel plan. In his view, that might cut the number of vehicle movements but would not reduce the number of cars on the estate and therefore more parking spaces would be required, not less. He said that paragraph 7.47 did not make sense and queried whether any words were missing. He supported refusal of the application on the issue of parking.

Councillor Veronica Gay expressed confusion about why the letter to Members was not a planning consideration and asked whether the issue of the dumping of tarmac which had been mentioned in the report was a planning issue. She asked if the report was being written to fit the recommendation. The Planning Strategy Manager expressed his disappointment at the insinuation and said that the reference to dumped tarmac was one of the objections raised by the public. The reference to the legality about the negotiation of the road layout was reported in paragraph 7.41 and therefore both issues were referred to in the report in a different context.

The Senior Engineer - Highways Development Control said that Highways had no objection in principle subject to conditions and the applicant completing a Section 106 agreement. There were no capacity issues relating to the existing access to the site, and the number of parking spaces provided for the eight units was one less than maximum standard in the guidance for parking but was not considered to be a shortfall.

In response to the comments made, the officer said that the 34 metre separation distances applied to the 2.5 storey dwellings and the type C homes were well in excess of the separation guidelines. Natural Resources Wales found

the issue of the pumping station acceptable subject to the appropriate conditions. The Housing Strategy Manager had confirmed the acceptability of the affordable housing arrangements. A soil contamination test could be conditioned so that it was investigated prior to the development taking place and a strategy could be formulated to remediate against it. The officer added that National Grid had been notified about the application but had not responded. He reminded Members that some of the existing dwellings were close to power cables that were already in place when the properties were built.

The Planning Strategy Manager said that the issue of the 2.5 storey dwellings overlooking existing properties had not formed part of the reason for refusal on the previous application and he therefore cautioned against its inclusion as a reason to refuse this application. The site was allocated in the UDP for a notional 80 units and when looking at the overall density for the site, it was within the minimum density of 30 dwellings per hectare. On the issue of the new dwellings not replicating the existing properties, he had not heard anything said about any harm that this could create except for the first objection in paragraph 4.01. It was reported that the properties were out of character with the rest of the houses in the immediate area and could reduce the desirability of what was currently a highly sought after location. The Planning Strategy Manager said that planning policy encouraged diversity and smaller house types were required by the market. It was felt that the affordable housing element was acceptable as it maximised the options for those on the housing register who had identified Connah's Quay as their preferred location. With reference to the badgers issue, he said that they may have lived on the site of the existing homes but had been moved to accommodate that site and the County Ecologist and Natural Resources Wales said that the mitigation in place was acceptable.

In response to Councillor Roberts' earlier comment, the officer said that the word 'considered' had been omitted from paragraph 7.47.

In summing up, Councillor Peers accepted that the site had been allocated in the UDP but that it had to be the right development. He felt that the affordable housing had to be right and in accordance with policy. The reduced number of parking spaces was also an issue which was recognised in the report. He said that his reasons for proposing refusal were inadequate provision of affordable housing, lack of parking and (in response to a request for clarification from the Principal Solicitor) overlooking from the 2.5 storey houses.

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

RESOLVED:

That planning permission be refused on the grounds of inadequate provision of affordable housing, lack of parking and overlooking from the 2.5 storey houses.

102. **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)**

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 4th November 2013. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report, and drew Members' attention to the late observations where an additional reason for refusal was reported. It had originally been felt that the objection from Airbus and Liverpool John Lennon Airport could be mitigated against but having taken further legal advice, it was now felt that this could not be done. He detailed the main issues which included the principle of development in planning policy terms, the impact upon the setting of scheduled ancient monuments, listed buildings and conservation areas, and the effects on wildlife and the adjoining bridleway.

Mrs. G. Harrison spoke against the application saying that she was on the Board of Trustees of the Greenfield Valley and lived 750 metres from the proposed site. She felt that it was contrary to policies GEN1, EWP4 and STR7 and TAN 14 and that it would impact on a nearby care home which also provided a bat roost. Mrs. Harrison felt that Greenfield Valley Heritage Park provided peace and tranquillity which would be affected; the site was within 500 metres of houses and was in close proximity to the Site of Special Scientific Interest (SSSI), the Special Area of Conservation (SAC) and RAMSAR site, all close to the coastal path. She felt the wind turbines would provide health and safety issues and would cause upheaval to the local community. She referred to competition and said that water and other natural resources should be used. The turbines would not enhance or benefit the area and would be a blot on the landscape.

Mr. M. Harris, from the applicant company, spoke in support of the application. He explained that Kingspan was in the business of saving energy and the number of jobs at the site had increased from 30 to 388. He felt that the proposal would have two major benefits which were safeguarding the existing jobs and creating additional jobs, and the financial benefits that it would bring to the local economy. He said that the wind energy project was a critical part of the company achieving its targets and would allow the upgrade of the plant at Greenfield. He spoke of the benefits to the local economy which he said could be £500,000, and that it would attract business rates of £1.3m for the Council. Mr. Harris said that the project would transform the site and would safeguard jobs and bring financial benefits. He proposed that, if the application could not be approved, it be deferred to allow Members to undertake a detailed site visit.

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

Councillor Mike Peers read out a statement on behalf of the local Member, Councillor Rosetta Dolphin, who was unable to attend this meeting. She asked that the Committee refuse the application. She said that the flicker and moving shadows would affect those with autism at Station House, Greenfield. The flicker

would cover 900m from the mast and it was not known what impact it would have on the television reception. Councillor Dolphin felt that the ecology of the estuary would be impacted upon and added that the estuary was a SSSI and was important for migrating and breeding birds. Whilst she recognised that the company was a friend to the community and was a green company, she felt that the two large turbines would detract from the area and would impact on the people and the area and were totally unacceptable as presented. There were many objections to the proposals and Councillor Dolphin urged the Committee to refuse the application.

Councillor Roberts said that Kingspan had a tremendous record and was a good employer but the proposals were not reasonable or acceptable. He said that at 110m high they would be two thirds as high as Blackpool Tower which could be seen from Holywell. He said that if the application was approved it would set a precedent and could lead to undesirable development on the coastal belt. He considered the comments of the North Wales Police and the airports recorded in the report to be damning. At the site visit, he had asked about the height of some sheds on the site and had been advised that they were 15 to 20 metres high. In relation to that, 110m turbines were not unacceptable. In conclusion, he said that he looked forward to Kingspan coming forward with a more appropriate, reasonable, application.

Councillor N. Phillips commended Kingspan as a company but agreed that this development was unacceptable. Councillor Jim Falshaw agreed with the recommendation of refusal but queried the figures provided by the applicant on the amount of electricity that could be produced by the proposed wind turbines.

In response to the comments made, the officer said that the North Wales Police – Air Operations Unit were not objecting to the proposal but had raised concerns about the potential of the obstructions in poor weather. They had requested that the turbines should display suggested aviation obstruction lights during hours of darkness and periods of poor light and visibility. He said that at the site visit he had been asked about the height of the chimney at Castle Cement; he confirmed that it was 135 metres tall.

RESOLVED:

That planning permission be refused for the reasons detailed in the report of the Head of Planning and the additional reason in the late observations.

103. **FULL APPLICATION - CHANGE OF USE FROM COMMERCIAL TO 11 NO. SELF CONTAINED FLATS AND BEDSITS AT 94 WREXHAM STREET, MOLD (051152)**

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 4th November 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 there were no objections to the principle of the development and the only issue was one of parking. Consultation had been undertaken with the Head of Assets and

Transportation who advised that subject to the imposition of conditions, no adverse impacts upon highway and pedestrian safety were anticipated. Whilst the proposals provided for only three no. additional car parking spaces, regard had been had to the location of the site within the town centre of Mold and its proximity to public transport links. In line with the guidance set out in Local Planning Guidance 11 Parking Standards, the normally applied standards were not deemed required in connection with this proposal. He said that the local Member had spoken at the site visit and had drawn attention to the close proximity to the school in the area. The officer highlighted paragraph 7.11 where it was reported that, having regard to the proximity of the schools and the associated peak traffic flows, a Construction Traffic Management Plan was requested to avoid the conflict of traffic movements.

Mr. J. Williams, the agent for the applicant, spoke in support of the application. He said that the building was a significant landmark in Mold and in the past had been a public house and a retail business. The adjacent school had been built on the former bowling green and the proposal would bring the building back into a productive use. It would allow much needed one bedroom properties and it was the intention that the residents would not rely on cars as parking was limited. In conclusion, he said that it would give the building a new lease of life and commended the report and recommendation to Members.

Councillor Brian Lloyd proposed the recommendation for approval which was duly seconded. On the issue of parking, he said that this had never been an issue when it had been a retail site and he felt that any problems about traffic would be restricted to the start and end of the school day.

Councillor Gareth Roberts said that problems with parking had been recognised but felt that issues about parking standards and criteria needed to be raised with the Planning Inspectorate. He added that if the application was refused on the grounds of parking, then the application would be allowed on appeal and possible costs awarded against the Council.

Councillor Mike Peers said that he was in favour of supporting the application. He highlighted paragraph 7.13 on the issue of the location of bins associated with the apartments. He felt that the application should have included information on where they would be sited. Councillor Marion Bateman asked if parking was available on the road to the side of the site and sought assurance that the Construction Traffic Management Plan would be enforced.

In response to the comments made, the officer said that he had had discussions with the applicant and had been advised that he was proposing to site larger bins so that each apartment would not require its own individual bin. He said that he would advise Members of the details when they were known. The road to the side of the site was not in the ownership of the applicant as it was the access to the neighbouring funeral directors. However, he had been advised that there were ongoing discussions about informal arrangements for parking. He confirmed that the Construction Traffic Management Plan would be enforced.

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 agreement to 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 fifth apartment.

104. **OUTLINE APPLICATION - ERECTION OF 2 NO. TOWN HOUSES, CONSTRUCTION OF MEANS OF ACCESS AND ASSOCIATED WORKS AT 6 WELSH ROAD, GARDEN CITY, DEESIDE (049531)**

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 4th November 2013. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report, explaining that the construction was a form of backland development but it was not unacceptable. He referred to paragraph 7.14 where it was reported that proposals for backland development on two sites in Mynydd Isa which had been allowed on appeal contrary to the Local Planning Authority's decision to refuse permission and that the circumstances here were similar,. He added that the principle of the backland development was considered acceptable and the site was capable of locating two dwellings served by an acceptable access.

Mrs. G. Fletcher spoke against the application. She said that the proposal was for two dwellings in the back garden of the property and that the applicant had tried to purchase parts of other gardens to undertake the proposal. She felt that the entrance to Tata Steel across the road from the site was already dangerous and that the danger would be increased by the addition of a further access. There had been problems with drainage this development would put more demands upon drainage and the provision of gas and electricity in the area. Light and privacy would be taken away from the neighbouring properties. She commented on the hedgerow and the birds that visited the gardens and highlighted the number of objections to the application. Mrs. Fletcher referred to a letter received from Mark Tami M.P. and said that the Northern Gateway project would provide plenty of housing for the area and that this commercial venture by the applicant showed a total disregard for residents.

Mr. D. Barker, on behalf of the applicant, spoke in support of the application and thanked the officer for the report. He said that the application was for outline approval only and that the planning officer had given consideration to all of the objections which had been received and which could be overcome by conditions. It was sustainable development for a site which could accommodate two dwellings with off road parking, would provide good quality housing and was located close to transport links. The roofs would be no higher than those of neighbouring properties. The proposal complied with policy HSG9 and was of a lower density than was suggested in policy HSG8. Mr. Barker said that the properties were in keeping with the area and had appropriate space

around the dwellings. He said that the site was for a low density, high quality development which was in accordance with policy and there were no objections from statutory consultees. He also referred to the recent sites in Mynydd Isa that had been permitted on appeal and asked that the Committee approve the application.

Councillor Christine Jones proposed refusal of the application against officer recommendation which was duly seconded. She said that the proposal was not acceptable in that it was development in a back garden and would have a detrimental impact on neighbouring properties which would be overlooked. She referred to the 44 letters of objection and that part of Welsh Road by the Blue Bridge was an accident blackspot. There had been two fatalities in the vicinity in recent years. The houses were not required in Garden City as 1000 properties were proposed on the Northern Gateway site. She said that work was being undertaken on the issue of flooding on the Northern Gateway site but queried whether it would alleviate the flooding problems in this area as some of the gardens were often waterlogged. Councillor Jones added that all planning applications should be assessed individually and not compared with other sites which had been allowed on appeal.

Councillor Ian Dunbar said that it was a well known flooding area and added that an additional entrance could cause problems for the traffic exiting the Tata Steel site. There had been a number of fatalities and crashes in the area and an additional access would increase problems.

Councillor Alison Halford agreed with the concerns of the third party speakers about the wildlife in the area and the hedgerows. She raised concern about whether the proposal was for backland development or not and about comparing the site to applications in Mynydd Isa which were allowed on appeal. She asked that the Planning Strategy Group look at the issue of backland development and the views of the Inspectorate on the issue.

Councillor Gareth Roberts said that the application appeared to meet all the criteria and queried the reasons for refusal. He felt that backland development was not in itself a reason for refusal, that there was a speed limit of 30mph in the area, and the visibility onto Welsh Road was appropriate. He said that the application should be approved.

In response to the comments made, the officer said that the proposal met the definition of backland development and all that was sought to be done in paragraph 7.14 was to show that sometimes backland development was acceptable. The proposal met with space about dwellings guidance and he explained that a significant amount of work had been undertaken to identify a solution to address the concerns about flooding in the area.

The Senior Engineer - Highways Development Control said that there was no objection from Highways subject to conditions which would deal with the visibility from the site which would far exceed the standard in TAN 18 for a 30pmh area. She had looked at the accident statistics for the area which indicated that one accident was as a result of the driver losing control of the vehicle and others were due to positive breath tests, so these were not grounds to refuse the application.

Councillor Jones reiterated her concern about flooding in the area and whether the work being undertaken in the area would solve the problems. She felt that surface water was also an issue and drainage in the area was inadequate.

The Head of Planning sought clarification of the reasons for refusal which Councillor Jones provided. These were:-

- Detrimental impact on highway safety
- Unacceptable risk of flooding
- Inadequate drainage capacity
- Loss of amenity and overlooking of surrounding properties
- Overdevelopment

The Planning Strategy Manager cautioned against the 'kitchen sink' approach and suggested that the Committee only put forward reasons for refusal that could be defended in an appeal.

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:-

- Detrimental impact on highway safety
- Unacceptable risk of flooding
- Inadequate drainage capacity
- Loss of amenity and overlooking of surrounding properties
- Overdevelopment

105. **FULL APPLICATION - CHANGE OF USE FROM POST OFFICE TO RESIDENTIAL AND ASSOCIATED WORKS AT 15 DRURY LANE, DRURY (051191)**

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 4th November 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 the application was for a change of use to provide a garage for the existing dwelling and for minor alterations to the dwelling. The application was reported for refusal on highways grounds due to the lack of adequate visibility from, and of, emerging vehicles, obstruction of the footway and adjoining highway due to the use of the proposed garage, and an unacceptable detrimental impact on highway safety.

Councillor Mike Peers proposed approval of the application, against officer recommendation, which was duly seconded. He felt that the visibility was unrestricted to the right and that when the property was a post office, the area was always busy as vehicles could park on the highway without restrictions. He said that the implication that one vehicle stopping on the highway to use the

garage would have a detrimental impact on highway safety was nonsense. Councillor Peers felt that the alternative of the vehicle parking on the highway would create worse conditions than stopping the traffic to access into or exit from the garage. He said that public consultation had been held in the village and it had originally been proposed that a speed cushion would be placed in the highway outside the property. Following the consultation, the plans had been amended to move the speed hump further up the highway. He spoke of a nearby property which had a high hedge but visibility was not an issue there or at the access/egress to the chapel which required cars to access or exit between parked cars. He felt that the visibility was better in this application than at either of these sites. Councillor Peers said that off street parking was at a premium in the area and that a common sense approach should be taken, and the application be approved.

Councillor Neville Phillips supported the recommendation of Councillor Peers stating that the reason for refusal was not planning but highway safety. He referred to neighbouring properties with garages and concurred that those attending the chapel would have to block the highway to access or exit the chapel car park, just as the applicant would have to do on this application.

Councillor Ian Dunbar said that the applicant had indicated that he would take down his wall to improve visibility and added that he felt that stopping to open the garage would have no consequence to the highway. He agreed with the proposal to approve the application.

The Principal Solicitor reminded Members that highway and road safety considerations were material considerations in the same way as other planning matters and that it was inappropriate to state that the application was being recommended for refusal on "highways" rather than "planning" grounds.

In response to the comments made, the Senior Engineer - Highways Development Control referred to the application which had been withdrawn in August 2013. She advised that the applicant had been informed that if he removed the proposal for an integral garage, then the application would not require visibility constraints to be considered, and could be supported in highway terms. As the garage was in the front elevation of the property, egress would be from a restricted, enclosed, area which raised concerns about pedestrian safety.

Following a comment from the Chairman, Councillor Peers withdrew his remark about the detrimental impact on highway safety being a nonsense. He said that off road parking was always preferable to on road parking and even though the provision of the garage would have an impact, he felt that a common sense approach should be taken and the application be permitted.

On being put to the vote, the proposal to approve the application, against officer recommendation, was CARRIED. The Principal Solicitor reminded Members that it was usual practice, where an application was approved when it had been reported for refusal, to delegate powers to the Head of Planning to determine the appropriate conditions for the application.

RESOLVED:

That planning permission be granted subject to the conditions to be determined by the Head of Planning.

106. **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)**

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

The officer detailed the background to the report explaining that the application was seeking to discharge condition 6 of permission 049320 which was granted in January 2013 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 allocated in the Unitary Development Plan (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. Applications were now coming forward to discharge the pre-commencement conditions prior to the submission of reserved matters applications to bring the site forward for development. It was agreed at the consideration of the outline application by this Committee that the discharge of condition applications which dealt with the Masterplan of the site should come before the Committee. She also explained the requirements of condition 6.

The discharge of pre-commencement conditions was the first stage in the process that would feed into and inform the detailed design of the first phases of development which would be the subject of subsequent reserved matters applications. This process complied with the requirements of Policy HSG2A of the UDP. The Design Statement set 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 officer reminded Members that the Masterplan dealt with on site issues and that off site issues would be part of any reserved matters applications. Whilst the Design Statement and Masterplan set out the phasing in general terms, the detailed phasing of each parcel was required to be submitted under condition 5 prior to the development of that phase. The level of detail provided as part of this application was therefore deemed sufficient at this stage.

The Flood Mitigation Plan submitted as part of the application to discharge condition 6 was part of the overall site Flood Consequences Assessment (FCA) submitted to discharge condition 12. Natural Resources Wales in their assessment of the Flood Mitigation Plan element of this application had therefore

also assessed the FCA as a whole. However, they had highlighted that the FCA had not shown the site was fully compliant with TAN15 with respect to off-site flooding. These conditions would need to be addressed as FCAs were produced for individual phases of the development in accordance with condition 12 of permission 049320.

The Masterplan provided for five hectares of public open space. The Council's requirement in terms of Local Planning Guidance Note 13 Open Space was four hectares. However, the designation of this, as required by the Public Open Spaces Manager, was in a more formalised way than that proposed. The details of the open space provision for each phase of the development were controlled by a further condition on the outline permission.

The officer said that the details submitted to discharge condition 6 were sufficient and met the requirements of the condition.

Councillor Alison Halford proposed the recommendation to discharge the condition in accordance with the submitted details, which was duly seconded.

The local Member, Councillor Christine Jones, thanked the officer for her report and the work that she had undertaken. She welcomed the exciting development but sought assurance that a footway/cycleway on Sealand Avenue would be provided, even though paragraph 7.34 reported it as being financially unviable at this stage. She felt that it could be a bus route and cycle/footway but did not want it to become a rat run. Councillor Jones also requested that the area be landscaped and that signage be provided at the top of Welsh Road. The Principal Solicitor advised that the officer had earlier indicated that off site requirements could not be specifically addressed at this stage.

RESOLVED:

That the condition be discharged in accordance with the submitted details.

107. **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).**

RESOLVED:

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

108. **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)**

RESOLVED:

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

109. **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)**

RESOLVED:

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

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

There were one member of the press and 33 members of the public in attendance.

(The meeting started at 1.00 pm and ended at 3.39 pm)

.....
Chairman

FLINTSHIRE COUNTY COUNCIL

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

DATE: **11TH DECEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RESERVED MATTERS – DETAILS OF APPEARANCE, LAYOUT, SCALE, LANDSCAPING AND ACCESS IN ACCORDANCE WITH CONDITION 1 ATTACHED TO OUTLINE PLANNING PERMISSION REF: 041456 ON LAND OFF RHEWL FAWR ROAD, PENYFFORDD, HOLYWELL, FLINTSHIRE.**

APPLICATION NUMBER: **051212**

APPLICANT: **CYMDEITHAS TAI CLWYD**

SITE: **LAND OFF RHEWL FAWR ROAD, PENYFFORDD, HOLYWELL, FLINTSHIRE**

APPLICATION VALID DATE: **12TH SEPTEMBER 2013**

LOCAL MEMBERS: **COUNCILLOR G. BANKS**

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

REASON FOR COMMITTEE: **SCALE OF PROPOSALS EXCEEDS THAT FOR WHICH DELEGATED POWER TO DETERMINE EXISTS.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application seeks approval of the matters reserved for further consideration at the time of the grant of outline planning permission under ref: 048489. This application provides details of layout, scale, landscaping, access and the appearance of the proposed development of the site to provide 11 no. dwellings.
- 1.02 As the applicant is a Housing Association, all of the proposed dwellings are to be for affordable provision.

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

2.01 That conditional Reserved Matters approval be granted, subject to the applicant entering either into a S.106 agreement, providing a unilateral undertaking or the making of an advance payment 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 development within 3 metres of centre of public sewer across the site.
4. No development before a comprehensive site drainage scheme is submitted and agreed. Implemented before occupation of dwellings.
5. No land drainage water to public system.
6. No surface water to public system without prior agreement.
7. Foul and surface waters to drain separately.
8. Access siting, layout and design details to be submitted be submitted before development commences. No forming and construction of access before details are agreed.
9. Provision of parking and turning facilities in accordance with details to be submitted and agreed.
10. Access gradient for 10m into site 1 in 24 and maximum 1 in 15 thereafter.
11. Scheme for prevention of surface water run off onto the highway.
12. Landscaping scheme including boundary treatments and finished levels to be submitted and agreed.
13. Implementation of landscaping scheme.
14. Materials to be submitted and agreed.
15. Removal of Permitted Development rights.
16. Hedgerow protection scheme to be submitted and agreed.
17. Construction Traffic Management plan to be submitted and agreed.
18. Finished floor and site levels to be submitted and agreed prior to the commencement of development.

3.00 CONSULTATIONS

3.01 Local Member
Councillor G. Banks
No response at time of writing.

Llanasa Community Council
No objections.

Head of Assets and Transportation
No objection. Requests the imposition of conditions and notes.

Head of Public Protection
No adverse comments.

Public Open Spaces Manager
Requests a commuted sum equivalent to £733 per dwelling in lieu of on-site play and recreation facilities is sought.

Head of Lifelong Learning
Advises that the local schools, Ysgol Bryn Garth and Holywell High School both have in excess of 25% spaces and therefore an education contribution is not sought.

Dwr Cymru/Welsh Water
No objections. Requests the imposition of conditions.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters. At the time of writing, 3No. responses, including one bearing 29 signatures, have been received. These raise objection to the proposal upon the following material grounds;

- a) Inadequate width of access road particularly for emergency vehicles,
- b) Increased disturbance as a consequence of increased traffic,
- c) Adverse impacts upon existing highway and pedestrian safety,
- d) Insufficient affordable housing, and
- e) Opposed to intended use of the development.

5.00 SITE HISTORY

5.01 **1022/88**
O/L Residential development - Refused 13.1.1989

040205
O/L Residential development - Withdrawn 10.4.2006

041456
O/L Residential development - Approved 30.10.2006

046888
Renewal of 41456 - Approved 11.2.2010

048489

Variation of condition to allow
further time to submit Reserved
Matters

- Approved 15.6.2011

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development inside settlement boundaries

Policy HSG1 - New Housing Development Proposals

Policy HSG8 - Density of Development

Policy HSG9 - Housing Type and Mix

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy D3 - Landscaping

Policy AC13 - Access and Traffic Impacts

Policy AC18 - Parking Provision and New Development

Policy SR5 - Outdoor Playing Space and New Residential
Development

Policy EPW2 - Energy Efficiency in New Development

Policy HSG10 - Affordable Housing within Settlement Boundaries

The application site is located within the settlement boundary of Pen-y-Ffordd as defined within the FUDP. The proposals would comply with the requirements of the above policies.

7.00 PLANNING APPRAISAL

7.01 Site Description

The site is a 0.59ha of land, roughly rectangular in shape. The site slopes gently downhill in a north easterly direction. The site is vacant, rough pasture land with access derived via a short length of unadopted road from the main Rhewl Fawr Road. The site is surrounded on 3 sides by existing residential development in linear form which follows the roads which run along the boundaries of the site. Beyond the boundary to the north west is another area of pasture land. The character of built form in the area comprises mainly detached and semi detached 2 storey and single storey dwellings.

7.02 The Proposal

This application seeks Reserved Matters approval for the development of the site to provide 11No. dwellings. 7No. of the dwellings are proposed to be 2 storey in height and the remaining dwellings are bungalows. The proposed accommodation comprises 4No. 2 bedroom dwellings arranged in 2No. semi-detached blocks. A 3 unit terrace and a further block of semi-detached units provide 5No.

3 bed dwellings. 2 detached 4 bed room bungalows are proposed to provide accommodation to meet the needs of persons with disabilities. These units provide for accommodation for a carer within the units themselves.

7.03 Plots 1 – 9 are proposed to achieve level 3 of the Code for Sustainable Homes and, as the houses are to be erected by a Housing Association to provide affordable housing, will also comply with Welsh Government DQR standards and Lifetime Homes Standards. Plots 10 and 11 will also be to the same standards but, being serviced disability accommodation, will be constructed to BREEAM Very Good standards.

7.04 Principle of Development

Members will recall that this site benefits from outline planning permission, granted under reference 041456, which establishes the principle of residential development upon this site. Members will also appreciate that this site was considered as part of the housing requirement calculations within the UDP by virtue of the fact that it represented an existing commitment via this earlier grant of permission.

7.05 Members will appreciate that, being an application for the approval of Reserved Matters, this application does not afford an opportunity to revisit the principle of the development. The consideration in this case is the extent to which the details of the Reserved Matters accord with the requirements of policy. As set out in Section 6 above, the proposals accord with the applicable policies.

7.06 Main Planning Issues

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

- a) Highway Issues
- b) Design and impacts upon existing residential amenity.
- c) Recreation contributions
- d) Affordable Housing

7.07 Highways

Vehicular access to the site is proposed to be derived via a new access of the existing short length of un-adopted road off Rhewl Fawr Road.

7.08 Representations have been made that the proposals will give rise to an increase in traffic which in turn will result in an adverse impact upon highway safety and pedestrian safety. Particular concern was raised in relation to the width of the existing access road. The Head of Assets and Transportation has considered the proposals and has no objections subject to the conditions set out above and in addition to those which were imposed at outline permission stage. It is

considered that the details of the proposed access and road can be adequately assessed under the terms of those conditions to ensure that there is no detriment to highway safety.

7.09 I am mindful that there is a need for construction traffic to utilise the existing point of access to the site. I am satisfied that the site can be developed without adverse impacts upon highway safety but, in the interests of safeguarding residential amenity, I will impose a condition requiring the submission and agreement of a Construction Traffic Management Plan, prior to the commencement of development.

7.10 Design and Layout

The scheme has evolved to respond to the site characteristics and delivers a design where the form and dwellings reflect both the design of the residential areas and buildings in the locality, and provide for the identified mix of accommodation types.

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

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

7.13 Recreation Contributions

The previous grant of outline planning permission did not provide any indication as to the level of development intended for this site. Accordingly, it was not possible at that time secure contributions towards play and recreation. I am advised by the Public Open Spaces manager that on site provision of play and recreation facilities is not required and a sum in lieu of the same is sought. The sum sought equates to £733 per dwelling, which reflects that the scheme is proposed to provide 100% affordable dwellings and not market housing.

7.14 I can therefore advise Members that the sum to be paid in lieu of on site play facilities and to be used in upgrading existing facilities within the village is £8063.

7.15 Affordable Housing

As the scheme is proposed to be 100% affordable as the developer is Cymdeithas Tai Clwyd Housing Association, there is no requirement for S.106 provisions or conditions to this effect. The properties are proposed to be available via a rental tenure and as such, would be compliant with the provisions of UDP policies in relation to the provision of affordable housing within settlement boundaries.

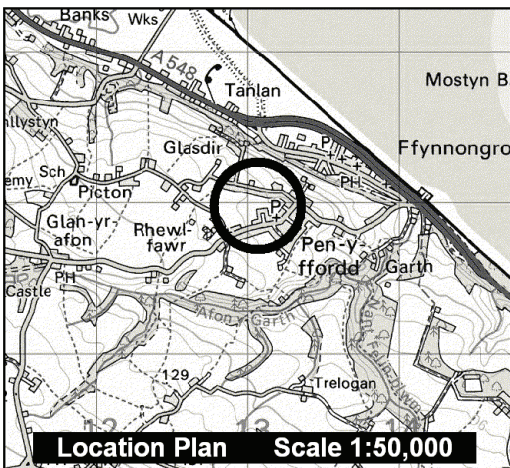
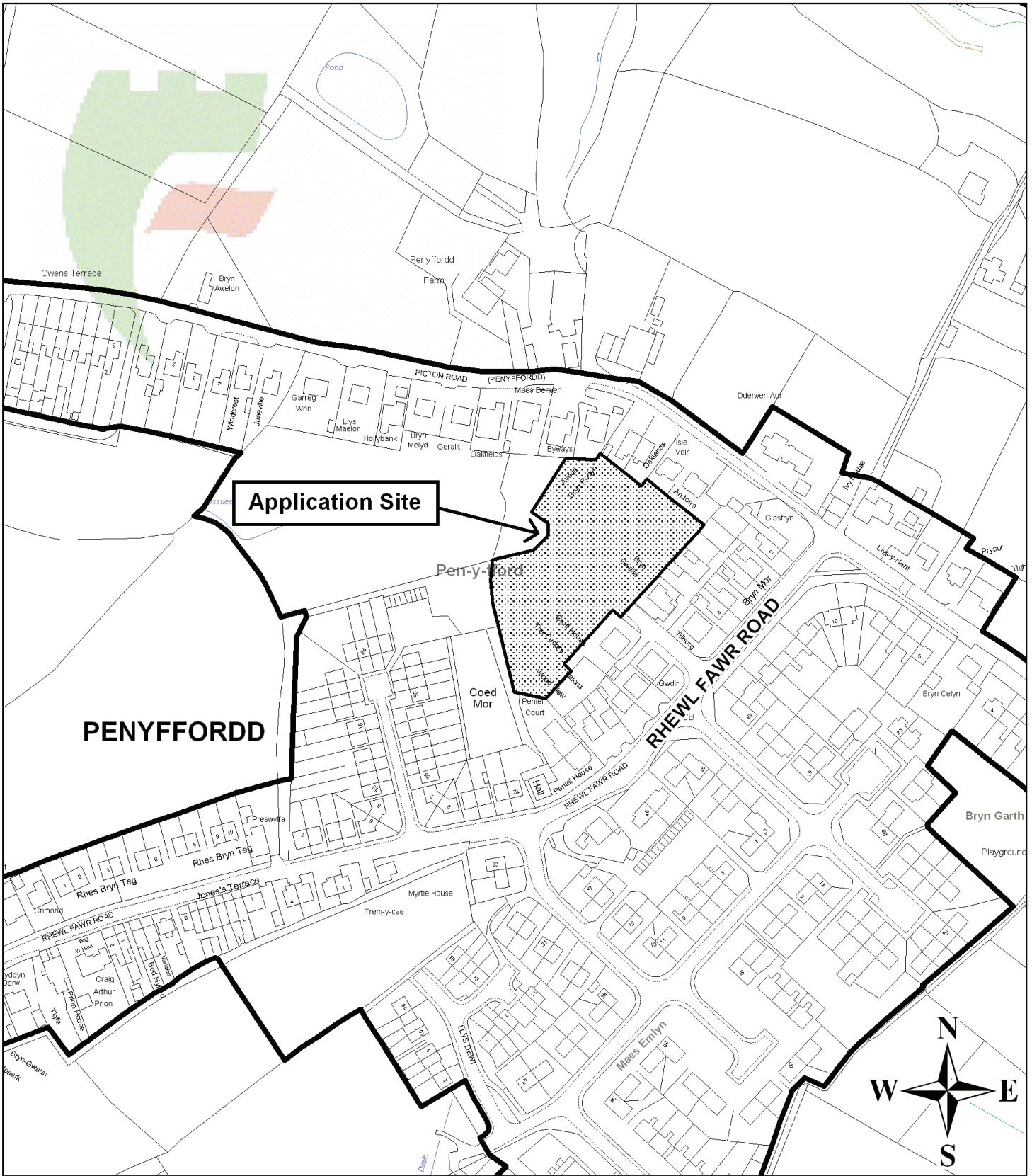
8.00 CONCLUSION

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

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

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

This page is intentionally left blank

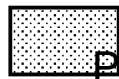


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2013.

Map Scale 1:2500

OS Map ref SJ 1381

Planning Application **51212**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **11 DECEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **SITING OF A WIND TURBINE AT ORSEDD FARM, GORSEDD, HOLYWELL**

APPLICATION NUMBER: **051315**

APPLICANT: **Mr M POTTLE**

SITE: **ORSEDD FARM, GORSEDD, HOLYWELL**

APPLICATION VALID DATE: **3 OCTOBER 2013.**

LOCAL MEMBERS: **COUNCILLOR C J DOLPHIN**

TOWN/COMMUNITY COUNCIL: **WHITFORD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **THE HEIGHT OF THE TURBINE STRUCTURE EXCEEDS THE 15M HEIGHT OF STRUCTURES THAT CAN BE DETERMINED UNDER OFFICER DELEGATED POWERS**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application has been submitted as a full application and seeks consent for the erection of one 5kw, 19m hub height turbine, 23m including tip of blade height.
- 1.02 The turbine is proposed to generate electricity for use within the existing plant nursery unit within in which the turbine is set.
- 1.03 The main issues to consider in the determination of this application are the visual impact, its potential impact upon the adjacent conservation area, vistas and impact upon residential amenity and wildlife.

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

- 2.01
1. Time commencement.
 2. In accordance with the approved plan.
 3. Decommissioning of the site upon cessation of use.
 4. Limiting of noise emitted to not exceed 42Db LAeq(1hr) to any nearby residential property.

3.00 CONSULTATIONS

3.01 Local Member

Councillor C.J. Dolphin

No response received at time of writing the report.

Whitford Community Council

No response received at time of writing the report.

Pollution Control

Conclude that the manufacturer's noise data predicts that the distance between the turbine and nearby residential properties is that of an acceptable level and have no objection to the development.

Energy Services

No response received at time of writing report.

DIO Safeguarding

Has no objections to the proposed development. If planning permission is granted we would be like to be advised of, the date construction starts and end, the maximum height of the construction equipment, the latitude and longitude of the turbine.

Airbus

The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria, accordingly we have no aerodrome safeguarding objection to the proposal.

Natural Resources Wales

No response received at time of writing.

Clwyd Powys Archaeological Trust

Whilst there are no predicted direct impacts to any recorded archaeology, the turbine may have a visual impact on the setting of two scheduled burial mounds located to the north west of the proposed turbine. It would appear that the monument will be screened from the development by the intervening properties and the existing

tree cover. CADW have been contacted in case they wish to comment on any potential setting impact. Having further discussed the case with CPAT, they verbally confirmed that the proposal is acceptable to CPAT.

CADW

The proposed development is located in the vicinity of a number of scheduled ancient monuments, the nearest being three well preserved barrows, of Bronze age date. It is likely that the adjacent buildings of Pen Y Bryn Farm will provide effective screening, whilst additional screening from a more distant view will be provided by housing, boundaries and vegetation. All three barrows are now located within an area of modern housing and relic industrial features, their original Prehistoric setting have been effectively lost.

The remainder of the remaining listed monuments are located 1.5km from the site, at such a distance and with the potential screening offered by intervening topography, boundaries and buildings, that a turbine of this scale is unlikely to have any impact on the setting of the listed monuments. In Cadw's opinion the proposed turbine will therefore have no significant impact on the setting of the listed scheduled monuments of the registered parks and gardens in the vicinity.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

As result of this publicity 3 letters of objection have been received from residents, these objections are on the following grounds ;

The benefits in terms of savings of CO2 per KWh to the environment and the economy are questioned.

Although the site is screened from nearby residential properties, this is true at ground level, but the height of the turbine will mean that it is visible in the landscape from the surrounding properties and the public roads approaching Gorsedd.

Noise will be carried by prevailing winds, to the east and north east, these properties are already subject to the continuous traffic noise from the A55, and it is questioned what the cumulative effect of adding the turbine noise to the traffic noise, this will be detrimental to residential amenity.

The turbine will introduce a diverse element in to the landscape, adversely impacting on the character of the area and detrimental to residential amenity.

There are alternative means of renewable energy generation such as

photovoltaic cells, which would have a lower impact on the surrounding community. Another alternative could be the installation of a woodchip or wood pellet boiler.

The turbine would be an inappropriate structure within the confines this historic village, rather than in the open countryside.

Perceived concerns about the potential health impacts.

5.00 SITE HISTORY

- 5.01 09/46396 - Erection of two storey extension - Permit 04.08.09
- 06/40904 - Creation of new vehicular access - Permit 12.06.06
- 05/040744 - Erection of glass house - Permit 31.01.06
- 02/34565 - Erection of an agricultural shed - Permit 04.12.02

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
 - STR1 - New Development
 - GEN1 - General Requirements for Development
 - GEN3 - Development in the Open Countryside
 - D2 - Design
 - WB1 - Species Protection
 - EWP4 - Wind Turbine Development
 - TAN 8 - Technical Advice Note Planning for Renewable Energy

7.00 PLANNING APPRAISAL

Introduction

- 7.01 This is a full application for the erection and installation of one 5kw wind turbine, for the generation of electricity for use in connection with the existing plant nursery unit. The site is located within a site which is in the open countryside , adjacent to the village of Gorsedd and its associated conservation area designation

Site Description

- 7.02 The site is located within the open countryside, adjacent to Gorsedd village and its associated conservation area.
- 7.03 The proposed turbine is to be located within the existing grounds of the nursery unit, which is enclosed by a mature high conifer hedge, acting a shelter belt to the existing site.
- 7.04 In addition the turbine is proposed to be located on the eastern edge of the Halkyn Mountain and Holywell common registered historic landscape, accordingly CADW have been consulted and the applicant requested to submit as zone of theoretical visibility diagram showing the topographical visual influence of the turbine to date this information has not been forwarded and CADW have not forwarded

any response in relation to this aspect.

Principle of Development

7.05 Development of clean renewable energy generation sources is encouraged under TAN8, Technical Advice Note, Planning for Renewable Energy.

7.06 In addition the adopted Flintshire Unitary Development Plan also encourages the use of this type of energy generation, under the above policies and especially in compliance with Policy EWP4 Wind Turbine Development, subject to no significant adverse impact upon visual amenity of the area, the conservation area, noise generation, residential amenity or upon wildlife.

Justification

7.07 Development for the erection of one 5kw, 19 m hub height turbine is considered to be micro generation, of the type encouraged by the above TAN and policies. The height of the turbine has been designed to achieve the most energy generation at this location. The design, location and materials proposed have been chosen to mitigate any potential adverse impact.

Visual Impact, Shadow Flicker and Potential Noise Impact

7.08 The application has been considered by the energy officer, the environmental health officer and the conservation officer with regard to the above impacts. The environmental health officer has considered all the information submitted with the application and considers that a turbine of the design, size and position proposed in the application, will be within the recommended noise levels.

7.09 Whilst I am mindful of the concerns raised with regards to noise, both of the turbine and in conjunction with the existing background noise of the traffic on the A55, these concerns have been considered by environmental health and they consider that the sound emanating from the A55 would be approximately 45d BA and if the noise from the turbine was 40d BA the combined sound pressure level would be 46.1 d BA, which is considered to be a marginal increase in total noise, and it should be remembered that the turbine will only be running in windy conditions and the wind itself will create a lot of masking noise from rustling trees etc.

7.10 The concerns raised in regard to infrasound and the potential effect on health, this aspect is not currently included within the wind turbine guidance, as such environmental health are unable to verify this concern, although it is noted.

7.11 The environmental health section have also considered shadow flicker, and concluded due to the distance between the nearby properties and the turbine, that this should not be an issue.

- 7.12 The location of the turbine has been carefully chosen with regard to its potential impact upon visual amenity. The site is located within the existing nursery unit, set against a backdrop of a mature conifer hedge on a level site. Whilst this hedge does to some extent screen the mast of the turbine, never the less due to the height of the turbine and its blades, it will inevitably be visible from the surrounding area and on the approach roads in to the village of Gorsedd. The land upon which the turbine is to be located on, is designated as open countryside in the development plan, where the siting of these types of structure would normally be expected to be located. The proximity of the turbine to Gorsedd, its associated conservation area and the registered historic landscape to the eastern edge of the site has been considered.
- 7.13 In this instance, the installation of the turbine is not considered to introduce an alien feature in to the landscape, as these structures are becoming increasingly common in the landscape, in addition there are other features with a vertical emphasis, such as telegraph poles in the area. As such the proposal is not considered to be sky line development, is not considered to be prominent in the landscape or dominate the vistas from the adjoining conservation area of Gorsedd, due to the turbines slim line design, tapering mast top and small turbine head in addition to the transient nature of the movements of the turbine blades. The design and materials of the turbine proposed also reduces the visibility of the turbine over distance and as there are no ground work housing or compound fencing this also reduces any potential adverse impact upon the landscape.
- 7.14 Due to the proximity of the turbine in relation to the residential unit the environmental health officer has had regard of the acoustic details accompanying the application and consider that a turbine of the design, size and in the position proposed will be within recommended noise levels.

Protected Species

- 7.15 Due to the open countryside location of the proposed turbine and the possible impact upon protected species such as bats and birds, Natural Resources Wales and the county ecologist have been consulted, to date I have not received a response from either party in relation to the above.

8.00 CONCLUSION

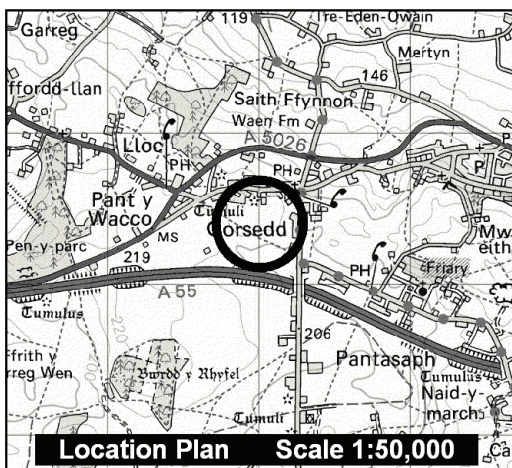
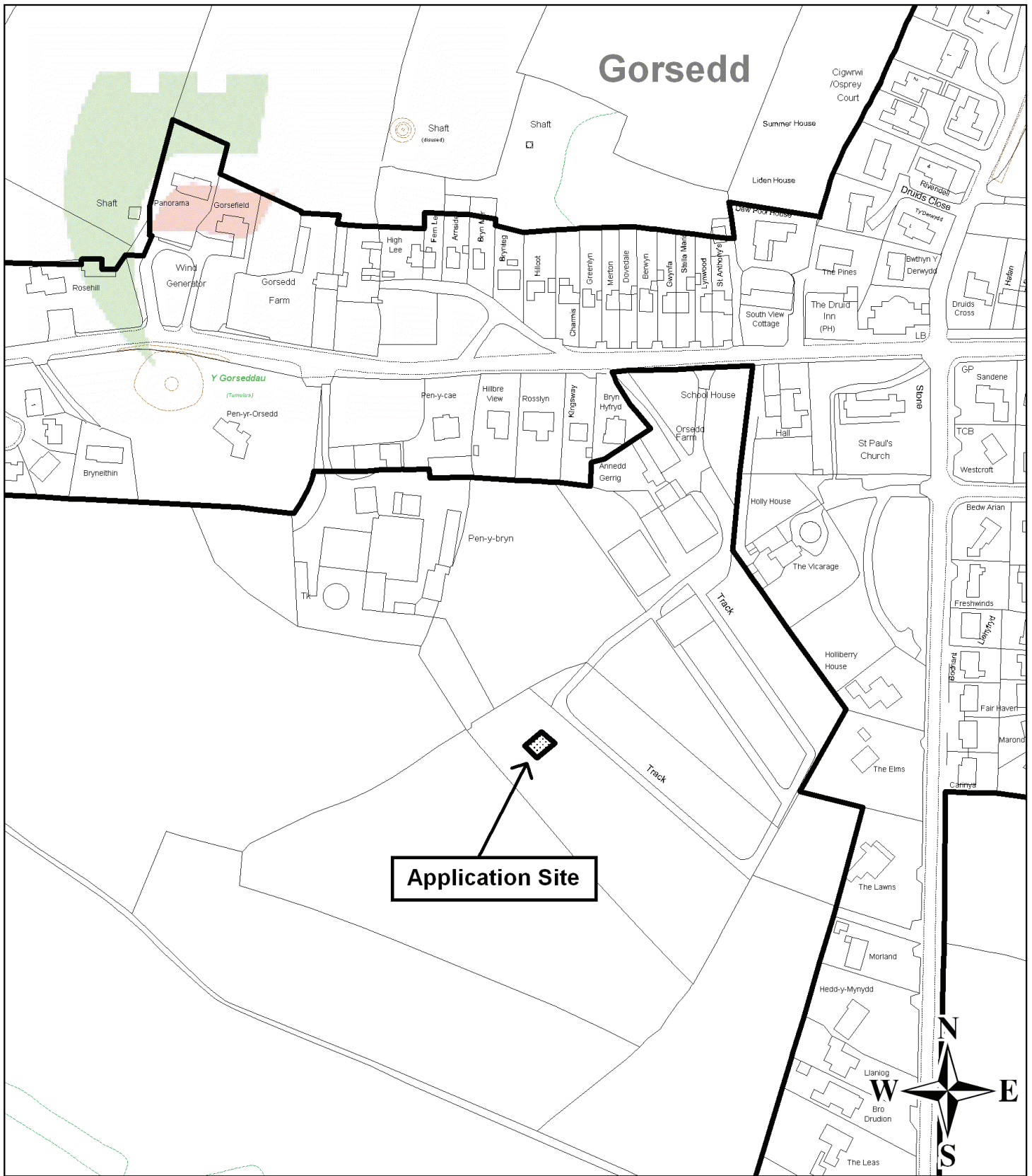
- 8.01 It is considered that the 5kw wind turbine will enable the micro generation of a clean source of renewable energy to be generated and used in the existing nursery business, in compliance with the above policies and technical guidance.
- 8.02 Any impact will be mitigated by the sensitive location, design and materials proposed, as such it is considered compliant with the above

policies.

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

Contact Officer: Barbara Kinnear
Telephone: (01352) 703260
Email: Barbara.Kinnear@flintshire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2013.

Map Scale 1:2500

OS Map ref SJ 1576

Planning Application **51315**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **11TH DECEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **INSTALLATION AND COMMISSIONING OF A SINGLE 10KW WIND TURBINE AT TYN Y COED, STARKEY LANE, NORTHOP, MOLD.**

APPLICATION NUMBER: **051151**

APPLICANT: **MR ROBERT HODGKINSON**

SITE: **TYN Y COED, STARKEY LANE , NORTHOP, MOLD CH7 6DG**

APPLICATION VALID DATE: **21 AUGUST 2013**

LOCAL MEMBERS: **COUNCILLOR MRS M BATEMAN**

TOWN/COMMUNITY COUNCIL: **NORTHOP COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **THE HEIGHT OF THE TURBINE STRUCTURE EXCEEDS THE 15M HEIGHT OF STRUCTURES THAT CAN BE DETERMINED UNDER OFFICER DELEGATED POWERS.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application has been submitted as a full application and seeks consent for the erection of one 10kw wind turbine. The turbine is proposed to be 17.9 m to the hub height and the blade rotation leading to a total height of 24.5 m. The wind turbine is proposed to generate electricity for the existing farm unit within which it is set.
- 1.02 The main issues to consider in the determination of this application are the impact upon visual amenity, potential noise impact and any potential adverse impact upon residential amenity and wildlife.

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

- 2.01
1. Time commencement
 2. In accordance with approved plans
 3. Decommissioning of the site upon end cessation of use.
 4. Reasonable Avoidance Scheme (RAM'S) to be agreed for amphibians.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor Mrs M Bateman
No response received at time of writing.

Northop Community Council

Members at a recent meeting agreed, that the Council would not support the scheme. The objection is made on the basis of the wind turbine would impact on the appearance of the area and upon residential amenity in its over dominance.

Head of Assets and Transportation

Refers to the amended details and raise no objection to the proposal and do not intend to make a recommendation on highway grounds.

Head of Public Protection

Having considered the manufactures reference material and having studied information on noise emission from this and other wind turbines, all the information indicates that a turbine of this design, size and position will not be audible at any neighbouring properties at this location; in addition shadow flicker will not be an issue at this location due to its substantially enclosed design. Therefore have no objection to this application.

Airbus

The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with the safeguarding criteria. Accordingly, we have no aerodrome safeguarding objection to the proposal.

Welsh Government Transport

No response received at time of writing.

DOI Safeguarding

MOD have no objection to this proposal, but request that they be advised of the date construction starts and ends , the maximum height of construction equipment, the latitude and longitude of every turbine.

Energy Services

The proposed scheme will provide decent energy generation levels. The mast is sited relatively close to the farm buildings on fairly level ground and will not break the sky line, if viewed from any sort of distance. Since the nearest domestic dwelling will be some 300m from the proposed location, visual impact and noise should be minimal to non-existent and seems to be a suitable site.

Natural Resources Wales

NRW does not object to the proposal, but would recommend that Reasonable Avoidance Measures (RAM's) are incorporated so that any amphibians are not affected by the implementation of the proposal.

4.00 PUBLICITY

- 4.01 Site Notice and Neighbour Notification
No response received at time of writing.

5.00 SITE HISTORY

- 5.01 None.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
STR1 - New Development
GEN1 - General Requirements for Development
GEN3 - Development in the Open Countryside
D2 - Design
WB1 - Species Protection
EWP4 - Wind Turbine Development

TAN 8 Technical Advice Note Planning for Renewable Energy

7.00 PLANNING APPRAISAL

- 7.01 Introduction
This is a full planning application for the erection and installation of one 10kw wind turbine, for the generation of electricity for use in connection with the existing farm unit. The hub height is proposed to be 17.9m and a total height to tip of 24.5m.

- 7.02 Site Description
The proposed turbine is to be located in the open countryside, on level arable land, the land is not defined by any designated statutory designation. The site has back drop of a mature copse of trees and the location of the turbine has been carefully considered, to be located close to the existing farm buildings. There are a number of residential units located approximately 300m from the proposed turbine.

- 7.03 Principle of Development
Development for clean renewable energy generation sources is encouraged under TAN8, Technical Advice Note Planning for Renewable Energy.
- 7.04 In addition the adopted Flintshire Unitary Development Plan also encourages the use of this type of energy generation, under the above policies and especially in compliance with Policy EWP4 Wind Turbine Development, subject to no significant adverse impact upon visual amenity of the area, noise generation, no adverse impact upon residential amenity or on wildlife .
- 7.05 Justification
Development for the erection of one 10kw turbine is considered to be micro generation. The height of the turbine has been designed to achieve the most energy generation for this location, in order to off set the cost of the installation in conjunction with use on the farm.
- 7.06 Visual Impact , Shadow Flicker and Potential Noise Impact
The application has been considered by both the Energy officer and the Environmental Health officer, with regard to the expected energy generation and any potential adverse impact.
- 7.07 The location of the turbine has been carefully considered with regard to the potential impact upon visual amenity. The site is located against a back drop of a mature copse of trees on a level site, as such the proposal will not create sky line development and will to some extent be assimilated in to the wider surrounding open countryside setting. As such it is not considered to be over dominant or to adversely impact on this open countryside area, or the nearby residential properties.
- 7.08 These impacts have been considered with regard to visual impact and the potential for shadow flicker, whilst the blades are rotating. To this end the blades have been designed to be constructed of a material which will limit this and as such neither of the above officers consider this to be a potential problem.
- 7.09 Due to the proximity of the turbine from the A55 I have consulted with the Welsh Government Transport section, but at the time of writing this report I have not received a response. Our own Highways officers have not raised any objection on these grounds.
- 7.10 Due to the proximity of the turbine in relation to the residential units, the environmental health officer has had regard to the acoustic details accompanying the application and considers that on the information provided, it is considered that a turbine of the design, size and in the position proposed will not be audible to any neighbouring property at this location.

7.11 Protected Species

Due to the open countryside location of the proposed turbine, the possible impact upon wildlife and protected species has been considered in the determination. Natural Resources Wales and the ecologist have highlighted the potential for great crested newts to be present within the site environs. It is considered by the ecologist that there is no need for amphibian fencing and ground checks while the ground works are being undertaken should be sufficient. As such it is proposed in order to minimise any potential impact, the applicant will be required to propose and deliver an amphibian mitigation scheme, by means of reasonable avoidance scheme (RAM's). If any newts are found during the course of the application then a licence will be required and any works should cease immediately until this license has been issued.

8.00 CONCLUSION

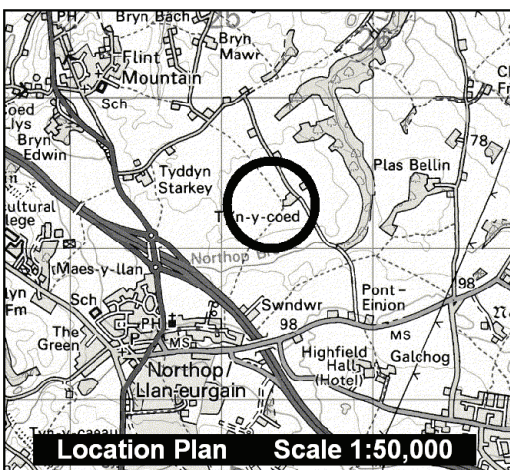
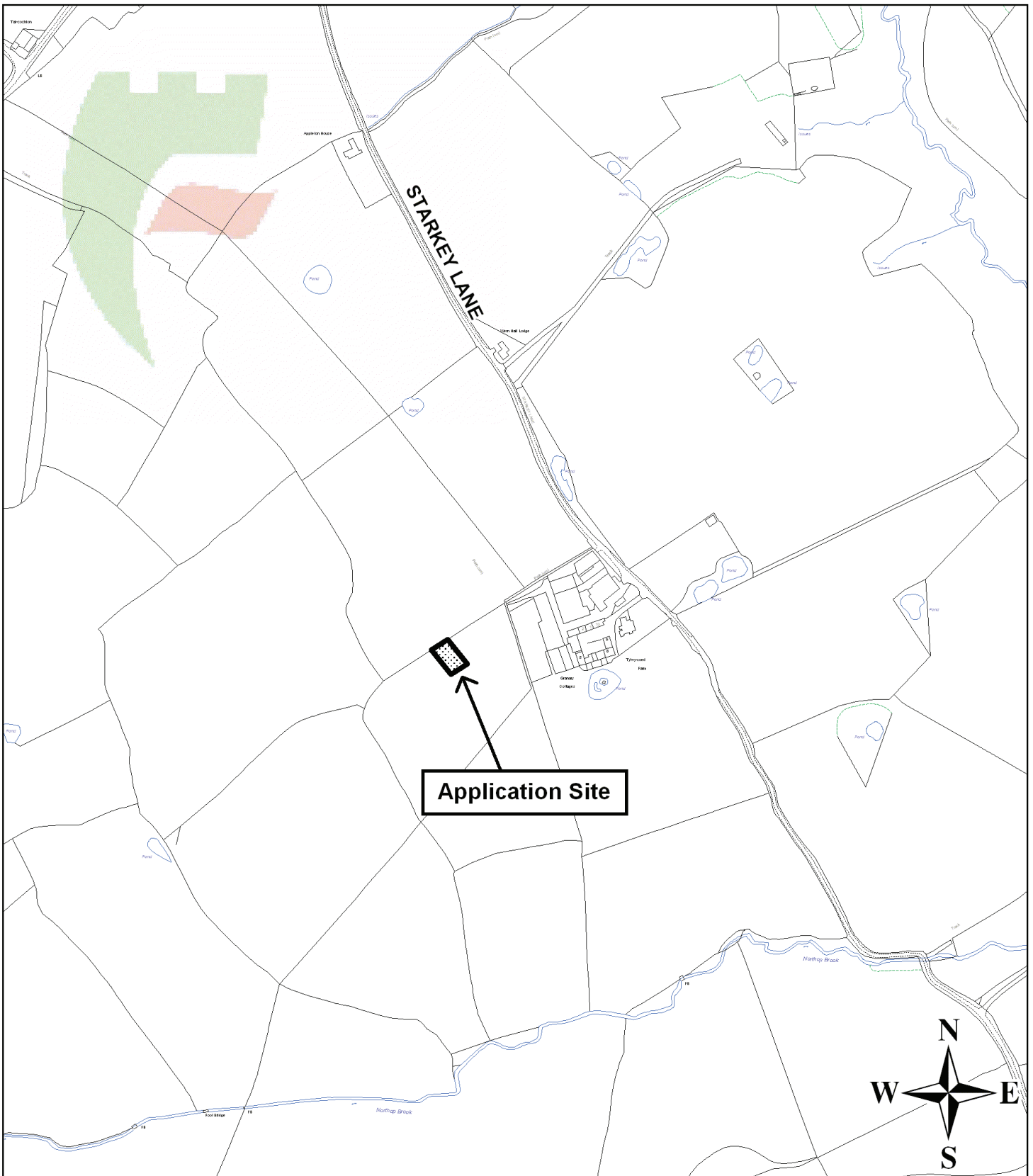
8.01 It is considered that the proposed 10kw wind turbine will enable the micro generation of a clean source of renewable energy to be generated from this site; in compliance with the above policies and technical guidance.

8.02 Any impact will be mitigated by the sensitive location of the proposed turbine, its proximity to existing buildings and the design and materials proposed; further limiting any potential impacts upon the wider area.

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

Contact Officer: Barbara Kinnear
Telephone: (01352) 703260
Email: Barbara.Kinnear@flintshire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2013.

Map Scale 1:5000

OS Map ref SJ 2569

Planning Application **51151**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 11 DECEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **OUTLINE APPLICATION - ERECTION OF A DETACHED BUNGALOW AT SUNDAWN NURSERIES, BABELL ROAD, PANTASAPH**

APPLICATION NUMBER: **051338**

APPLICANT: **MR J BRIMBLE**

SITE: **LAND ADJACENT TO NAMPARA, SUNDAWN NURSERIES , BABELL ROAD, PANT ASAPH, HOLYWELL CH8 8PP**

APPLICATION VALID DATE: **9 OCTOBER 2013**

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

TOWN/COMMUNITY COUNCIL: **YSCEIFIOG COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **REQUEST FOR COMMITTEE REFERRAL DUE TO THE ARCHAEOLOGICAL PRE ASSESSMENT HAVING BEING CARRIED OUT AND NOTHING FOUND.**

THE SITE IS A DISUSED GARDEN CENTRE AND COMMITTEE WOULD BENEFIT FROM A SITE VISIT.

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This outline application seeks planning consent for the erection of a detached retirement bungalow on land which comprises of the former Sundawn plant nursery, on Babell Road, Pant Asaph, Holywell.
- 1.02 The application site is located on land which despite its former commercial plant nursery is designated as open countryside in the

adopted Flintshire Unitary Development Plan. The proposal is considered by the Local Planning Authority to constitute unjustified development in the open countryside.

- 1.03 On the former application, the Clwyd Powys Archaeological Trust had requested, due to the potential archaeological sensitivity of the site, that the site be subject to a pre evaluation site investigations and report, this has now been carried out. The submitted summary report by Cornerstone Archaeology concluded that from an archaeological perspective that the evaluation produced a negative result. This has been confirmed by Clwyd Powys Archaeological Trust stating that there are no archaeological implications for this development.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01 The application site lies outside any recognised settlement boundary, where new residential development is strictly controlled to safeguard the open countryside from unjustified and unsustainable development .The proposed development is considered to constitute unjustified development in the open countryside, contrary to policies STR4, HSG4, HSG5, and HSG11.

3.00 CONSULTATIONS

3.01 Local Member

Councillor J E Falshaw

Requests referral of the application to Committee and a site visit to enable Members to view the site.

Councillor Falshaw notes that the archaeological survey has now been carried out and that nothing of interest was found.

A site visit has been requested, as the site is now a disused garden centre, Councillor Falshaw considers that it would be beneficial for Members to see the site's context.

Ysceifiog Community Council

The Council has no objections subject to the application meeting planning policy for this type of development in the countryside.

Head of Assets and Transportation

Confirms that the proposed access is obstructed from a 2.4m set back due to the adjacent boundaries. However, the site's previous use as a nursery would have resulted in the regular use of the access. Consequently, if minded to grant consent, request conditions to ensure that the existing hedge is regularly cut and maintained and facilities shall be provided and retained within the site for the parking and turning of vehicles.

Head of Public Protection

Have no objections in principle to the application, however the site is within an area with an extensive lead mining history as such there is the potential for the land to be contaminated with lead or other mineral/materials associated with mining operations, therefore recommend conditions in this regard are attached to any approval that may be granted.

CADW

No response received at time of writing.

Common Land

The development will not affect the common land registered under the Commons Registration Act 1965, as the common land is situated a little way from the intended development.

Rights of Way

There are no affected public footpath or bridleways in the immediate vicinity, therefore have no observations to make.

Open Spaces Society

No response received at time of writing.

Flintshire Local Access Forum

No response received at time of writing.

Halkyn Graziers Association

No response received at time of writing.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The application has been advertised as a Departure to the Local Development Plan by way of a press notice, a site notice and neighbour consultation, to date no response has been received as a result of this publicity.

5.00 SITE HISTORY

- 5.01 3/ YS/664/77 - Store room - Permit 12.12.77
70/84 - Extension - Permit 19.04.84
050408 - Outline detached retirement dwelling - Refused 18 March 2013.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR4 - Housing

HSG4 - New Dwellings Outside Settlement Boundaries

HSG5 - Limited Infill Development Outside Settlement Boundaries
HSG11 - Affordable Housing in Rural Areas.

7.00 PLANNING APPRAISAL

The Planning Application

7.01 This application seeks outline consent for the erection of a retirement bungalow, on a plot of land on the former commercial nursery, Sundawn nurseries, adjacent to the applicant's current property.

7.02 The applicant cites that his present house is now too large and he wishes to down size properties for his retirement home.

The Development Plan

7.03 The development plot although sited between two existing residential properties, is in an area designated as open countryside, notwithstanding the former commercial use of the site. Whilst the Local Planning Authority is sympathetic to the circumstances cited by the applicant in support of this application, these circumstances are not a material planning consideration and do not enable an exception to be made to the policies of the development plan.

7.04 As such the Local Planning Authority consider that the development constitutes unjustified development in the open countryside.

7.05 The application does not meet the infill criteria as defined in the development plan under policy HSG5, as although the development is set between two established residential properties, they do not form a continuous frontage of 6 properties, which would allow consideration of the application under this infill policy.

7.06 Assessment of the development has been considered with regard to if the proposal were to meet the development criteria for an essential worker, but there is no functional or financial need under the essential worker justification, for the proposed development and it is therefore considered to be contrary to policy.

7.07 As the development site is not abutting a recognised settlement boundary, as in this case, and no case has been forwarded that the application is for as an affordable housing scheme, then the development can not be considered under the policy criteria of Policy HSG11 as an affordable housing scheme application. Even if the development was considered acceptable under Policy HSG11 there would be a need for a S.106 Obligation to ensure that the dwelling remained affordable in perpetuity

7.08 In addition to the above, as the development does not constitute a replacement dwelling, as such the Local Planning Authority consider that the development represents unjustified development. Notwithstanding the current vacant nursery site that the property is proposed

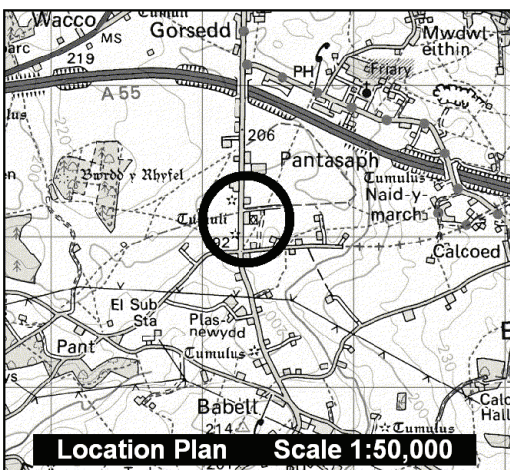
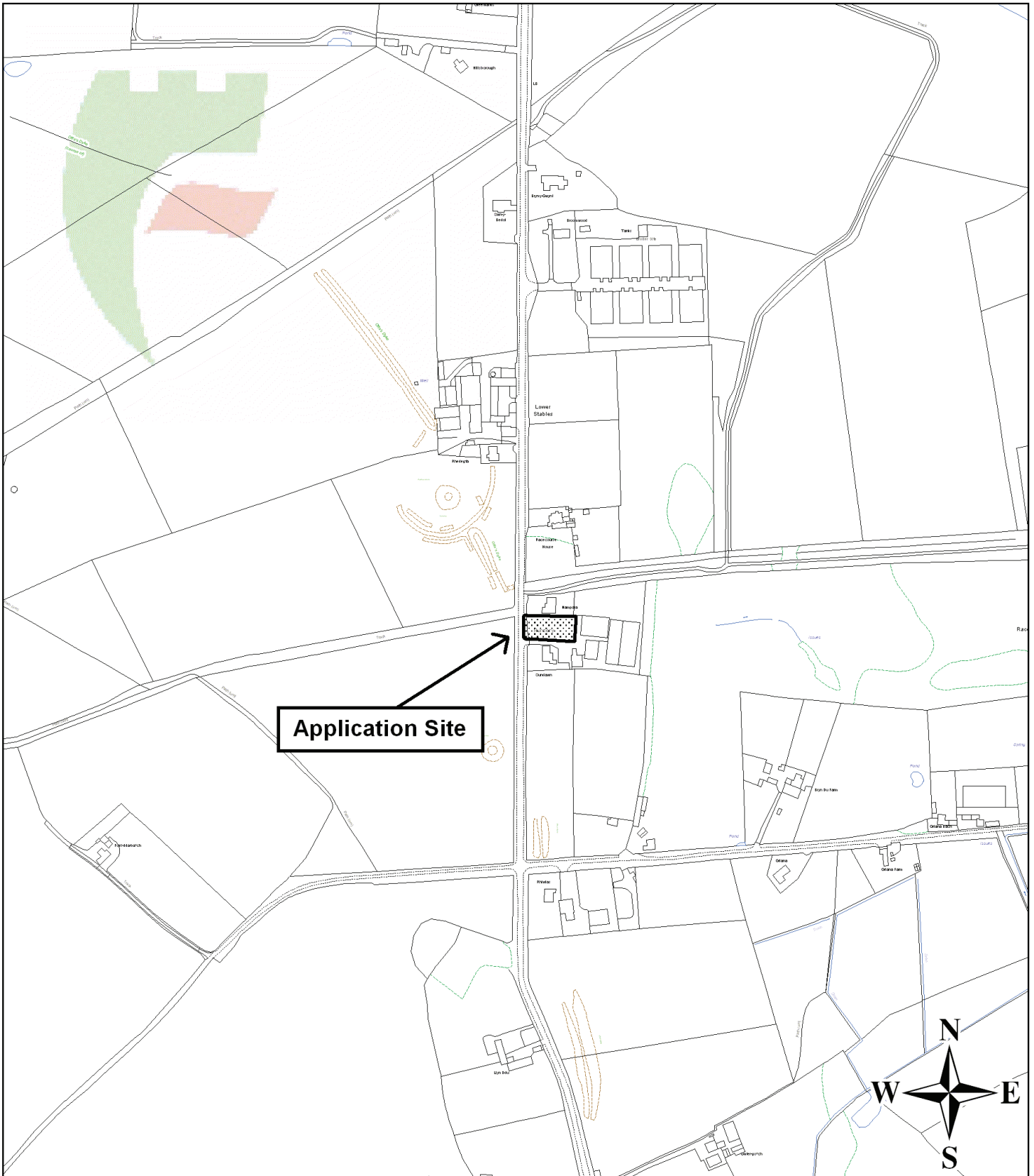
to be located upon, any brownfield nature of the site does not override the above policies which strictly control development in the open countryside.

8.00 CONCLUSION

- 8.01 As the application site lies outside any recognised settlement boundary, where new development is strictly controlled to safeguard the open countryside from unjustified and unsustainable development. The proposed development is considered to constitute unjustified development in the open countryside, contrary to policies STR4, HSG4, HSG5 and HSG11 of the Flintshire Unitary Development Plan.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.


Contact Officer: Barbara Kinnear
Telephone: (01352) 703260
Email: Barbara.kinner@flintshire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2013.

Map Scale 1:5000

OS Map ref SJ 1575

Planning Application **51338**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **11TH DECEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – INSTALLATION OF GROUND MOUNTED SOLAR PANELS UP TO 3.80 MWP (PEAK), POWER GENERATION CAPACITY AND ANCILLARY EQUIPMENT INCLUDING TWO SUBSTATIONS AND ASSOCIATED CABLING AT TOYOTA MOTOR MANUFACTURING UK, ZONE 3, TENTH AVENUE, DEESIDE INDUSTRIAL PARK, DEESIDE.**

APPLICATION NUMBER: **051425**

APPLICANT: **TOYOTA MANUFACTURING (UK) LTD.**

SITE: **TOYOTA MOTOR MANUFACTURING PARK, DEESIDE.**

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

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

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

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

SITE VISIT: **YES.**

1.00 SUMMARY

- 1.01 This application is for the installation of ground mounted solar panels and ancillary equipment at the Toyota Manufacturing plant on Zone 3 of the Deeside Industrial Park.
- 1.02 The main issues to be considered within the determination of the application are the principle of the development in planning policy

terms, the effects upon the visual appearance and character of the area, the highway implications, the effects upon the amenities of the existing occupiers, the flood and contamination risks arising from the development and the effects upon the ecology and economy of the area.

1.03 Given that the loss of employment land has been suitably justified, will not have a significant detrimental impact upon the landscape or the highway, ecology, amenities of adjoining occupiers, and will not have a contamination risk, the proposals are considered acceptable. The proposals will, it is considered, have significant environmental and economic benefits and are thus to be welcomed.

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

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

3.00 CONSULTATIONS

3.01 Local Member

Councillor Ms C.M. Jones

Requests the application be referred to Planning Committee and a Committee site visit. This is because of the size and scale of the development and Members should be aware of the location.

Sealand Community Council

No objections.

Head of Assets and Transportation

No observations to make.

Head of Public Protection

No adverse comments to make on the proposal.

Head of Regeneration & Economic Development

Application is in keeping with Deeside Industrial Park as an energy zone is being developed in the neighbouring Zone 4. The electricity generated through the solar array will support Toyota operational costs.

Located within Deeside Enterprise Zone, this site is of strategic importance for Welsh Government to encourage commercial investment and will be a flagship development for North Wales.

Welsh Water/Dwr Cymru

No response received to date.

Natural Resources Wales

Site lies in Zone C1 and shown on Welsh Government's Development Advice Map (DAM). Therefore recommends production of a limited Flood Consequences Assessment so risks of flooding can be fully understood.

Considers that the controlled waters are of low environmental sensitivity. Therefore not providing detailed site specific advice or comments in terms of land contamination.

Not considered possible effects on all local or regional interests. Should seek further advice from the Authority's internal ecological advisor.

Network Rail

Objects to the proposal. Concern that the solar panels could be directly facing the railway. To mitigate the risk of glare affecting the train drivers sight of signals etc. the developer should carry out and submit to Network Rail for approval, a risk assessment of this potential danger.

SP Energy Networks

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

Wales & West Utilities

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

CPRW

Supports application subject to compliance with planning policies. This is because as the site is contained in a brownfield location in an industrial complex it is an appropriate location. Its impact will, therefore, be limited by being integrated within the existing industrial landscape of the area.

4.00 PUBLICITY

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

5.00 SITE HISTORY

- 5.01 **48307** – Proposed importation, storage and processing of waste metal for the manufacturing casting of engines as part of the existing engine manufacturing operations – 11th May 2011.

45574 – Renewal of planning permission Ref: 43955 to allow the erection of a temporary 60 m wind monitoring mast – Granted 1st

December 2008.

45316 – Expansion of existing manufacturing facilities to allow for proposed new toilet blocks, extensions, car parking and hardstandings – Granted 6th October 2008.

43955 – Erection of a temporary 60 m wind monitoring mast – Granted 21st November 2007.

74214 – Extension to existing manufacturing facilities – Granted 6th February 2007.

41113 – Proposed extension of existing manufacturing facilities – Granted 30th June 2006.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR3 – Employment.

STR7 – Natural Environment.

GEN1 – General Requirements for Development.

D1 – Design Quality, Location & Layout.

D2 – Design.

D3 – Landscaping.

L1 – Landscape Character.

WB1 – Species Protection.

WB5 – Undesignated Wildlife Habitats.

AC13 – Access & Traffic Impact.

EM3 – Development Zones & Principal Employment Areas.

EM5 – Expansion of Existing Concerns.

EM6 – Protection of Employment Land.

MIN8 – Protection of Mineral Interests.

EWP1 – Sustainable Energy Generation.

EWP5 – Other Forms of Renewable Energy Generation.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP14 – Derelict & Contaminated Land.

EWP17 – Flood Risk.

National Policy

Planning Policy Wales (Edition 5, November 2012).

Technical Advice Note 5 Nature Conservation & Planning.

Technical Advice Note 8 Renewable Energy.

Technical Advice Note 12 Design.

Technical Advice Note 15 Development & Flood Risk.

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.

In relation to the loss of employment land this has been justified, and it is considered therefore that the proposals are acceptable in terms of the Policy in the Flintshire Unitary Development Plan, in principle.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of approximately 69,500 m² of flat, open, poorly vegetated brownfield land within the existing boundaries of the Toyota Motor manufacturing plant.

7.02 It is located immediately south of the existing main manufacturing building and west of the existing casting building.

7.03 The Toyota Motor manufacturing plant in turn is located off Tenth Avenue within Zone 3 of the Deeside Industrial Park.

7.04 It is proposed to install an array of photovoltaic solar panels on the site within rows, to convert daylight into electricity. The PV panels will have an energy generation capacity of approximately 3.8 mw, which will potentially produce 3,475 mwh per year of electricity. The energy generated will be fed directly into Toyota's 33/11 kv existing grid connection.

7.05 The proposed solar array will comprise the following components:-

Solar Panels

An array of approximately 12,680 pv panels. The panel dimensions will be approximately 1.95 m x 0.991 m, with a depth of approximately 0.05 m.

Mounting Frames

The panels will be attached to mounting frames at an angle of between 20° – 25° degrees, to optimise daylight capture. The panels are fixed in place and will not 'track' the sun throughout the day. Therefore there will be no moving parts. The arrays will have a maximum height of 2.8 m above ground level.

Inverters

The panels generate direct current (DC) electricity which must be converted into Alternating Current (AC) before being fed into the plants electricity grid network. The panels are inter connected into strings which terminate into DC combiner boxes mounted on the back of the array frames.

The proposed installation also includes the siting of two central inverters which are housed in painted steel containers (the colour of which will match the existing main Toyota buildings) and by approximately 3 m high x 10 m long x 3 m wide. Included within these containers will be the HV transformers. These will be mounted on concrete pads – these will be the only area of hard surfacing introduced to the site.

Security

A 2 m high welded wire mesh security fence will be installed around the perimeter of the site and motion sensors erected around the site perimeter on poles.

A 10 m high galvanised steel modular tower will also be erected with a security camera on top of it to the north of the site.

7.06 Issues

The main issues to consider within the determination of this planning application are the principle of the development in planning policy terms, the effects upon the visual appearance and character of the area, the highway implications, the effects upon the amenities of adjoining occupiers, the flood and contamination risks arising from the development and the effects upon ecology and the economy of the area.

7.07 Principle of Development

The site lies within the Deeside Development Zone in the adopted Flintshire Unitary Development Plan. As such Policy EM6 – Protection of Employment Land applies. This policy states that any proposal which leads to a loss of employment land needs to be justified.

7.08 Provided the proposal is suitably justified, then Policy EWP1 – Sustainable Energy Generation and EWP5 – Other Forms of Renewable Energy Generation (Other Than Wind Turbines) apply. Both these policies provide a presumption in favour of renewable energy schemes such as solar, subject to them meeting the detailed matters of them not having an unacceptable effect on their surroundings in terms of landscape, nature conservation, highways amenities of adjoining occupiers etc.

7.09 In terms of Policy EM6, given that

1. Sufficient land exists for further expansion of the current plant of up to three times its current size without making use of the land which will be occupied by the proposed solar array.

2. By installing the solar array, the competitiveness and sustainability of the existing plant is strengthened as the electricity generated from the installation will reduce the ongoing running costs of the

manufacturing operation, securing the present 592 jobs and increase the potential for further investment in the future.

3. In the very unlikely that the land was required for operational use in the future, Toyota retains the right, under the agreement with the developer of the array, to cancel the agreement and, with financial penalty, de-install and remove the array from the company's land.

4. The site is not available to develop the site for employment purposes.

it is considered that the site is suitably justified for the development of a non employment use.

Given the above, it is considered that the development is acceptable in principle in planning policy terms.

7.10 Visual Appearance & Character of the Area

Whilst the solar array will cover a large area, with them being sited on flat land, only approximately 2.8 m in height, adjacent to existing large buildings and in an industrial area, it is considered that they will not have a significant detrimental impact upon the visual appearance and character of the area.

7.11 Highway Implications

The PV-system will require little maintenance, with post-construction activity limited to occasional visits to clean, check and repair the installation by personnel using small vehicles (4x4 or transit van type). The ground around and beneath the arrays will be managed by occasional mowing. Except for maintenance visits, the site will be an unmanned passive installation in an existing industrial estate. Given this the Head of Assets & Transportation has no observations to make on highway grounds.

7.12 Amenities of Existing Adjacent Occupiers

The site is located within the boundaries of an existing large manufacturing plant in an industrial area where there are no residential properties and is surrounded by other existing large industrial units. However, the PV panels will not generate any perceptible noise with the solar park not involving any moving components either, there will be no potential for any vibrational impact and thus there will be no significant detrimental impact upon the amenities of the occupiers of the adjacent industrial units.

7.13 The development will not result in any emissions or waste. To the contrary it will in fact help to reduce the level of CO² emissions in the UK associated with electricity generation.

7.14 In terms of glare from proposals affecting the safety of trains upon the adjoining railway, the applicant's are preparing a risk assessment as

requested by Network Rail. To date, this has not been received. Members will be updated at the meeting as to whether or not this has been received and considered acceptable.

7.15 Flood Risk

The site lies in Zone C1 as defined by TAN15 Development and Flood Risk (July 2004) and shown on the Welsh Government's Development Advice Map (DAM). The site is also within Natural Resources Wales 0.5 % (1 in 200) annual change tidal flood outline.

7.16 As a result Natural Resources Wales have requested a limited Flood Consequences Assessment. To date, this has not been received and subsequently assessed. Members will be advised at the meeting whether this has been received and assessed.

7.17 Contamination Risk

The site is located on a secondary A aquifer, in a heavily industrialised area within close proximity to a principle aquifer north of the site. However, given the minimal ground works required for the proposed installation of the ground mounted solar panels (only 1.5 m depth below ground), it is likely the works will have a minimal effect in terms of contamination risk.

7.18 Ecology

The site is located a good distance away from any statutory designated areas (SSSI's, SPAs and SACs) in terms of wildlife. It comprises short, poorly vegetated land.

7.19 Given the above, it is considered that the proposals will not have a significant detrimental impact upon any wildlife interests.

7.20 With regard to increasing the biodiversity of the site, the vegetation beneath and around the solar array will be left to regenerate naturally to encourage wildflowers, butterflies and other insects/wildlife.

7.21 Elsewhere on the site, Toyota do work with North Wales Wildlife Trust in the following ways to increase biodiversity by:

1. Establishment of a 'natural heritage' orchard (as part of a regional project to re-introduce fruit trees).
2. Promotion of a 'Sustainable Manufacturing Site'.
3. Conducting of site surveys so that there is a clear understanding of the biodiversity on their land.

7.22 Socio-Economic/Environmental Benefits

Once the proposals are operational, the competitiveness and sustainability of the existing Toyota plant will be strengthened as the electricity generated from the installation will reduce their ongoing running costs of the manufacturing operation, securing the present 592 jobs and increase the potential for further investment in the future.

This will also have a wider benefit upon the economy of Flintshire.

- 7.23 The solar array will have a generation capacity of approximately 3.8 megawatts, which will potentially generate 3,475 MWh per year, and save approximately 1,838 tonnes of CO₂ emissions per annum.

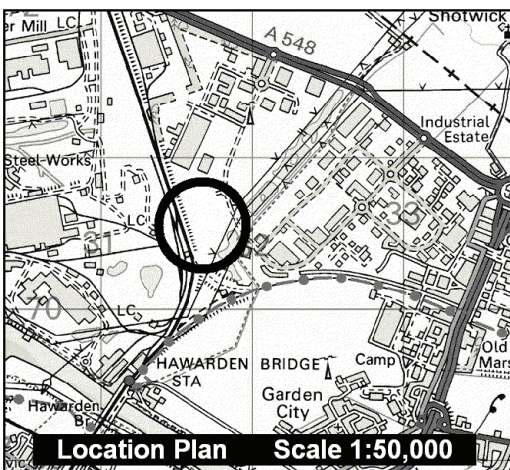
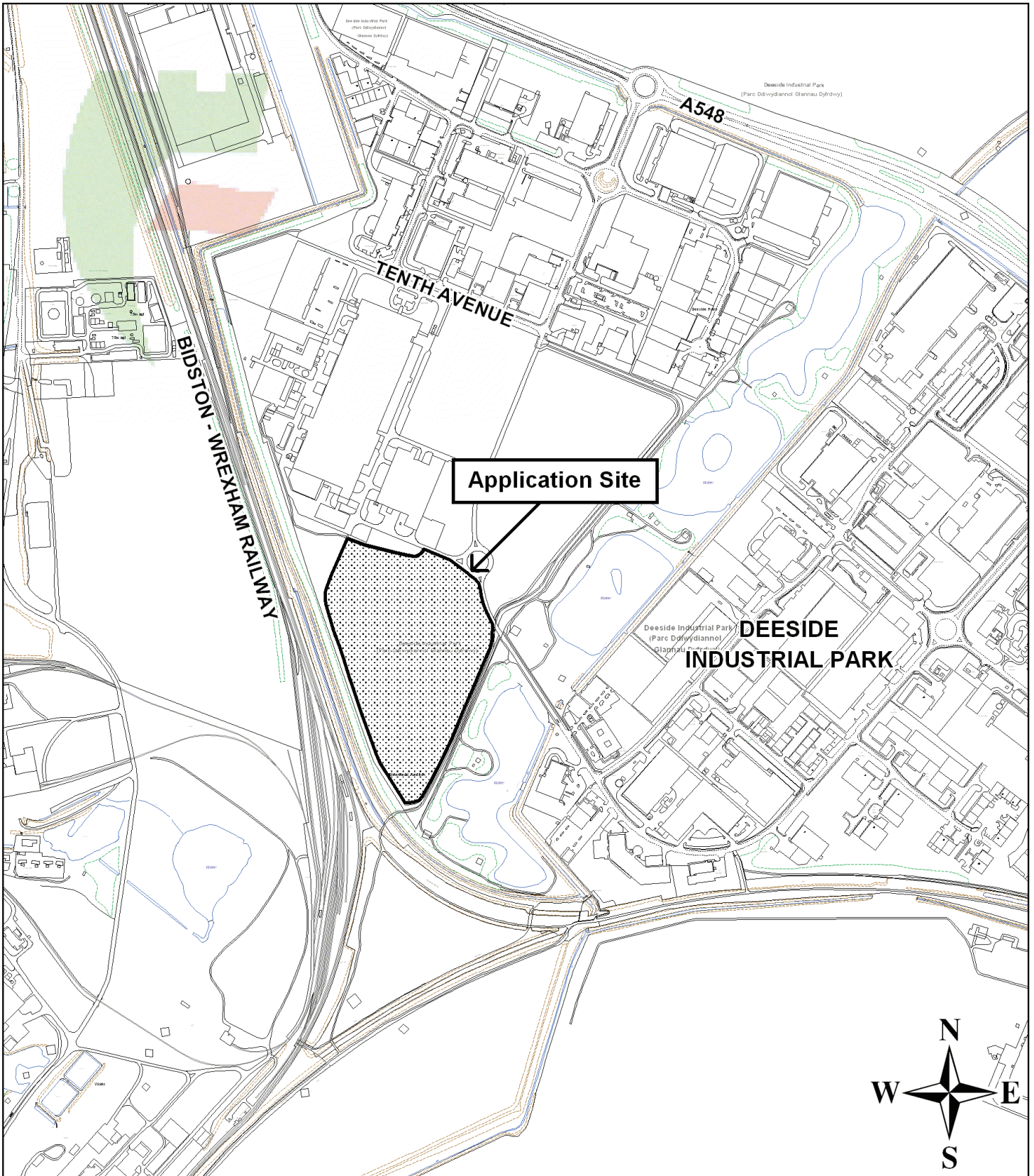
8.00 CONCLUSION

- 8.01 It is considered that the proposals will have a positive benefit upon the environment and economy of the area and are thus to be welcomed.

- 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

This page is intentionally left blank



Location Plan Scale 1:50,000



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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2013.

Map Scale	1:10,000
OS Map ref	SJ 3170
Planning Application	51425

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **11TH DECEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **ERECTION OF A FOUR BEDROOM DETACHED DWELLING AT 37 WOOD LANE, HAWARDEN.**

APPLICATION NUMBER: **051234**

APPLICANT: **MR AND MRS SHAW**

SITE: **LAND TO THE REAR OF 37 WOOD LANE, HAWARDEN**

APPLICATION VALID DATE: **11/09/13**

LOCAL MEMBERS: **COUNCILLOR ALISON HALFORD**
COUNCILLOR DAVID MACKIE

TOWN/COMMUNITY COUNCIL: **HAWARDEN**

REASON FOR COMMITTEE: **S106 AGREEMENT FOR LOCAL NEED**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the erection a four bedroom house at the rear of 37 Wood Lane, Hawarden. The main issues to consider are the principle of development, impact on residential amenity, highways and the potential coal mining legacy on the site. It is considered that the proposed dwelling is in accordance with Policy HSG3 and meets the Councils requirements for Space Around Dwellings. The risks in relation to the coal mining legacy on the site can be dealt with by an appropriate condition.

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:-

- The property shall be occupied by the applicants Mr and Mrs Shaw in the first instance;
- If the property is put up for sale in the future 30% of the property value is repaid to the Council, secured as a charge on the property

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

Conditions

1. Time limit.
2. In accordance with plans.
3. Foul and surface water shall be drained separately.
4. Surface water connection.
5. Land drainage run-off.
6. Code Level 3 for Sustainable Homes compliant.
7. Landscaping including boundary treatment.
8. Site investigation and remediation if necessary.
9. Obscure glazing to conservatory of 37 Wood Lane.

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

3.00 CONSULTATIONS

3.01 Local Member

Councillor A Halford

Requests Committee determination base on the concerns of the objector.

Councillor D Mackie

No formal response received at time of writing.

Hawarden Community Council

Objects on the grounds that it constitutes backland development.

Head of Assets and Transportation

No objection subject to conditions covering;

- Visibility splay from access of 2.4m x 43m in both directions, no obstruction above 1.0m
- Access to the site in accordance with standard detail for single residential access
- The access shall be a minimum width of 4.5m for a distance of 10m Facilities to be provided and retained within the site for parking and turning of vehicles

Head of Public Protection

A condition should be imposed requiring a site investigation prior to commencement of development and appropriate remediation undertaken.

Welsh Water/Dwr Cymru

Standard conditions in relation to foul and surface water drainage.

Natural Resources Wales

No objections, subject to limited thinning of trees on the site. If any of the trees are to be felled these should be subject to emergence surveys for bats prior to their felling.

Airbus

No aerodrome safeguarding objection.

The Coal Authority

The application site falls within the defined development high risk area. Within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to this application. A Coal Mining Risk Assessment has been submitted with the application. Records indicate that the site is likely to have been subject to historic unrecorded coal mining at shallow depth. Prior to development intrusive investigation works, including gas monitoring, are required in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified if necessary. This should be secured by condition.

Housing Strategy Manager

The applicants meet the affordable housing criteria under policy HSG3 in terms of their local connection and affordable housing need. Any permission requires a S106 agreement stating that if the property is sold in the future 30% of the property value is repaid to the Council and this is secured by the way of a charge on the property.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

1 objection on the grounds of;

- Would affect privacy at rear of property and garden
- Light pollution at night from currently dark garden
- If current 5 metre hedge is reduced in height to 2 metres, while the garden would be lighter the impact of the new house would be emphasised further
- The proposed development would take up the similar footprint as the proposed dwellings previously refused
- Additional house will increase the volume of traffic on Wood Lane and could lead to parking on the road which reduces visibility for other properties exiting their properties

- This area of Hawarden is already overdeveloped

5.00 SITE HISTORY

5.01 039899 – Erection of 6 no starter homes in two blocks of three. Refused 12.10.05

038829 – Proposed erection of 7no starter homes in terraced blocks of 3 and 4 together with construction of an access from existing access road. Refused 08.02.05

16919 Kitchen, dining room and dormer bedroom extension. Approved 07.06.88

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

STR8 – Built Environment

GEN1 – General Requirements for Development

GEN2 – Development Inside Settlement Boundaries

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

D1 – Design Quality, Location and Layout

D2 – Design

D3 – Landscaping

AC13 – Access and Traffic impact

AC18 – Parking Provision and New Development

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

7.00 PLANNING APPRAISAL

Introduction

7.01 This is a full application for the erection a four bedroom house at the rear of 37 Wood Lane, Hawarden.

Site Description

7.02 The application site is the rear garden of 37 Wood Lane Hawarden. The site is bounded by the dwelling and remaining rear garden of 37 Wood Lane to the west, an electricity substation to the south west, the community centre to the south east and 35 Wood Lane to the north. An area of land between the application site and the community centre is owned by Scottish Power and is currently leased by the applicant for use as additional garden. The site boundaries are mature garden hedges, fencing and walling of varying heights. The site is within a residential area in the settlement boundary of Ewloe.

Proposal

- 7.03 The proposed dwelling is sited to the rear of the existing dwelling and would share an access. The dwelling is two storey with four bedrooms and a separate double garage. The proposed materials are brick with a tile roof to match existing properties in the locality. The dwelling would have a private garden space to its rear.

Issues

- 7.04 The main issues to consider are the principle of development, impact on residential amenity, highways and the potential coal mining legacy on the site.

Principle of Development

- 7.05 The application site is within the settlement boundary of Ewloe, although the postal address is Hawarden. Ewloe is a Category B settlement within the Adopted Flintshire Unitary Development Plan. Within such settlements growth is controlled by Policy HSG3 'Housing on Unallocated Sites Within Settlement Boundaries'. Specifically criteria b states;

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

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

- 7.06 The purpose of policy HSG3 is to control the expansion of settlements where there is already a high level of growth and to ensure new dwellings are for local needs. In terms of growth of the settlement, at April 2013 Ewloe had sufficient sites with planning permission, units which have been built and land allocated in the UDP, which when added together take its growth within the plan period (2000-2015) to 18.1%. Since the cumulative growth is already above 15%, any new dwellings in Ewloe will need to be for local housing needs.

- 7.07 The applicants own 37 Wood Lane, but are unable to afford the mortgage on the property. They are proposing a self build project and are registered with The Housing Association Cymdeithas Tai Clwyd as requiring affordable housing assistance. The self build option would assist them in reducing the size of their mortgage and therefore making it an affordable option compared to their current situation, enabling them to stay in the locality. The Housing Strategy Officer considers that the applicants meet the affordable housing criteria under policy HSG3 in terms of their local connection and affordable housing need. The size of the dwelling is required to accommodate their family.

- 7.08 It is therefore considered that the application is justified on the

grounds of housing need and planning permission is granted subject to a S106 agreement stating that if the property is sold in the future 30% of the property value is repaid to the Council and this is secured by the way of a charge on the property.

Impact on residential amenity

- 7.09 The impacts of the proposed dwelling need to be considered in relation to the impact on the residential amenity of the existing occupiers of 37 Wood Lane along with the impact on neighbouring properties and on the proposed new dwelling.
- 7.10 The existing and proposed dwelling would share the same vehicle access. The existing dwelling would have parking at the front and the proposed dwelling would have a double garage. There is therefore a potential impact on residential amenity to 37 Wood Lane from the vehicle access to the new dwelling. The shared access would pass the existing conservatory on 37 Wood Lane. It is proposed to obscure glaze the side window on the conservatory on 37 Wood Lane to reduce any potential impact on residential amenity from vehicle movements from the new dwelling on the occupiers of 37 Wood Lane.
- 7.11 The proposed dwelling is orientated so its principle elevations face south west towards the electricity substation and north east facing the rear garden of 35 Wood Lane. The proposed dwelling is sited 7 metres from the boundary with 35 Wood Lane but is sited adjacent to the rear garden of 35 Wood Lane. There is 20 metres from the corner of the proposed dwelling and the 35 Wood Lane and 20 metres from the rear elevation of 37 Wood Lane and the side elevation of the proposed dwelling. Due to its location and orientation there would be no direct overlooking into the habitable rooms of either 35 or 37 Wood Lane and there are no habitable rooms at first floor on the side elevation which would face 37 Wood Lane. It is considered that the siting of the dwelling is in accordance with the separation distances set out in Local Planning Guidance Note 2: Space Around Dwellings.
- 7.12 The existing dwelling and proposed dwelling would both have more than 70m² private garden space. Both these areas are considered suitable to meet the requirements of private amenity space as set out in Local Planning Guidance Note 2: Space Around Dwellings.

Access and Parking

- 7.13 The proposal would use the existing access to 37 Wood Lane which would be shared between the existing and proposed properties. An objection has been raised in relation to the increase in traffic movements associated with the new dwelling and the potential to an increase in parking on the highway.
- 7.14 The Head of Assets and Transportation has no objection to the proposed access and parking arrangements subject to conditions relating to the access and visibility splay and parking provision. The

addition of one dwelling would not lead to a significant increase in traffic movements and adequate parking provision is provided for the new dwelling.

Coal Mining

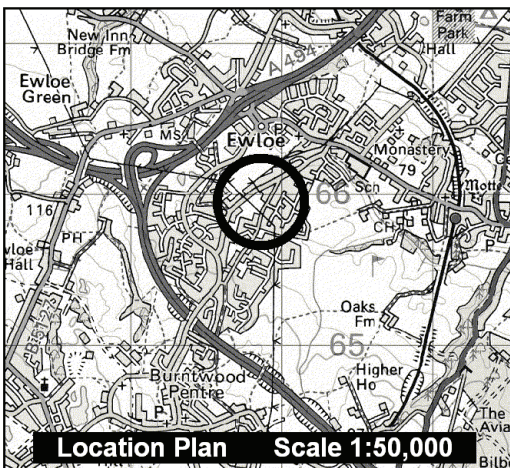
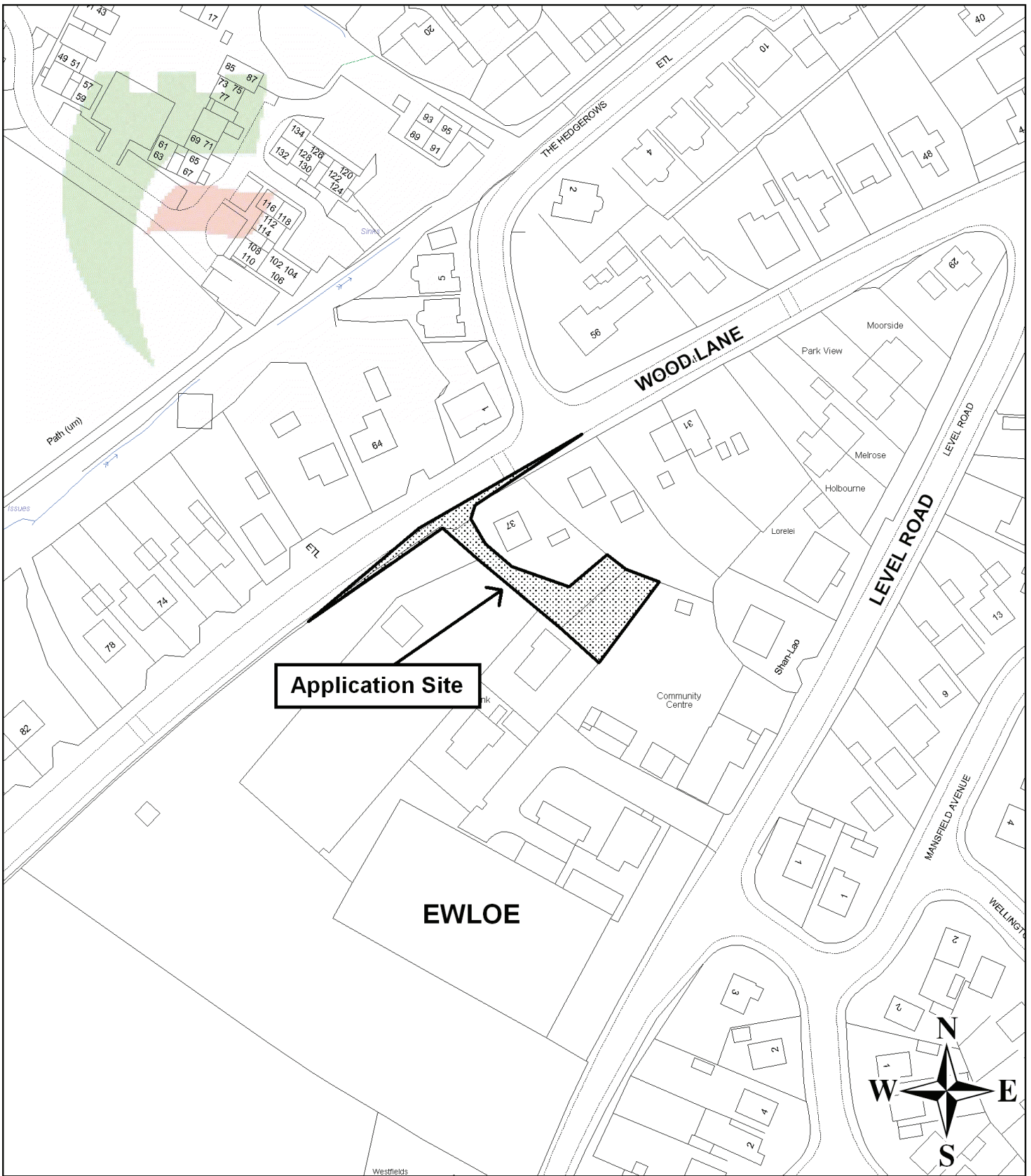
- 7.15 The Coal Authority identified that the site falls within the defined Development high Risk Area. Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. It is a requirement of Planning policy Wales paragraph 13.9 that the applicant demonstrate to the satisfaction of the site is safe, stable and suitable for development.
- 7.16 The applicant has undertaken a Coal Mining Risk Assessment. This concludes that the site is likely to have been subject to historic unrecorded coal mining at shallow depth. The Coal Authority and the Head of Public Protection advise that prior to development intrusive investigation works, including gas monitoring, are required in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified if necessary. This can be secured by condition.

CONCLUSION

- 8.01 It is considered that the proposed dwelling is in accordance with Policy HSG3 and meets the Councils requirements for Space Around Dwellings. The risks in relation to the coal mining legacy on the site can be dealt with by an appropriate condition.

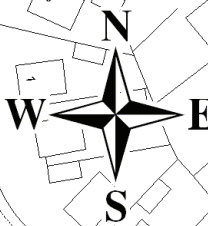
Contact Officer: Emma Hancock
Telephone: (01352) 703254
Email: emma.hancock@flintshire.gov.uk

This page is intentionally left blank



EWLOE

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2013.

Map Scale 1:1250

OS Map ref SJ 2966

Planning Application **51234**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 11 DECEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **GENERAL MATTERS - DEMOLITION OF EXISTING VACANT PROPERTIES AND REDEVELOPMENT OF SITE FOR AFFORDABLE HOUSING (OUTLINE PLANNING PERMISSION REF: 046185) AT ASTON MEAD ESTATE, HAWARDEN.**

1.00 APPLICATION NUMBER

1.01 047780

2.00 APPLICANT

2.01 Pennaf Housing Group

3.00 SITE

3.01 Land at Aston Mead Estate
Hawarden
Deeside
Flintshire

4.00 APPLICATION VALID DATE

4.01 16.8.2010

5.00 PURPOSE OF REPORT

5.01 To seek a resolution from Members to enable the payment of the required commuted sum for recreation facilities in the area to be made by direct payment as an alternative to the developer entering into either a S.106 Agreement or offering a Unilateral Undertaking (UU).

6.00 REPORT

6.01 Members will recall that this application for Reserved Matters was considered by the Planning and Development Control Committee at

the meeting of the 2nd November 2011, where it was resolved to grant planning permission subject to conditions and the developer entering into a S.106 Agreement or UU to pay £15.393 in lieu of on-site play space provision (copy report attached).

- 6.02 Members will be aware that to date, the permission has not been issued as the developer has not been in a position to sign the required agreement due to land ownership issues requiring address. I can advise members that following lengthy discussions between the parties involved in this project, these issues are nearing resolution.
- 6.03 I am mindful that further delays to the delivery of this scheme of affordable housing upon this gateway site are likely to be encountered as a consequence of due legal process relating to the formulation of a S.106 or UU. However, Members will be familiar that it is now common practice in making recommendations to this Committee where commuted sums are sought, that the option for direct payment of the same to the Council is made. This negates the need for an agreement and enables a speedier issue of the planning permission.
- 6.04 It is suggested in this case that the resolution made by members on the 2nd November 2011 be amended in line with current practice to enable the direct payment option to be allowed.
- 6.05 This amendment will enable the payment of monies and consequently the issue of the planning permission which will, in turn allow for the speedy address of conditional matters, commencement of development and ultimately, delivery of 21No. high quality affordable homes upon this prominent site.

7.00 RECOMMENDATIONS

- 7.01 That the recommendations of Para. 2.01 of the report to the Planning and Development Control Committee, dated 2.11.2011, be amended to read;

‘That conditional planning permission be granted subject to the applicant entering into a Section 106 Agreement, Unilateral Undertaking or the direct payment of a commuted sum of £15,393 in lieu of on-site play space provision.’

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

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 5.7

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**
DATE : **02 NOVEMBER 2011**
REPORT BY: **HEAD OF PLANNING**
SUBJECT : **RESERVED MATTERS APPLICATION - DEMOLITION OF EXISTING VACANT PROPERTIES AND REDEVELOPMENT OF SITE FOR AFFORDABLE HOUSING (OUTLINE PLANNING PERMISSION REF: 046185) AT ASTON MEAD ESTATE, HAWARDEN, DEESIDE.**

APPLICATION NO: **047780**
APPLICANT: **PENNAF HOUSING GROUP**
SITE: **LAND AT ASTON MEAD ESTATE, HAWARDEN, DEESIDE**
APPLICATION VALID DATE: **16/08/2010**
LOCAL MEMBERS: **COUNCILLOR H. BROWN AND COUNCILLOR G. HARDCASTLE**
TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**
REASON FOR COMMITTEE: **THE NUMBER OF DWELLINGS PROPOSED EXCEED THAT FOR WHICH POWERS AUTHORISING A DELEGATED DETERMINATION EXIST.**
SITE VISIT: **NOT REQUESTED.**

1.00 SUMMARY

1.01 This application seeks approval of all matters originally reserved under the outline planning permission granted upon this site. The matters of detail provide for the redevelopment of the site for 21 No. affordable dwellings.

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 ensure the payment of a commuted sum of £15,393 in lieu of on site play space provision.

2.02 Conditions

1. Time Limit
2. In accordance with details
3. Scheme for provision of affordable housing.
4. Submission, agreement and implementation of a Construction Method Statement for the control of dust, mud and noise.
5. Implementation of scheme for protection of existing hedgerows and trees during construction.
6. Submission, agreement and implementation of scheme of details for 'no dig' construction in areas around protected trees.
7. Scheme for incorporation of renewable technologies to secure reduction by 10% of projected carbon output.
8. Submission of Code for Sustainable Homes Design Stage Level 4 Conformity Certificate.
9. Submission of Code for Sustainable Homes Level 4 Conformity Completion Certificate.
10. Submission, agreement and implementation of scheme for foul, surface and land water drainage.
11. Submission, agreement and implementation of scheme of boundary treatments.
12. Removal of Permitted Development Rights.
13. Scheme for the provision of a 1.8 metre footway across site frontage and traffic calming/signage to be agreed prior to commencement.
14. Site access to have visibility splays of 2.4m by 35m. Internal private drives to have visibility of 2.4m x 3.3m. Splays to be kept free from obstruction during construction and thereafter.
15. Notwithstanding submitted details, any garage shall be set back a minimum of 5.5 metres behind the back of footway or 7.3 metres from edge of carriageway.
16. Provision of facilities for the parking/turning/loading/unloading of vehicles associated with proposal including bin storage/collection.
17. Scheme for prevention of surface water run off onto highway to be submitted and approved prior to commencement.
18. Scheme for hours of working to be agreed.
19. Construction traffic management scheme to be agreed. To include facility for wheel wash and measures to keep road free from mud arising from development site.

3.00 CONSULTATIONS

3.01 Local Member Councillor H. Yale

No objection to a delegated determination of the proposal provided that the requisite consultation exercise with neighbouring properties has been undertaken and a site notice displayed. Welcomes proposals for the homes to be affordable. Notes that the proposed access is not what would ideally be welcomed by residents but accepts it is the only practical solution.

Councillor G. Hardcastle

No objection to a delegated determination of the proposal. Welcomes proposals for the homes to be affordable. Notes that the proposed access is not what would ideally be welcomed by residents but accepts it is the only practical solution.

Hawarden Community Council

No objection to the proposals.

Head of Assets and Transportation

Advises that whilst details have been submitted, further information in respect of the formation of the access and the estate road is required. However, advises that this can be addressed via conditions and notes to the applicant.

Head of Public Protection

Has examined the proposals and the accompanying reports upon the issues of Air Quality and Noise and advises that the recommendations outlined in the reports should be conditioned to be implemented prior to the first occupation of the proposed dwellings. Also requests that a condition be imposed requesting the submission and agreement of a Construction Method Statement for the control of dust, mud and noise arising from construction works.

Leisure Services Manager

Recommends the payment of a commuted sum in lieu of on site play provision. Sum equivalent to £733 per dwelling to be used towards the upgrade of existing facilities in the localities.

Welsh Assembly Government - Transport Division

Advises that adequate noise mitigation should be incorporated into design due to proximity of site to A494(T). Also advises that site drainage shall not be permitted to connect into the trunk road drainage system.

Dwr Cymru/Welsh Water

No objection to the proposal. Requests the imposition of conditions relating to the proposed means and methods of foul, surface and land water drainage being submitted, agreed and implemented. Also requests that a variety of advisory notes are added to any subsequently granted permission for the information of the applicant.

The Coal Authority

No adverse comments. Standing advice applies.

4.00 PUBLICITY

- 4.01 The application has been publicised, on 2 occasions in view of an amendment to the proposals being subsequently submitted, by way of a press notice, site notice and neighbour notification letters.

- 7.02 Notification letters were initially sent out on the 19th August 2010 and more recently on the 24th February 2011. Press and site notices were posted to coincide with these.
- 7.03 At the time of writing this report, 9 No. letters of objection have been received from third parties in response to both consultation exercises in respect of the proposals. These responses raise objection upon the following grounds;
1. Overlooking and impacts upon residential amenity,
 2. Pollution and noise,
 3. Security concerns,
 4. Inadequate landscaping,
 5. Design and finishes out of character with area,
 6. Massing of scheme will visually detract from area, and
 7. Increased traffic will affect highway safety.
- 7.04 1 No. letter of support has been received at time of writing.

5.00 SITE HISTORY

- 5.01 **046185**
Outline - residential development
Permitted 23/12/2009.

6.00 PLANNING POLICIES

- 6.01 Clwyd Structure Plan First Alteration
Policy B5 - Allocation of land for housing development.
Policy B16 - Affordable housing.
Policy H7 - Trees and Woodlands.

Structure Plan Second Alteration: Flintshire Edition

- Policy GEN2 - General Development Policy
Policy HSG5 - Allocation of land for housing development.
Policy HSG13 - Affordable housing.
Policy CONS11 - Trees & woodlands.

Alyn and Deeside Local Plan

- Policy G1 - General requirements for development.
Policy H1 - Housing in category 'A' settlements.
Policy H14 - Affordable housing within settlement boundaries.

Emerging Flintshire Unitary Development Plan

- Policy GEN1 - General requirements for development.
Policy HSG3 - Housing on unallocated sites within settlement boundaries.
Policy HSG10 - Affordable housing within settlement boundaries.
Policy SR5 - Play areas & new housing development.
Policy D1 - Design Quality, Location & Layout.
Policy D2 - Design

Policy TWH1 - Development affecting trees & woodlands.

Policy AC13 - Access and traffic impact.

Policy SR5 - Outdoor Playing Space & New Residential Development.

Policy EWP2 - Energy efficiency in new development.

Policy EWP3 - Renewable energy in new development.

- 6.02 The site is located within the settlement of Shotton & Aston as defined in both the adopted Development Plan and the emerging Unitary Development Plan. Therefore the principal of residential development is acceptable subject to the detailed consideration of the proposal against the site specific constraints and indeed, is established by the previous grant of outline planning permission.
- 6.03 The above policies offer a general presumption in support of development proposals of this type within settlement boundaries. The site is not specifically allocated for residential development within any of the above stated plans but would amount to the redevelopment of a brownfield site which is supported by both local and national planning policy. The above policies broadly identify the criteria against which development proposals of this type will be assessed having regard to issues of tree protection and the broader design and development criteria against which all development proposals are assessed.
- 6.04 Both the housing policies in the Alyn and Deeside Local Plan and the UDP provide a context for the development of unallocated sites within settlement boundaries for residential development. It should be noted that whilst not allocated or comprising a small group of dwellings, as stipulated in the ADLP, the site would not, in relation to the requirements of the UDP, result in development which would be in conflict with the UDP projected housing figure.
- 6.05 Accordingly, I consider that the proposals would comply with the above identified policy context.

7.00 PLANNING APPRAISAL

7.01 Site and surroundings

- 10.01 The site comprises a vacant parcel of previously developed land located within the settlement boundary of Shotton and Aston as defined in both the adopted Alyn and Deeside Local Plan and the emerging Unitary Development Plan.
- 10.02 The site is located between Lower Aston Hall Lane and Mountfield Road, from which vehicular access is presently derived. This area had previously contained 39 No. one and 2 bedroomed semi detached or terraced dwellings, but these dwellings were demolished prior to the granting of outline planning permission. The site is relatively flat across each axis. The existing A494 trunk road bounds the site along its north western boundary at an elevated level. The southern and south eastern boundary are marked by a number of bushes and trees. There is no formal demarcation of the north eastern and south western boundaries of the site.

The proposed development

- 10.03 The proposal seeks to obtain approval of a development scheme to provide 21 No. dwellings at the above site, comprising 4 No. different house types. It is proposed that the dwellings are constructed to be compliant with the requirements of Level 4 of the Code for Sustainable Homes (CSH). The site is proposed to be accessed via a single point of vehicular access within the north eastern boundary with an estate road provided to adoptable standards.

The principle of development

- 10.05 As the site is located within the settlement boundary of Shotton and Aston, the principle of residential development is generally accepted. This is a Category 'A' settlement as defined in the emerging Flintshire Unitary Development Plan, where it states that working densities for the development of unallocated sites within category A settlements should be 30 dwellings per hectare. The site amounts to 0.7 hectares in area and therefore, having regard to the requirements for developments of sites such as this at an appropriate density, the proposals would be compliant with the policy.

Main Planning Issues

- 10.06 In addition to the policy considerations (already discussed in Section 6 of this report) I consider the main planning issues to be as summarised below:-
- proposed scale and design of development/house types/site layout.
 - adequacy of existing highways and arrangement to serve the proposed scale of development.
 - provision of affordable housing,
 - impact upon trees protected by Tree Preservation Order, and
 - impacts upon existing and proposed residential amenity.

Scale & Design/House Types/Site Layout

- 10.07 The plans submitted propose the erection of 21 No dwellings which comprise 20 No. two storey dwellings and a single bungalow. The proposals provide for a mix of 2, 3 and 4 bed dwellings having rear curtilage areas which range from approximately 70m² to 120m² in area. The proposals are compliant with the Councils space around dwellings standards and provide adequate separation distances both within the proposed development and in relation to adjacent existing developments.
- 10.08 The character of existing development in proximity to the site is defined by a mix of bungalows/single storey complex and two storey dwellings. It is considered that the house types proposed would be reflective of the existing character of development at this location and, notwithstanding representations to the contrary, I consider that the amenity of occupiers of existing and proposed dwellings would be safeguarded given the orientation and distances between the dwellings.
- 10.09 The proposed house types are designed to be Level 4 (CSH) compliant. Level 4 compliance is required in this instance as the properties are all proposed to be affordable and administered by a Registered Social Landlord (RSL). As such

schemes seek to utilise public funding provided by the Welsh Government, Code 4 is the required standard for such schemes.

- 10.10 The site layout has been arranged enable the proposed dwellings to, for the most part, orientate principal living areas in a south facing direction. This maximises the opportunities for passive solar gain as a means of heating of the dwellings and maximises the ability of the properties and private amenity areas to benefit from daylight. The dwellings themselves are designed to minimise energy use and reduce anticipated CO2 emissions. this is achieved primarily by maximising thermal performance via the construction of the dwellings to achieve low U-values (in conjunction with harnessing the benefits of passive solar gain) and the incorporation of energy efficient fixtures and fittings. The design of the dwellings enables the use of Low or Zero Carbon Technologies. Such technologies will be required, not only to achieve Code Level 4 but also to comply with the requirements of policy EWP3. At this stage, the options identified include Solar hot roof, Photovoltaic, recycled rainwater or Mechanical Ventilation with Heat Recovery (incorporating an integral heat exchanger with under floor heating). I propose to secure the incorporation of one or a range of these options by condition.
- 10.11 In recognising the need for such dwellings to reflect the sustainable living principles embodied within the CSH, the designs provide for the dwellings to be Lifetime Homes compliant, built to Welsh Development Quality Requirements and incorporate the principles advocated within Secure By Design.
- 10.12 The dwellings are a contemporary interpretation upon traditional 2 storey dwellings which comprise the bulk of the local vernacular. In terms of their mass, elevation width and depth of the dwellings, they relate well to the surroundings and would not appear incongruous by virtue of massing. The dwellings seek to utilise a 'chimney' feature to serve not as a chimney in the traditional sense but to act as a form of 'sun pipe' to channel sunlight into the deeper parts of the interior of the dwellings. The palette of finishes for the site consist of a thru-colour render, artificial slate, cedar boarding and a blue/black brick for detailing. I propose to condition the submission and agreement of samples prior to use.

Trees

- 10.13 The site is largely devoid of any significant existing vegetation. However, the boundaries of the site are marked in part by existing trees of some quality. Whilst these trees are located outside of the application site, their crown spread and root systems extend into the application site. The quality of 2 No. Common Ash and 1 No. Horse Chestnut has been recognised by the Council and, in response to representation, have been made the subject of a Tree Preservation Order No. 288 (2010), dated 12th October 2010. The implications of this Order were such that the layout has been amended to remove structures requiring foundations from the protection area of the trees. Whilst the present layout does still provide for areas of hardstanding, I propose to condition that theses areas are provided under a 'no dig' construction scheme to be submitted to and agreed. I shall also condition the provision of protective fencing around these trees to an agreed specification during construction works.

Highways Issues

- 10.14 Both Welsh Government Highways (responsible for adjacent trunk road) and the Local Highway Authority have been consulted upon the proposals and neither raises a principle objection to the proposals.
- 10.15 Welsh Government Highways request that suitable conditions are imposed in respect of the incorporation of noise mitigation into the detail of the proposals. Members may recall that in granting outline planning permission, a condition was imposed requiring the submission and agreement of noise mitigation measures. A report in response to the requirements of that condition was submitted as part of these Reserved Matters and has been considered by the Head of Public Protection who advises that the contents of the report are acceptable under the terms of the condition. Accordingly, in view of the fact that a condition relating to the submission, agreement and subsequent implementation of the approved attenuation measures prior to the occupation of any dwellings, was imposed, I do not consider that duplicating such provision via the imposition of a further condition is necessary.
- 10.16 The Head of Assets and Transportation has advised that whilst the exact final details in respect of the access and proposed estate road have not been agreed, he is happy that the issue can be adequately addressed via the imposition of conditions and notes to the applicant. Where the suggested conditions reflect those imposed upon the grant of outline planning permission, pursuant to which this application for Reserved Matters approval is submitted, I would not therefore propose to replicate those conditions upon any approval which may be given. I shall however condition accordingly in respect of other matters of detail.
- 10.17 Queries have also been raised in relation to the implications of this proposal upon the A494/A550 Drome Corner to Ewloe road improvement scheme. Members will be aware that this scheme remains part of Flintshire County Council road improvement programme, notwithstanding the decision of an Inspector at the Public Inquiry into the required road traffic orders, that these orders should not be made in connection with the then proposed scheme of road widening.
- 10.18 The proposal is consistent with the indications made at outline application stage in that an area of the site abutting the A494, is proposed to be safeguarded for use in connection any subsequent road improvement scheme which may come forward. This area does not form any part of the development footprint upon the site. Consequently no objection is raised in relation to the proposals impacting negatively upon future road improvements in the locality.

Affordable Housing

- 10.19 All of the proposed dwellings are proposed to be affordable via the development and subsequent management of the site by a Registered Social Landlord. The developed units are proposed to be made available via a mix of tenures appropriate to the needs of potential occupants of the units. The importance of delivering affordable housing is widely recognised and the Aston Mead Scheme is intended to partly address the Intermediate Housing need which exists in Flintshire. This scheme will be developed

without Social Housing Grant, however the Welsh Government intends to release the land at no cost and therefore this will act as part subsidy in-lieu of Social Housing Grant.

- 10.20 The dwellings delivered via this scheme will be targeted to the Intermediate housing market and first time buyers. The Intermediate rental solutions are gaining an increasing focus as they provide an appropriate response to the large and growing numbers of people in housing need who are unable to access the private rental market and whose circumstances would not qualify them to be housed in Social Rented Housing.
- 10.21 Members will recall that a condition in respect of the agreement of the affordable provisions was imposed upon the Outline permission. There is no need, given that the intended developer is an RSL, to replicate these provisions in order to secure the affordability of the scheme. However, I am mindful to protect the Council's position in respect of this issue in the event that the site is subsequently disposed of to a developer other than an RSL. Accordingly I shall impose a similarly worded condition to that previously imposed to safeguard affordable provision at this site.

Noise and disturbance implications

- 10.22 Welsh Government Highways have raised the issue of the need to ensure that appropriate noise mitigation to take account of the impacts of the A494 trunk road were incorporated into the detailed design of this scheme. Members will recall that in granting outline permission and at the request of the Head of Public Protection, a condition requiring that a Noise assessment be undertaken and submitted for consideration. As outlined above, this report has been provided and assessed and the recommended mitigation is considered to be acceptable and the implementation of the scheme prior to the occupation of the dwellings will ensure that impacts of noise upon amenity can be adequately addressed.
- 10.23 The Head of Public protection also requests that a condition be imposed requesting the submission and agreement of a Construction Method Statement to ensure the control of dust, mud and noise arising from construction works. In the interests of safeguarding the amenity of existing residents during development works, I propose to condition accordingly.

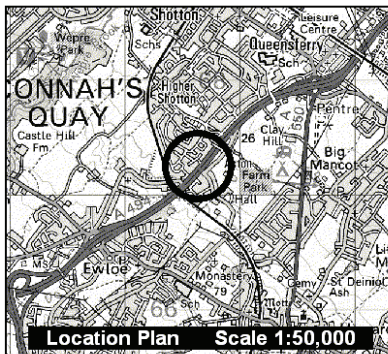
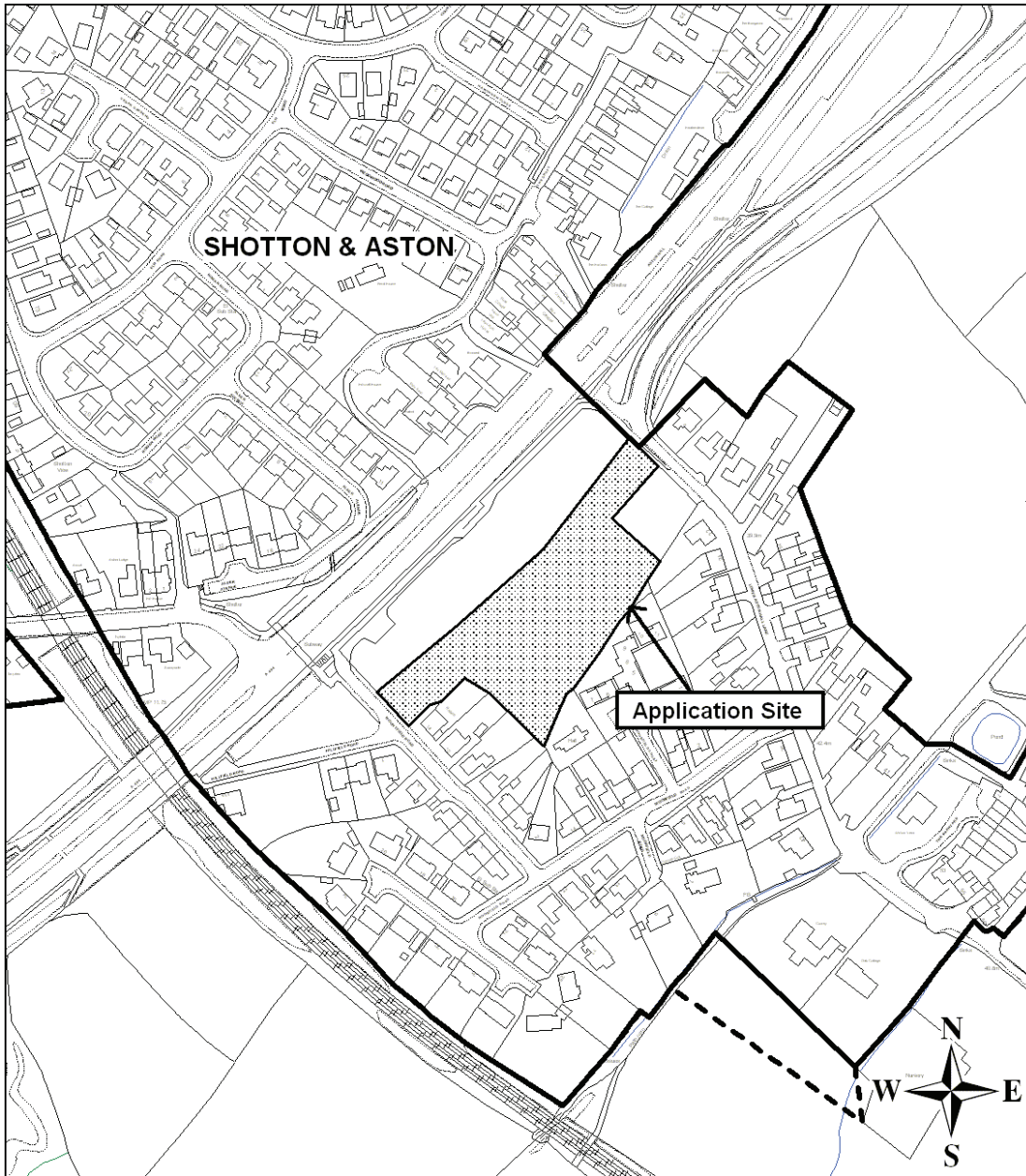
Infrastructure and other matters

- 10.24 Dwr Cymru/Welsh Water have no objection to the proposals and request the imposition of conditions relating to the proposed means and methods of drainage upon the site. I propose to condition accordingly.
- 10.25 I am advised by the Head of Leisure Services that on site provision of recreation and play facilities is not deemed necessary in this instance and that the developer should be required to pay a commuted sum of £733 per dwelling in lieu of on site provision with such sum being utilised to upgrade existing facilities in the community. I propose that this requirement be address via the applicant being required to enter into a Section Agreement to this effect.

8.00 CONCLUSION



- 8.01 The proposed development is considered acceptable having regard to the applicable policies and the terms of the previous grant of outline planning permission, subject to a legal agreement under S.106 and appropriately worded conditions.
- 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: Glyn D Jones
Telephone:
E-Mail: glyn_d_jones@flintshire.gov.uk



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

Key to Settlement Boundaries

-  Alyn & Deeside Local Plan Settlement Boundary
-  North Flintshire Local Plan Settlement Boundary
-  Emerging Flintshire Unitary Development Plan Settlement Boundary

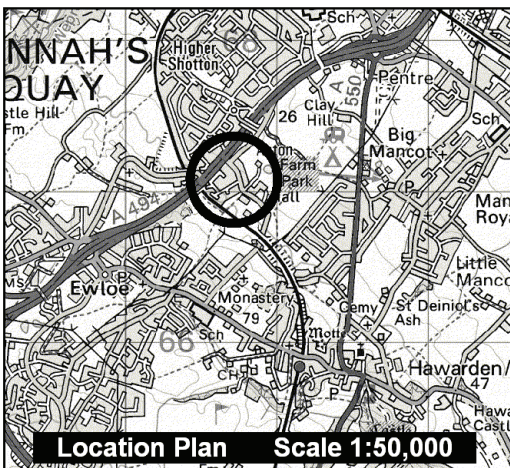
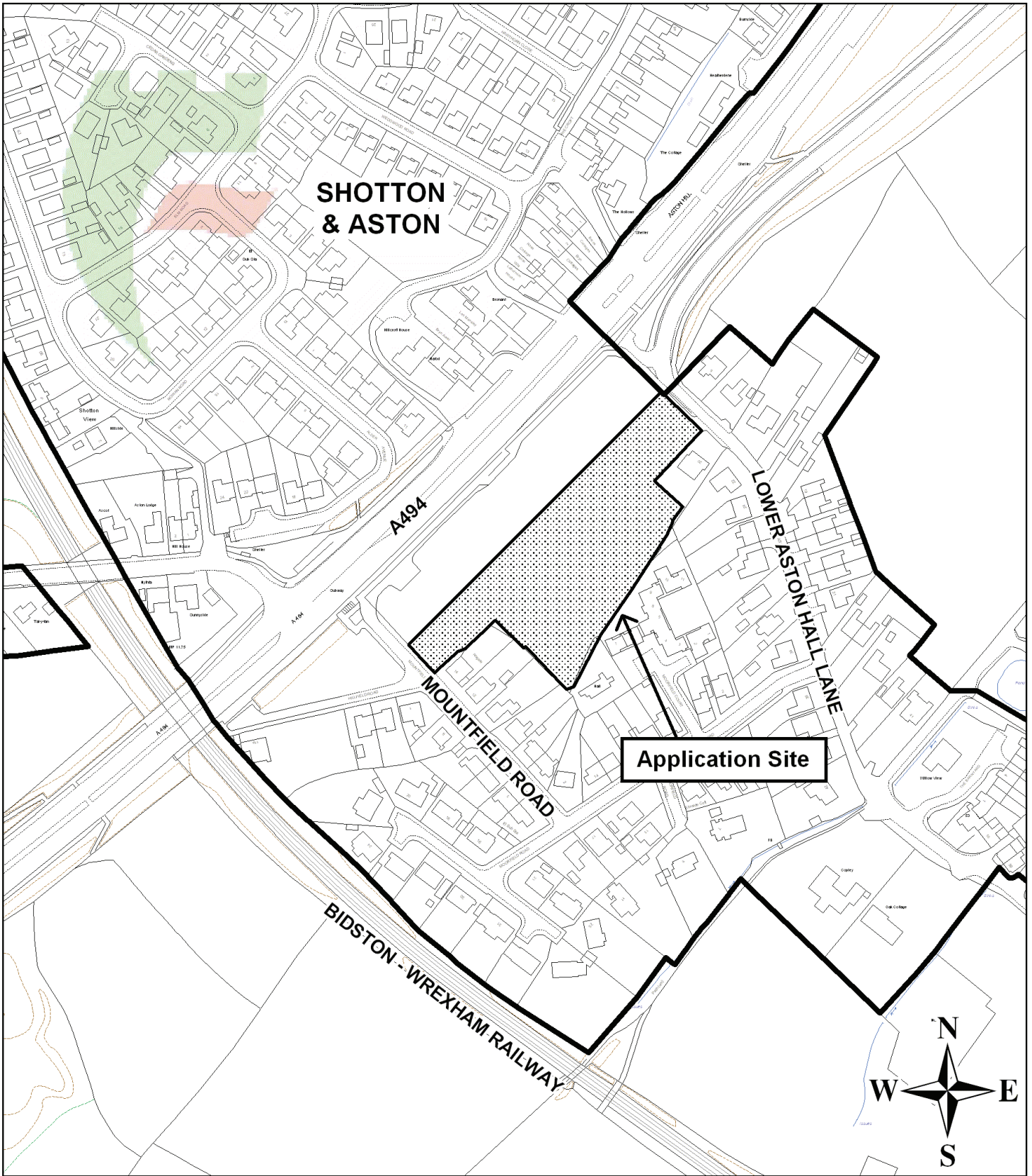
This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2010.

Map Scale 1:2500

Ordnance Survey Sheet SJ 3067

Planning Application 47780

This page is intentionally left blank

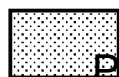


Environment Directorate,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
Development Plan
Settlement Boundary



Application Site Extent

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2013.

Map Scale 1:2500

OS Map ref SJ 3067

Planning Application **47780**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **11TH DECEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY J & T GIZZI BUILDERS LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A PART RETROSPECTIVE APPLICATION FOR THE CREATION OF A TRACK/DRIVE USING AN EXISTING ACCESS POINT OFF A55 SLIP ROAD INCLUDING THE EXCAVATION AND REMOVAL OF SOIL/CLAY AND REPLACE WITH HARDCORE AT SPRINGFIELD, NORTHOP ROAD, NORTHOP.**

1.00 APPLICATION NUMBER

1.01 050002

2.00 APPLICANT

2.01 J & T GIZZI BUILDERS LTD

3.00 SITE

3.01 SPRINGFIELD
NORTHOP ROAD
NORTHOP

4.00 APPLICATION VALID DATE

4.01 4TH OCTOBER 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 for the part retrospective application for the creation of a track/drive using an existing access point off A55 slip road including the excavation and removal of soil/clay and replace with hardcore at Springfield, Northop Road, Northop by the Head of Planning under delegated powers. The appeal was held by way of Written Representation and a site visit. The Appeal was DISMISSED.

6.00 REPORT

6.01 Preliminary Matters

During the Inspectors site visit he noted that a base course topped with an aggregate surface was in place for some distance adjacent to the field boundary with the A55 westbound exit slip road and although the description of the development that appeared on the Council's decision notice and used by the appellant in the appeal form states "Part retrospective application for the creation of a track/drive using an existing access point off A55 slip road including the excavation and removal of soil/clay and replace with hardcore", the appellant argued that the planning application did not seek retrospective planning permission. The Inspector has therefore determined the appeal on its merits based on the description given in the planning application as "Creation/enhancement of existing track/drive. Excavation & removal of soil/clay and replace with hardcore".

6.02 Introduction

The Inspector considered that the main issue in the case was the effect of the proposal on the character and appearance of the surrounding rural area.

6.03 Appeal Site/Surrounding Area and Policies

The Inspector noted that appeal relates to land outside a settlement boundary and policies that relate to development in the countryside are relevant in these circumstances. The Flintshire Unitary Development Plan [UDP] indicates that, other than in very specific circumstances, new development will generally not be permitted in the open countryside. The proposal is in a landscape characterised by small hedge lined fields and tree belts. Whilst the A55 dual carriageway is immediately to the north and a large golf complex to the west, the area is predominantly rural in character.

6.04 The proposal would use the existing access point directly off the road linking the B5216 and the A55 exit slip road. This access formed part of the original access track to a dwelling (Springfield). Having disposed of land that included the route of the access track, Springfield has no vehicular access and is not occupied. In general terms the Inspector accepted the principle that a suitable vehicular access is required to serve Springfield and the agricultural land. It is not unreasonable to regard such development as falling within the terms of UDP Policy GEN3.

6.05 The proposal would utilise an easement along the edge of an open field to link some 12 acres of agricultural land in the appellant's ownership and Springfield with the public highway. This 400m easement runs parallel with the boundary fence adjacent to the A55 slip road. The appellant has confirmed that the easement was 5m wide. However, the material submitted with the planning application and the appeal submissions refer to a 6m wide easement. The Inspector did not however consider this difference in width was crucial to his decision.

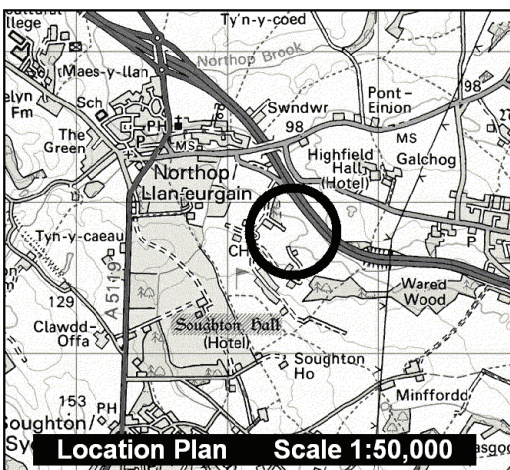
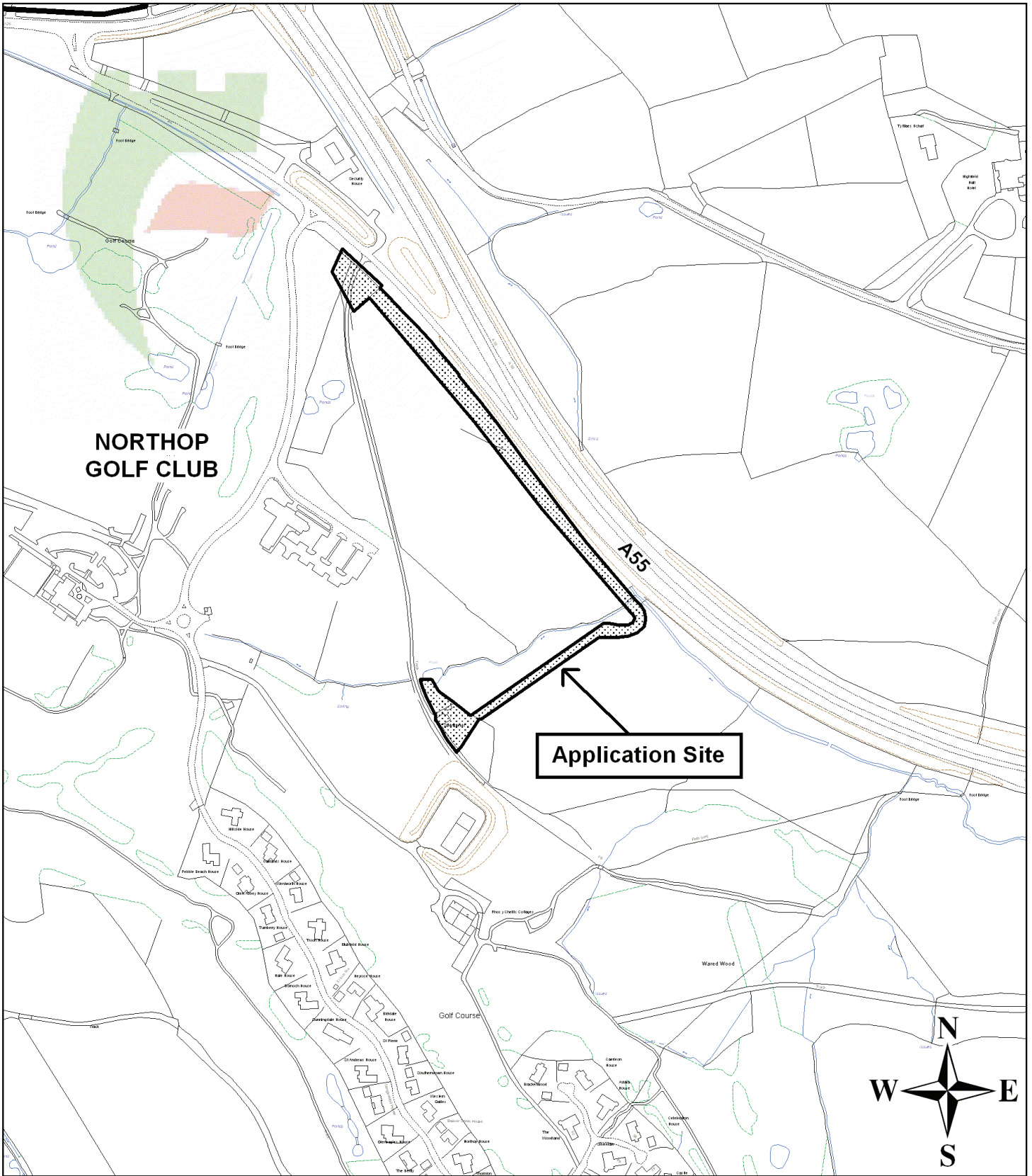
- 6.06 Apart from the excavation work and filling that had already taken place, the Inspector saw no evidence of a track leading to the adjoining agricultural land or to Springfield on the alignment of the easement. There was however, a natural break in the hedgerow between the two fields which includes a crossing over a small brook. This was clearly the historic access point between the two fields.
- 6.07 There is a large willow tree at the point at which the proposed track would cross between the two fields. This willow forms part of a substantial tree belt alongside the A55 that makes a significant contribution to the landscape character of the area. In the Inspectors opinion the removal of this tree would unacceptably weaken the tree belt to the detriment of the landscape character of the area.
- 6.08 The proposed track would cross an open field that slopes gently upwards from its boundary with the A55 to Springfield. The route pays no heed to the position of the nearby hedgerow and I consider the route would appear as a brutal scar seriously undermining the rural landscape.
- 6.09 The submitted plans and Design and Access statement indicates the track having a constant width. However, the appeal submissions indicate that it is envisaged that the track would be about 3 metres in width for the most part extending to a maximum of 4 metres to allow for the provision of passing places. No details of the number or location of these passing places has been provided. The appeal submissions also referred to additional hedgerow planting, fencing and more substantial mitigation planting. Again no details have been provided.
- 6.10 The Inspector did not consider that additional landscaping would overcome the inappropriate alignment of the track through the appellant's field or overcome the harm caused by the removal of the willow tree. It was his opinion that none of these matters could be adequately resolved by imposing conditions as suggested by the appellant.

7.00 CONCLUSION

- 7.01 For the above reasons the inspector concluded that the proposal would resulting in an incongruous and jarring development in the open countryside. This would cause unacceptable harm to the character and appearance of the surrounding rural area and would be contrary to UDP Policy GEN1 and L1. On that basis He DISMISSED the Appeal.

Contact Officer: Kathryn Y Taylor
Telephone: 01352 703274
Email: Kathryn_y_taylor@flintshire.gov.uk

This page is intentionally left blank

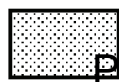


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2013.

Map Scale	1:5000
OS Map ref	SJ 2567
Planning Application	50002

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **11TH DECEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR. STEPHEN DALE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A PROPOSED LOFT CONVERSION WITH SIDE DORMER AT 50 HIGHLAND AVENUE, QUEENSFERRY – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 050542

2.00 APPLICANT

2.01 MR STEPHEN DALE

3.00 SITE

3.01 50 HIGHLAND AVENUE
QUEENSFERRY
DEESIDE

4.00 APPLICATION VALID DATE

4.01 22nd February 2013

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 for the proposed loft conversion with side at 50 Highland Avenue, Queensferry, Deeside by the Head of Planning under delegated powers. The appeal was held by way of Written Representation and a site visit. The Appeal was DISMISSED.

6.00 REPORT

6.01 Introduction

The inspector considered that the main issue in the case was the effect the proposal would have on the street scene along Highland

Avenue.

6.02 Appeal Site and Surrounding Area

The Inspector noted that the proposal related to a bungalow in a residential area characterised predominantly by bungalows of varying design. Some of the bungalows have dormer extensions that extend above the original ridge line. The extensions vary in scale and design with some being on a single roof plane and others on both sides.

6.03 He considered that extending the dormers above the ridge line unbalances the scale and simple design of the parent building and in his opinion results in an incongruous and unbalanced development. He considered the dormers disrupt the simple roofscape in the area and are visually harmful to the street scene.

6.04 The planning permissions that he had been referred to as part of the appeal process were granted before the Flintshire Unitary Development Plan (UDP) was adopted in September 2011. Whilst He acknowledge that the appellant wanted to reflect what has already occurred on other similar buildings, He considered those extensions were on a minority of the dwellings in the area and it would not be appropriate to exacerbate this harm to the street scene with further development of a similar nature.

6.05 Policy

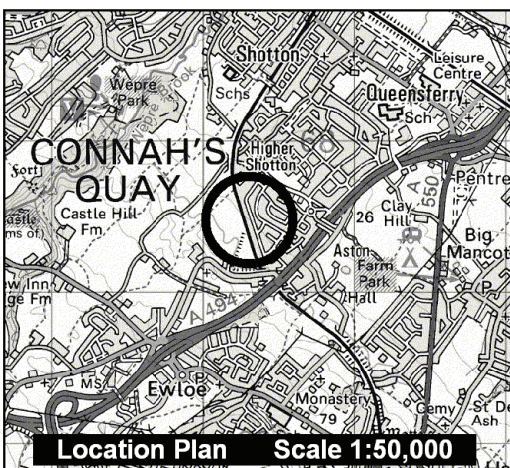
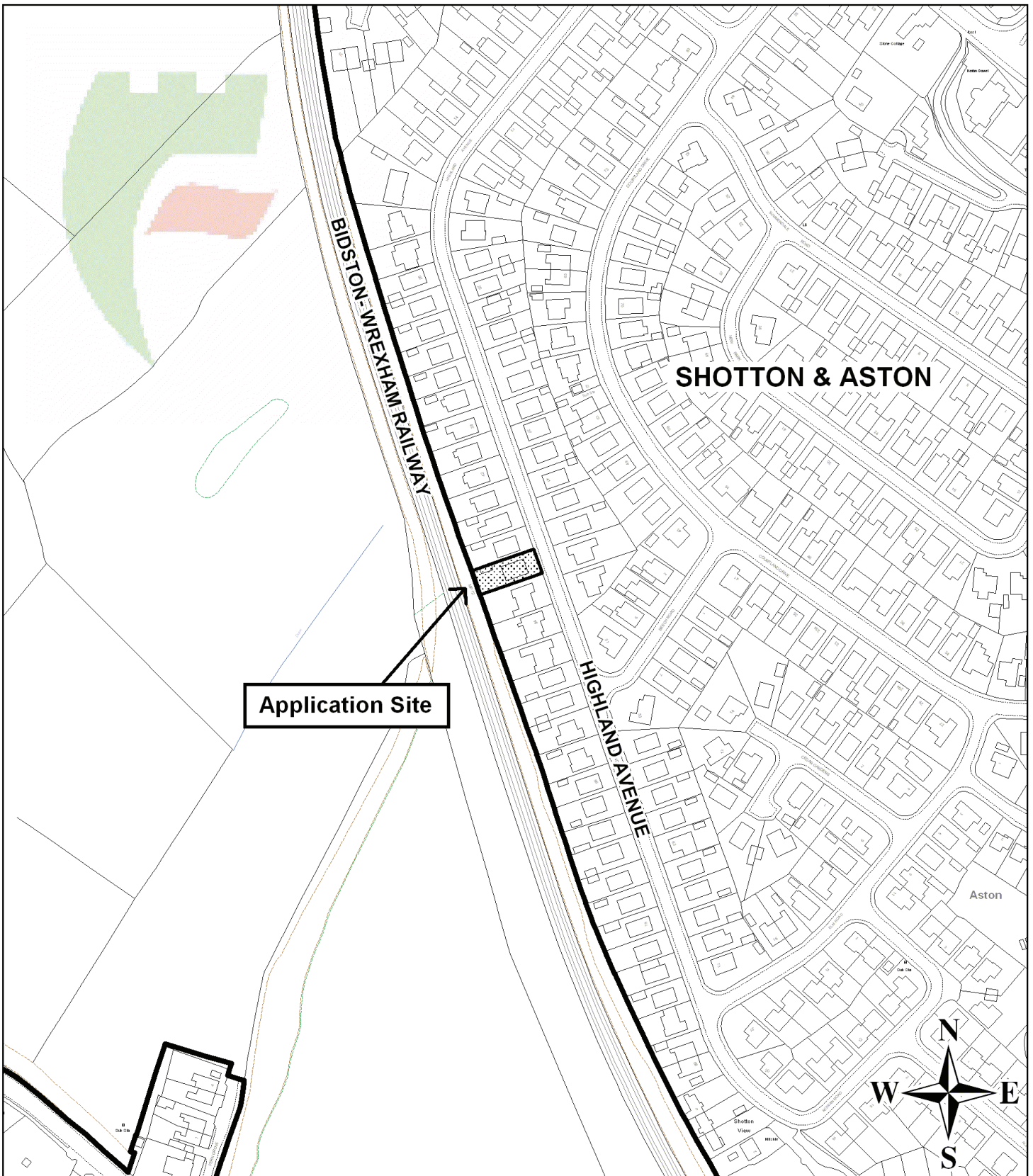
For this reasons He concluded that the scale, design and appearance of the proposed extension would not be in harmony with its surroundings as required by Unitary Development Plan Policy GEN1. General Requirements for Development. Further more he considered the poor design would be contrary to UDP Policies D1 Design Quality, Location and Layout and HSG12 House Extensions and Alterations.

6.06 He acknowledged the appellant's reasons for wanting to enlarge the dwelling, but did not consider they justified the proposal that was before him.

7.00 CONCLUSION

7.01 Consequently and having regard to all other matters raised, including the representations made by the occupiers of a neighbouring dwelling the Inspector concluded that the appeal should be DISMISSED.

Contact Officer: Kathryn Y Taylor
Telephone: 01352 703274
Email: Kathryn_y_taylor@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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2013.

Map Scale 1:2500

OS Map ref SJ 3067

Planning Application 50542

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **11th DECEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR. K PARTINGTON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A DISABLED THREE BEDROOM BUNGALOW AND GARAGE ALONG WITH DISABLED ACCESS AT 45 BROUGHTON HALL ROAD, BROUGHTON - DISMISSED**

1.00 APPLICATION NUMBER

1.01 050545

2.00 APPLICANT

2.01 MR K PARTINGTON

3.00 SITE

3.01 LAND ADJACENT TO 45 BROUGHTON HALL ROAD, BROUGHTON

4.00 APPLICATION VALID DATE

4.01 25.02.13

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 for the proposed erection of a three bedroom bungalow for a disabled person on land adjacent to 45 Broughton Hall Road. The application was refused by Planning and Development Committee contrary to officer recommendation. The appeal was dealt with by written representations and was DISMISSED.

6.00 REPORT

6.01 Issues

The Inspector considered that the main issue was whether the arguments in support of the proposed dwelling are sufficient in this

case to justify an exception to policies designed to control the rate of cumulative growth in the settlement.

6.02 Principle of development

The Inspector acknowledged that Broughton is identified as a category B settlement and Policy HSG3 is generally supportive of further housing development. However, if additional development would cumulatively result in more than 15% growth, a proposal would need to be justified on the grounds of housing need. Since the present growth rate for Broughton is 17%, it is necessary for the proposal to be justified in terms of housing need.

6.03 The Inspector noted that the Council indicates that housing to meet the special needs such as for a physically disabled person can fall within the description of 'local housing need'. He found no reason to take a different view. Mr Partington is wheelchair bound and has limited mobility. He is a local person and lives in the bungalow that includes the garden area where the proposed bungalow would be sited. The Inspector recognised that the officer report to the Planning and Development Control Committee accepted that the current dwelling was not suitable for Mr Partington's needs and recommended that planning permission should be granted, subject to conditions and a section 106 agreement. However, the Inspector noted that the Planning and Development Control Committee did not consider the information provided was sufficient to justify the proposal and the application was refused.

6.04 The Inspector states that robust evidence is necessary to support a development that would exceed the growth limit identified in Policy HSG3. He did not consider the evidence before him was sufficient to substantiate the assertion that the existing adapted bungalow can no longer meet the appellant's needs. The submissions do not provide adequate details to show how the existing dwelling is deficient and why they can only be addressed in a new building. The Inspector acknowledged that the appellant may have to find alternative accommodation whilst further works to the dwelling are undertaken, but he did not consider this, in itself, was sufficient reason to justify granting planning permission for a new dwelling.

7.00 **CONCLUSION**

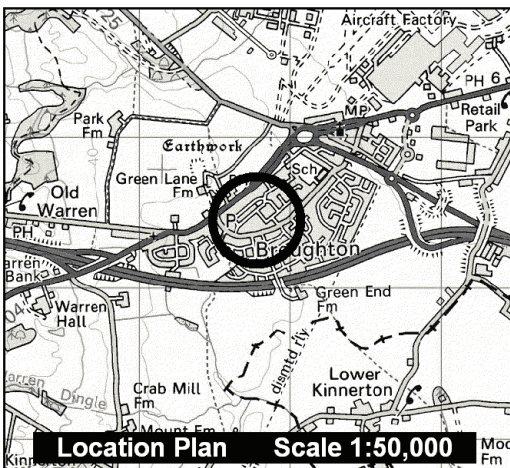
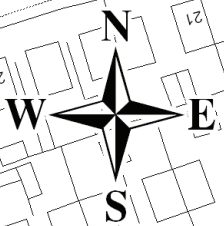
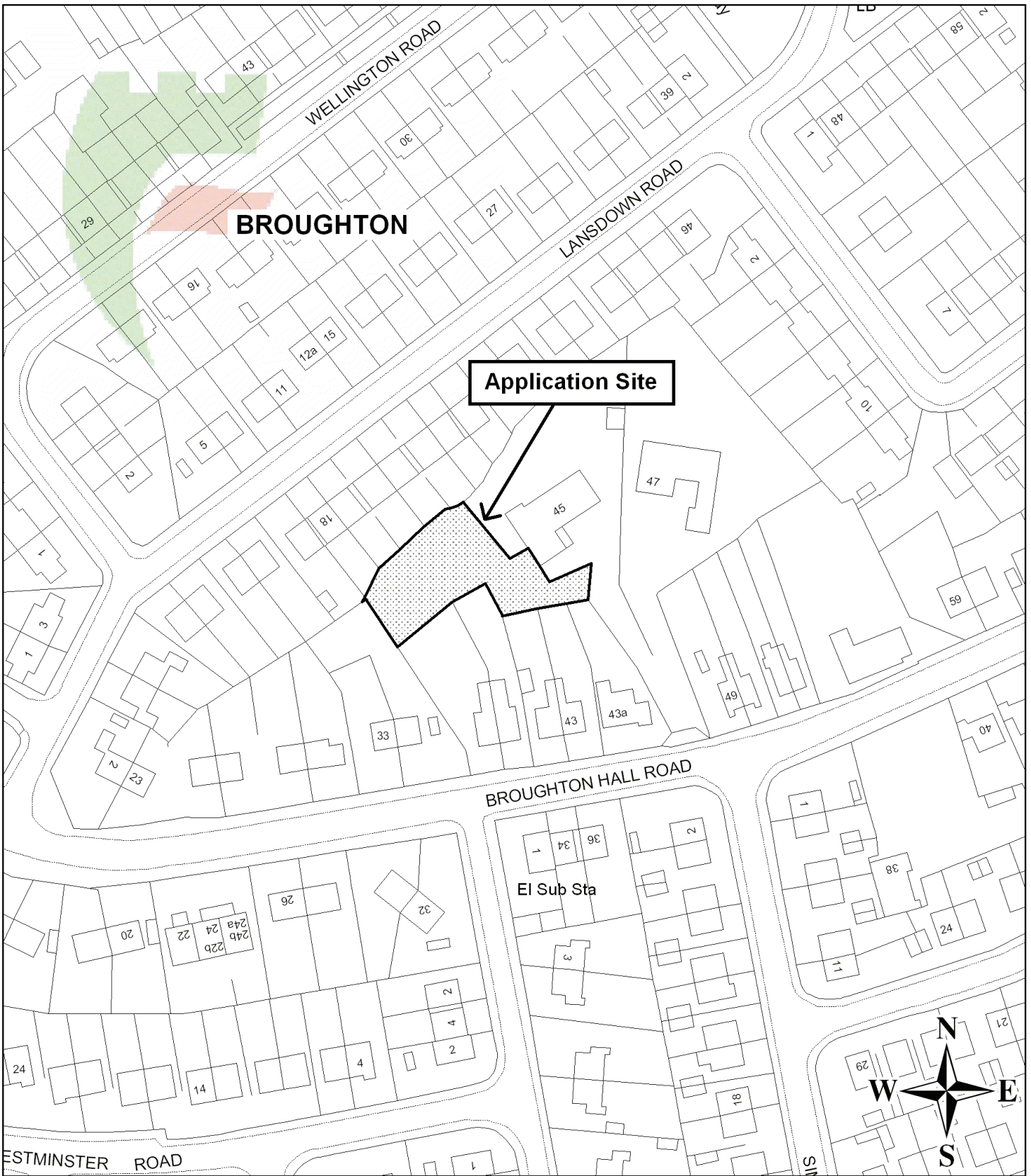
7.01 For the above reasons the Inspector concluded that the arguments in support of the proposed dwelling were not sufficient to justify an exception to policies designed to control the rate of cumulative growth in the settlement and the proposal does not accord with UDP Policy HSG3.

7.02 The applicant has since submitted a subsequent application (051040) with further information to justify how the existing dwelling no longer meets the appellant's needs which was approved by this Committee

subject to a legal agreement on 9th October 2013.

Contact Officer: Emma Hancock
Telephone: (01352) 703254
Email: emma.hancock@flintshire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2013.

Map Scale	1:1250
OS Map ref	SJ 3363
Planning Application	50545

This page is intentionally left blank