

# Public Document Pack

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Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr David Wisinger (Chairman)

CS/NG

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

4 March 2014

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Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 12TH MARCH, 2014 at 1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **AGENDA**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 1 - 20)

To confirm as a correct record the minutes of the meeting held on 12<sup>th</sup> February 2014.

- 5 **ITEMS TO BE DEFERRED**

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

6 **REPORTS OF HEAD OF PLANNING**

The report of the Head of Planning is enclosed.

**REPORT OF HEAD OF PLANNING**  
**TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON**  
**12<sup>TH</sup> MARCH 2014**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
6.1	051105 - A	Full Application - Erection of 23 No. Dwellings and Associated Works on Land at (Side of Ffordd Hengoed), Upper Bryn Coch, Mold (051105) (Pages 21 - 40)
6.2	051534	General Matters - Change of Use of Agricultural Land to a Graveyard on Land Rear of 10 Crompton Close, Higher Kinnerton (051534) (Pages 41 - 44)
6.3	051424 - A	Full Application - Construction of 13 No. Detached Houses and Associated Works at Land to the Rear of Rock Bank, Main Road, New Brighton (051424) (Pages 45 - 54)
6.4	050613 - R	Full Application - Erection of 36 No. Affordable Dwellings with Associated Parking, Access, Habitat Creation and Public Open Space on Land at Llys Ben, Northop Hall (050613) (Pages 55 - 80)
6.5	051482 - A	Full application for the erection of 35no. class C3 dwellings including associated landscaping and formation of new access from Cymau Lane at "Abermorddu CP School", Cymau Lane, Caergwle, Wrexham (051482) (Pages 81 - 92)
6.6	051481 - A	Application for Removal of Condition No. 14 of Previously Approved Planning Permission Ref: 047624 at Dovedale, Alltami Road, Buckley (051481) (Pages 93 - 100)
6.7	051325 - A	Outline Application - Demolition of Existing Public House, Betting Office and Dwelling and Erection of 5 No. Apartments at 11 High Street and Bagillt Arms, High Street, Bagillt (051325) (Pages 101 - 108)
6.8	050965 - A	Full Application - Regularisation of Existing Equipment Store at Mountain Park Hotel, Northop Road, Flint Mountain, Flint (050965) (Pages 109 - 114)
6.9	051580 - A	Full Application - Erection of 3 No. Class B1 Industrial Units and Associated Car Parking and Amended Vehicular Access at Billy Jeans Cafe, Unit 2, The Haven Garage, The Nant, Pentre Halkyn (051580) (Pages 115 - 124)
6.10	051686 - R	Full Application - Erection of a Detached Garage Block Incorporating Home Office and Workshop at 2 Ty Uchaf, Cefn Road, Cilcain (051686) (Pages 125 - 130)
6.11	051084 - A	Full Application - Conversion of Rear of Former Church to Two Bed Apartment at Former English Conagregational Church, High Street, Bagillt (051084) (Pages 131 - 138)

Item No	File Reference	DESCRIPTION
<b><u>Appeal Decision</u></b>		
6.12	050657	Appeal by Mr. Andrew Lewis Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of a Hay Bay for Storage of Hay Products on Site at Field on Swan Lane Opposite The Cuppins, Pentre-Bach, Nercwys (050657) - ALLOWED (Pages 139 - 144)



## PLANNING & DEVELOPMENT CONTROL COMMITTEE

12 FEBRUARY 2014

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held in the Council Chamber, County Hall, Mold CH7 6NA on Wednesday, 12th February, 2014

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

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

### **SUBSTITUTION:**

Councillor Mike Lowe for Billy Mullin

### **ALSO PRESENT:**

The following Councillor attended as local Member:  
Councillor Phil Lightfoot – agenda item 6.3

The following Councillors attended as observers:

Haydn Bateman, Marion Bateman, Amanda Bragg, Veronica Gay and Dennis Hutchinson

### **APOLOGY:**

Planning Strategy Manager

### **IN ATTENDANCE:**

Head of Planning, Development Manager, Senior Engineer - Highways Development Control, Team Leader, Senior Planners, Senior Minerals and Waste Officer, Planning Support Officer, Democracy & Governance Manager and Committee Officer

Prior to consideration of the agenda, Councillor Richard Jones referred to the draft conditions that he felt were of use to Members, which were usually placed in Member Services. He queried why they had not been provided since November 2013. The Development Manager indicated that they had been sent to Member Services on the previous Friday and the Democracy & Governance Manager indicated that enquiries would be made as to where they had been placed.

## 139. **DECLARATIONS OF INTEREST**

Councillor Christine Jones declared a personal interest in the following application as her son-in-law was an Undertaker:-

**Agenda item 6.3 – Full application – Change of use of agricultural land to a graveyard on land rear of Crompton Close, Higher Kinnerton (051534)**

Councillor Mike Peers declared a personal and prejudicial interest in the following application as his son was an employee of the applicant:-

**Agenda item 6.4 – Erection of 16 No. dwellings to include 6 No. 2 bed houses, 6 No. 1 bed apartments and 4 No. 2 bed apartments at Starlights Social Club, Sealand Avenue, Garden City (051518)**

140. **LATE OBSERVATIONS**

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

141. **MINUTES**

The draft minutes of the meeting of the Committee held on 15 January 2014 had been circulated to Members with the agenda.

**RESOLVED:**

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

142. **ITEMS TO BE DEFERRED**

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

143. **FULL APPLICATION - CONVERSION OF REDUNDANT PUBLIC HOUSE INTO 5 NO. ONE BEDROOMED FLATS AT RED LION INN, LIVERPOOL ROAD, BUCKLEY (051403)**

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

The officer detailed the background to the report and explained that there would be minimum change to the exterior of the building. The site was in the settlement boundary of Buckley and Policy S11 indicated that the development which would lead to the loss of a public house which performed a social as well as an economic role would only be permitted where similar facilities existed in the neighbourhood or where this was not the case, the property had been advertised at a reasonable price for sale or lease in its existing use for a period of at least one year without success. A petrol station and associated facilities situated across the road from the site performed a social role and whilst there were no public houses in the close proximity, there were several public houses within Buckley and Ewloe. The officer referred to the additional marketing information in the late observations but as it was considered that criteria A of the policy was met it was not necessary for the property to satisfy the marketing test of criteria B or to assess its commercial viability. On the issue of access and parking, the proposed parking area would be sited to the front of the public house and improvements would be carried out to the highway and the existing bus stop. There was minimal change to the exterior of the building which would be retained and there was therefore no reason to refuse the application.

Mrs. S. Smith spoke against the application and indicated that she had been advised that planning permission was a foregone conclusion. She queried whether the land proposed for additional parking belonged to the Red Lion or the Council and raised concern about the access to the site which was on a blind bend. There was no provision for disabled parking and if the building was converted into flats, the proposal would not provide employment that had been available when it was a public house. It was a great loss to the community and even though it had been extremely popular in the past, it had recently been allowed to become run down. Mrs. Smith felt that the building was of historic interest only yards from the Buckley Heritage Trail and the Red Lion public house had been an asset to the community for 200 years.

The Democracy & Governance Manager reminded Members that the issue of land ownership was not a material planning consideration.

Mr. David Williams, the agent for the applicant, spoke in support of the application. He provided a brief history of the application and said that there had been a number of objections to the scheme but that there were 16 public houses within a two mile radius and the public house had been marketed by an agency for over 12 months. The exterior of the building would remain unchanged except for the introduction of three windows and internally the building would comprise of five one bedroomed flats and there would be a communal space at the rear of the building. Highways were satisfied with the proposals and had indicated that the proposed car parking spaces were sufficient. There had been suggestions that the work had already commenced but Mr. Williams said that this was untrue as all that had been done was the removal of the smoking shelter. He felt that the application complied with policy.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. Councillor Halford said that the Red Lion public house had not been a viable operation due to the number of pubs in the area. She referred to the permission granted to open the Running Hare public house in Ewloe and said that she would prefer that a use be made of the building to prevent deterioration. Councillor Gareth Roberts felt that it was sad when pubs of character closed but he added that there was no reason to refuse the application. A car park was to be provided and the building would be retained and therefore the correct decision was to approve the application. Councillor Chris Bithell said that lifestyles had changed and referred to pubs that had failed due to issues with the breweries and added that if facilities were not used, they would close. He raised concern about the distance of the nearest pub from the site as this would result in people not being able to walk there. The building was not worthy of listing and the proposals suggested would result in minimal changes to the exterior of the building and would provide car park spaces. He queried whether the number of spaces met the Council's guidelines and asked how many spaces would be provided in the additional area.

Councillor Richard Jones felt that Policy S11 needed to be tightened as he felt that it was difficult to prove. He said that there were sufficient one bedroom properties in Buckley, some of which were empty, so queried why this development was needed, but he added that it was difficult to find a reason for refusal. Councillor Carol Ellis said that the pub had been very busy in the past but said that it was alleged that the brewery had increased the price of alcohol

which had not been sustainable for the pub. She referred to planning permission for residential development on a site across the road at Castle Garage and said that no mention had been made of the potential conflict on the highway due to the blind bend which could have significant implications on highway safety. She concurred that there were sufficient one bedroom properties in Buckley and queried whether the building was large enough to provide five one bedroom flats. The social aspect could not be replaced with the garage and shop across the road from the site and Councillor Ellis referred to the interpretation of the policy and that she would vote against the proposal.

Councillor Neville Phillips drew attention to inconsistencies in the report and referred to a similar development in Broughton which had to be advertised for 12 months for residential development because there were no properties on the same side of the road; he queried where the nearest properties on the same side of the road to this site were. Councillor Derek Butler referred to the same development in Broughton and indicated that it was still empty. He queried whether the whole of the additional car parking area was being utilised in the application or whether it would be subject to further development. Councillor Owen Thomas queried whether a change of use application needed to be submitted prior to this application. Councillor Mike Peers queried whether the comment in the late observations about the pub being marketed for 18 months had been verified as the policy indicated that it should be adequately marketed at a reasonable price. He did not accept the argument that the Running Hare in Ewloe had impacted on the Red Lion public house and queried whether criteria A of Policy S11 had been met. In referring to car parking spaces, he asked if six was sufficient for the number of flats and requested that permitted development rights be removed to prevent any further building on the site.

In response to the comments made, the officer confirmed that Policy S11 had been complied with and reiterated that the site was in the settlement boundary of Buckley and that there were other facilities close by and a bus stop outside. On the issue of marketing, as the first criteria had been met, there was no requirement for the second test so verification of the comment in the late observations was not necessary. The parking area was all within the application site and the extra area would also be available. The standards were maximum standards and as there was a bus stop outside the site, this was a sustainable location.

The Senior Engineer - Highways Development Control confirmed that there were no objections from Highways subject to conditions and she confirmed that the access to be used already existed. The maximum standards for parking was 1.5 spaces per unit so it complied with policy and it was a sustainable location due to the provision of the bus stop and the provision in the application for cycling facilities. The Senior Engineer - Highways Development Control confirmed that there was an extant permission on the opposite side of the road to this site but she did not feel that this would create a conflict.

The Development Manager confirmed that there would be opportunity to consider Policy S11 in the context of the LDP but added that the application had been assessed in accordance with how the policy had been written. The site was part of the larger settlement and therefore complied with policy. On the issue of suitability, officers were satisfied that the building was suitable to provide the five



flats and the applicant was aware of the sensitivity of the building and had proposed minimal changes to the exterior of the building. A condition could not be imposed to prevent building on the site proposed for additional parking but any application to build on that area would need to be considered on its own merits. He added that a separate change of use application was not required.

**RESOLVED:**

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

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

144. **LANDFILL TO RAISE LEVEL BY APPROXIMATELY 1 M AND SUBSEQUENT RAISING OF HEIGHT OF AGRICULTURAL BUILDING AT JUNCTION OF A541/TARMAC QUARRY, DENBIGH ROAD, RHYDYMWYN (050809)**

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 10 February 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that this was a partially retrospective application for proposals that were required to prevent the site from flooding. The building had been in place some time before 1992 and the application had come forward because of Enforcement Team action. The main issues included:-

- the principle of the proposal and flood risk
- Contamination of surrounding water courses
- the impact on the Right of Way
- restoration and aftercare
- ecology, biodiversity and European protected species

On the issue of flooding, the officer said that Natural Resources Wales (NRW) had been consulted and they had undertaken modelling of the area which had identified that the proposal would not result in any third party harm of flooding elsewhere subject to the landraise area being no greater than 650m<sup>2</sup>. The material that was proposed to raise the level of the land would allow water to percolate through it and would therefore alleviate the flooding issue. Photographs had been circulated at the site visit which were taken in 2000 and the officer advised that the Environment Agency had invested £90k on flood defences since then and there had not been any flooding since then so the photographs should be disregarded as they were not a material consideration. The officer explained that NRW were satisfied that the construction material that was to be used would not cause contamination in the area. The public right of

way was not shown on the definitive map but the statement that accompanies the map indicates that the footpath extends through the application site. Therefore, the exact line of the right of way is uncertain. The anomaly on the definitive map would be rectified by the County Council adding a line to the definitive map under a separate statutory process. Should the existing building prove to cause an obstruction of the right of way, this could be rectified by way of a diversion under a separate statutory process outside of the planning process so was also not material to this application. However, what was material was whether the proposal affected the use of the right of way but as this would raise its level the proposals would be beneficial.. The application was retrospective and not finished but would require an additional 130 tonnes of material to be brought in to complete the restoration which would increase the height by approximately 10cm. The applicant had not yet decided whether the finish would be grass or concrete but as no objections had been received from statutory consultees and the two letters of objection related to the impact on the public footpath, there was no evidence or reason to refuse the application.

Mr. H. White spoke against the application as a footpath user and member of the Rambler's Association. The right of way was not shown on the definitive map and therefore there was a degree of doubt about the route of the path. He felt that it had been missed off because of the community boundary and that it was not clear if the proposal would affect the right of way. He felt that there were inconsistencies in the report as one section said that the path was obstructed but it was also reported that the proposal would be of benefit as it would raise the land. He sought clarification as to whether the building affected the line of the path and said that he would work with the applicant on the route of the path to achieve what the applicant wanted and to get it on the map. Mr. White asked that the application be deferred if there was any doubt about the path or that it be delegated to officers to clarify the issue of the right of way.

Mr. J.R. Jones, the applicant, spoke in support of the application, and in referring to the site visit, said that the Committee would have been able to see the issue of the flooding and why there was a need to raise the ground and the floor level of the building. He had owned the land for 20 years and the building, which had now become unusable, had been in place for over 28 years and the area had always been prone to flooding but not at the current levels. Mr. Jones said that he had been granted a licence in 2010 to tip inert rubbish on the site and this had been monitored by the Environment Agency. Meetings with the Environment Agency had been undertaken and a site visit had been carried out by the Council's Enforcement Team and the Environment Agency about the flooding. A site meeting had also been undertaken by DEFRA. Until he received a letter from DEFRA indicating that they felt that he had enough material on site to raise the level, he had not been told to stop the work being undertaken. Mr. Jones felt that the concerns of Cilcain Community Council about contamination had been addressed in the NRW report. On the issue of the footpath he said that it was a straight line to the stile with no obstructions.

Councillor Mrs. Butlin from Cilcain Community Council spoke against the application which she said was a development on a flood plain. She referred to the areas of Hendre and Rhydymwyn which had flooded in 2000 which had increased the residents' insurance premiums. This landfill would prevent floodwater of the land earmarked by NRW as floodplain in this area and

Councillor Mrs. Butlin referred to hydraulic modelling of the brook that had been undertaken was inaccurate as it assumed that all culverts had been cleared but this was rarely the case. In referring to the flooding at Glasdir Estate in Ruthin, she said that if this application was approved it would mean that nothing had been learned about flooding in North Wales. Planning should be in the public interest and not what was convenient for the developer.

Councillor Owen Thomas proposed refusal of the application against officer recommendation, which was duly seconded. He said that the report did not provide details of the history of the site and he detailed letters and emails between the Community Council, enforcement officers and the applicant from 2010 to 2012. He said that the application breached the Council's policies about building on a flood plain and he added that the proposal did not benefit from planning permission and that waste was being brought onto the site which was contrary to the Council's Policies. The footpath had been built upon and there was nothing in the report about whether there was any slurry on the site which was agricultural land. Councillor O Thomas referred to para. 3.09 of the officer's report and the material which had been deposited on site in an area of 820m<sup>2</sup> to a depth of 0.8m. Councillor O Thomas asked why the application proposed moving more material onto the site when what was there was already adequate. He felt that more consideration should be given to the people who had had their houses flooded in Rhydymwyn in 2013 and said that what was proposed was unacceptable.

Councillor Richard Jones referred to two issues: raising the land level and raising the height of the agricultural building and said that both of these things would have an effect on the modelling undertaken by NRW. He accepted that removal of the building could not be enforced as it was classed as lawful development but as the building was being raised it was effectively being moved and he queried whether this should result in the loss of the lawful development status. He agreed that the application should be refused.

Councillor Alison Halford felt that the report fell short on the issue of the footpath and queried how many lorry loads would equate to 130 tonnes of material to complete the restoration of the site. She referred to the flooding in the area in 2000 and said that she could not support an application that could allow it to happen again. Councillor Chris Bithell queried whether planning permission was needed for the agricultural building and said that the floods were lower down stream. NRW had initially objected to the proposals but had since withdrawn their objection and he queried what would happen in an appeal situation without the support of NRW. He felt that the issue of the footpath could be resolved through conditions and he asked that this be considered if the application was approved. In referring to the footpath, Councillor Derek Butler acknowledged the comments of Mr. White but said that issues of permissive paths could be negotiated outside of the planning process. He also believed that if NRW were satisfied it would be difficult to refuse the proposal. Councillor Richard Lloyd asked what the field would be used for if the application was approved and, referring to paragraph 7.08, how the applicant was to collect the rainwater from the roof. He also asked how raising the land would improve the footpath.

In response to the comments made, the officer said that assumptions had been made about where the right of way was and how the application affected it

as it was not shown on a definitive map. This would be added to the definitive map by the County Council through the Wildlife and Countryside Act. She said that there were alternative ways to cross the site if it was found that the path went through the building and the diversion of the path could be dealt with through the Highways Act. Flooding in other counties in North Wales was not material to this application but the evidence before Members indicated that NRW had undertaken computer modelling which identified that the proposed material would be permeable and would allow the water to drain through. The applicant had not yet decided what material he would use to complete the restoration of the site if permission was granted but that it would either be covered with soil and seeded or concreted. The history of the site was reported in paragraphs 5.01 to 5.06 even though all of the letters that Councillor O Thomas had referred to had not been included but the investigations had resulted in the application before the Committee. The officer queried which policies Councillor O Thomas felt that the application breached as it was considered that the development would not cause any additional problems and even though the application was retrospective, there was no policy to indicate that it should be refused. On the issue of the material being used, there had been no objections from NRW as it would not cause any contamination and there were no cows on the site, so there would not be any slurry. The officer asked Councillor O Thomas to clarify the figures that he had quoted from Paragraph 3.09 of her report as they did not agree with the information included in the Officer's report.

Councillor O Thomas said that the officer was "not up to scratch". He repeated the figures which were included in the Justification Statement as part of the application that the area was 820 sq metres with a depth of 800mm and the area that had been raised of 620 sq metres and the 100mm to complete the land restoration; he had calculated that this meant that there was already more than enough material on the site.

The officer responded that the Justification Statement was supported by a number of plans and that an area of approximately 27.5metres by 23.75metres equated to a total area of approximately 650 sq metres as detailed in the plan that accompanied the application and that the development needed to be carried out in accordance with this. Modelling had been undertaken on the 650 sq metre area and NRW were satisfied that the works would not cause flooding elsewhere to third parties. The applicant would be asked to peg out the area so that no more material would be brought onto the site than was needed. Between four and seven truckloads of material would be required to get the depth to 100mm and the officer reminded Members that the site had not been finished as the applicant had been asked to stop work which he had done. She confirmed that planning permission was required for an agricultural building and that it was included in this application. The rainwater would be collected in a large water butt and in ditches around the site which would be cleared out.

The Development Manager said that the officer had done admirably. He confirmed that a condition could be imposed about the line of the footpath to allow it to be agreed and safeguarded before any further development took place on the site. The Head of Planning expressed his regret at the comments of Councillor O Thomas and said that it was a professional and thorough report. He said that Flintshire County Council was lucky to be the lead authority in Minerals & Waste planning across North Wales and said that, even though Members may

not agree with the recommendation, there was no need to make accusations against the officer. The Chairman asked that Councillor Thomas withdraw his comment and apologise. Councillor Halford said that she thought that it was unprecedented that a former Chair of Planning had attacked the integrity of an officer; it was not what the Members wanted to hear and she hoped that Councillor O Thomas would offer an apology.

Councillor O Thomas said that he would apologise to the officer but he expressed his frustration that he felt that the report was incomplete.

Councillor Bithell queried whether the applicant was to complete the restoration with concrete, as the officer had indicated earlier. The officer advised that she had mistakenly referred to concrete and the finish would be either soil and grass or 'crusher run' material that would provide a hardstanding surface which would be permeable and that this would be conditioned. She added that the building may not be raised as this would depend on the type of animal that would be housed in it.

In response to a further question from Councillor R Jones about the lawful development status, the officer confirmed that the erection of an agricultural building formed part of the application. The Development Manager said that if Members were minded to refuse the agricultural building they should be mindful that its lawful development status was a material consideration.

In summing up, Councillor O Thomas said that the site was on a flood plain and that in his opinion there was a risk of flooding to Rhydymwyn and Hendre if the application was approved. He referred to a policy which indicated that agricultural buildings should not be built on land of less than two and a half acres and that therefore there should not be a building on the site. He referred to flooding which had occurred in the area in the last 12 months and said that as the Planning Authority was meant to act in the interest of the public, then any works that could be undertaken to prevent further flooding in these areas should be undertaken.

The Democracy & Governance Manager explained that if the proposal to refuse was lost on the vote, then a further vote would be required as there had been mention of what conditions to impose and it was not a straight for or against. There was no evidence in the report to suggest that the proposal would cause additional flooding in the area and this had been confirmed by NRW and therefore the officers did not feel that the proposed reasons for refusal could be defended if the application was refused and the applicant appealed.

Councillor Jones felt that the Committee should be considering the erection of a new building on the site, not just the raising of the existing building and that the application should therefore be refused. The Development Manager advised that the building on the site was immune from enforcement action and that this application involved the re-erection of the building. If the application was refused on the basis that Members did not want a building on the site, they would need to give a reason as to what the difference was compared to what was there before.

On being put to the vote, there was an equality of voting and the Chairman used his casting vote against refusal of the application.

Councillor Bithell then moved approval of the application, which was duly seconded, and requested that a condition be added that the right of way be marked out. Councillor O Thomas proposed an amendment that it also be conditioned that no more material be brought onto the site, that the bund be removed to allow the river to flood and that a condition be included about an assessment of whether there was any slurry on the site.

In response, the Head of Planning said that condition 9 covered the request to have the site marked out and condition 3 indicated that no more waste material was to be imported, however condition 6 referred to the importation of soil or other material to complete the restoration of the site. The removal of the bund did not form part of this planning application and could therefore not be conditioned and the Head of Planning advised that NRW had indicated that the proposal would not have a detrimental impact on the area on the issue of flooding.

Councillor O Thomas queried whether a time limit could be imposed and the officer responded that there was no time limit to implement the development as the application was partly retrospective, however a time could be imposed on the completion of the proposal. The Head of Planning said that a completion limit of 12 months could be supported and conditioned. Councillor O Thomas added that slurry was not allowed to enter the river and that therefore a slurry tank should be put in place. Councillor Bithell confirmed that his proposal could be amended to include the completion of the development within 12 months.

Councillor Carol Ellis referred to the withdrawal of the objection by NRW and queried who would monitor that the landraise area was no greater than 650m<sup>2</sup> and asked whether it could be conditioned to provide assurance to Members. The officer and Head of Planning confirmed that monitoring would be undertaken by the Council.

On being put to the vote, the proposal to approve the application along with the two extra conditions about marking out the right of way and safeguarding it prior to any further development and completion of the development within 12 months was CARRIED.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and the additional conditions to mark out the right of way and safeguard it prior to any further development and to complete the development within 12 months.

145. **FULL APPLICATION - CHANGE OF USE OF AGRICULTURAL LAND TO A GRAVEYARD ON LAND REAR OF 10 CROMPTON CLOSE, HIGHER KINNERTON (051534)**

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 10 February 2014.

The usual consultations had been undertaken and the responses received detailed in the report. Amendments to two paragraphs in the the report were circulated at the meeting.

Mr. E.C. James, the applicant, spoke in support of the application. He explained that other sites had been explored before this site was selected and when planning permission had been granted previously there were no dissenting voices. He stated that only five burials had occurred in the last five years so it was not felt that the use of the site would be excessive. A right of way was required to access the land and only hearses and maintenance vehicles would be permitted to use the access as space for parking for vehicles would not be provided on the site. There were only four graves remaining at the churchyard and therefore this site was required.

The local Member, Councillor Phil Lightfoot, spoke against the application. He said that the map included with the report was incorrectly marked as to the location of the playing field. He raised concern about safety of children with hearses and maintenance vehicles using the access through the play area, which would be difficult to police and said that parking would be an issue on Park Avenue. He queried the definition of a maintenance vehicle and in referring to Policy SR4 on play areas, said that all of the concerns had not been addressed.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He felt that there was no reason to refuse the application and reminded Members that funeral processions passed by Bryn Coch School on a daily basis and that the Mold Alun Grammar School had been situated on the road to Mold Cemetery. He felt that the grounds for refusal were groundless and petty and reiterated that there was no sound reason to refuse the application. Councillor Ron Hampson concurred with the comments made.

Councillor Alison Halford raised concern about the proposal which required an uphill walk to get to the site and said that parking would also be an issue as none was to be provided. She felt that there should be a form of boundary hedging or screening to prevent the children in the playground from seeing the funeral processions and queried whether the application included any disabled access. Councillor Halford felt that other sites would be more suitable for a graveyard.

Councillor Carolyn Thomas concurred and said that there was a need to reconsider the scheme for one that did not cross the play area and asked whether the Play Unit had been consulted. She referred to an access for a bowling club through a play area in her ward which caused concern and which was dangerous.

Councillor Mike Peers queried whether the play equipment on the playground was maintained by Flintshire County Council and queried whether it was in the Unitary Development Plan (UDP) and whether it was classed as open space. He asked how the use of the access would be policed and in highlighting the lack of segregation between the site and the play area, said that he was not able to support the application. Councillor Richard Lloyd requested that a screen between the access and play area be provided if the application was approved along with parking for vehicles of those attending funerals or visiting the graves.

Councillor Christine Jones said that it was not an appropriate site for a graveyard and that there were health and safety concerns. Councillor Halford queried whether the Council would be responsible if a child was injured or killed if the application was approved as it was a Council owned play area.

In response to the comments made, the officer advised that Highways had not submitted any objections to the scheme about traffic generation. The site was outside the UDP and was outside the village envelope. Planning permission had been granted for an identical scheme in 2008 with the only difference being the request for access in this proposal. At that time the Environment Agency had no objections to the scheme and Natural Resources Wales had not submitted any objections subject to conditions for this proposal. The officer confirmed that the Play Unit had not been consulted. The Democracy & Governance Manager advised that liability of the Council was not a relevant planning consideration.

The Development Manager referred to Policy SR4 and said that this proposal would not result in the loss of the play area or any interference with the play equipment on the site and therefore was not in conflict with Policy SR4. Negotiations with Flintshire County Council had taken place about the access and as the Play Unit looked after the play area, they would have been aware of the proposals. In land use terms, the scheme was acceptable and consideration could be given to planting a hedge to screen the play area from the access.

Councillor Ray Hughes raised significant concern about the parking situation saying that the church was four or five hundred metres away and disabled people would not be able to walk to the graves. He queried the access to the allotments and said that the safety of the children was paramount.

In summing up, Councillor Bithell moved approval of the application with an additional condition about the provision of a hedge to screen the play area from the access. In response to the suggestion that a fence should be provided, the Development Manager said that a hedge was more suitable to the open environment of the area and that a fence would look intrusive. He suggested that the detail of the screening be delegated to officers, which Councillor Bithell agreed with.

**RESOLVED:**

That planning permission be refused and a report be brought back to the next meeting with draft reasons.

146. **FULL APPLICATION - ERECTION OF 16 NO. DWELLINGS TO INCLUDE 6 NO. 2 BED HOUSES, 6 NO. 1 BED APARTMENTS AND 4 NO. 2 BED APARTMENTS AT STARLIGHTS SOCIAL CLUB, SEALAND AVENUE, GARDEN CITY (051518)**

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. Councillor Mike Peers, having earlier declared an interest in the application, left the meeting whilst it was considered.



The officer detailed the background to the report and explained that extant permission was in place for 38 apartments on the site. He referred Members to the late observations and the concerns about flood risk under TAN15 where it was reported that what was proposed represented a betterment to the permitted situation in terms of flood risk. A 'Grampian' style condition had also been requested if the application was approved to prevent commencement of the development until such time as the Welsh Government's River Dee Northern Embankment improvement works were completed. The site was owned by Pennaf Housing Group and the proposal was for 100% affordable housing on the site but as there was potential that the site could be sold on, the officer suggested that a scheme of affordability be submitted and agreed prior to commencement.

Councillor Christine Jones proposed the recommendation for approval which was duly seconded. She welcomed the affordable housing element of the scheme and said that the local residents were also looking forward to development of the site. A 'Grampian' style condition was required to prevent any work being undertaken on the site until the works had been completed and Councillor Jones said that there was a need to ensure that there was adequate parking in place on the site.

Councillor Chris Bithell felt that the scheme fitted in with the area and that the area would be enhanced by the development. In response to a question from Councillor Bithell about parking spaces, the officer confirmed that there would be 28 spaces and that this was above the required standard of 27. Cllr G. Roberts expressed his opposition to the application of maximum parking standards.

In summing up, Councillor Jones welcomed the regeneration of the area and the request for a 'Grampian' style condition for flooding and drainage and said that she would like to see work commence as soon as possible.

**RESOLVED:**

That planning permission be granted subject to:-

- the conditions detailed in the report of the Head of Planning;
- a 'Grampian' style condition for flooding and drainage;
- an additional condition requiring a scheme of affordability; and
- subject to the applicant entering either into a Section 106 agreement, providing a unilateral undertaking or the making of an advance payment which provides for the following:-
  - ensure the payment of a commuted sum payment, in lieu of on site public open space provision, of £11728 with such sum being used to upgrade existing open space and recreation facilities within the locality. This sum shall be paid upon the occupation of the 10<sup>th</sup> unit of accommodation.

147. **FULL APPLICATION - RE-PLAN TO PLOTS 124-127, 136-139 AND ADDITION OF PLOTS 172-180 AS AMENDMENTS TO LAYOUT PREVIOUSLY PERMITTED UNDER APPLICATION 049605 AT FORMER LANE END BRICKWORKS, CHURCH ROAD, BUCKLEY (051066)**

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 10 February 2014. 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 said that the application proposed amending some of the dwellings to terraced or semi-detached units. These types of properties had already been completed on the site and were for the general market and affordable housing. There were no objections about overdevelopment on the site or in terms of the relationship to the existing properties and the application was therefore reported for approval.

Mr. S. Stanford spoke against the application on behalf of some of the residents on the site whose properties backed onto the northern edge of the plot. He felt that the proposals would result in significant overdevelopment of the site due to 16 properties being suggested to replace the eight originally proposed and that this would result in the density being over 50 per hectare. The variation to the layout would create excess traffic and would result in an increase in parking problems. Mr. Stanford explained that his property backed onto the northern edge of the plot and would originally have been facing 3 detached houses whereas this proposal would result in his property and those of his neighbours facing a solid façade of eight semi detached or terraced properties with no space between them. This would significantly reduce light to Mr. Stanford's property and would reduce his privacy and light into his garden and would add to the noise in the area. He did not feel that the proposals were in keeping with the rest of the site and that previously the affordable housing properties were spread across both parts of the site but was now proposed to be located in the southern parcel of the site.

Mr. P. Sinclair, the agent for the applicant, spoke in support of the application and said that the changes were proposed due to market demand. There was a much higher demand for smaller affordable homes on the development and the proposed house types were already being built on the development. Mr. Sinclair said that there had been objections about the tenure but the applicant was willing to negotiate the tenure via a Section 106 agreement. The agent had worked very closely with the authority to ensure that the application complied with the standards set for space around dwellings and separation distances and it was felt that the proposal did comply and should therefore be approved.

Councillor Mike Peers proposed refusal of the application against officer recommendation, which was duly seconded. He drew attention to the late observations where six additional comments were reported and provided a response to each of the comments. A breakdown in communication had been highlighted as the reason for the works being commenced prior to formal approval being obtained but Councillor Peers felt that it was the responsibility of the applicant to ensure that the works had stopped and that it should not have started without permission. Councillor Peers did not feel that the replacement properties appropriately replaced the dwellings originally proposed for this part of the site and that consideration had not been given to the residents already living in the development. He felt that tenure of the units was not an issue. He said

that the applicant had permission to build eight detached dwellings on this area of the site but these proposals were to replace them with 16 affordable properties which would result in 32 affordable homes being sited in this area. He highlighted paragraph 7.04 where it was reported that the proposed relocation of the affordable units was based on them being more visually related to the existing development within the southern part of the site given the intention to develop a new 'Abode' housing range within the northern parcel. Councillor Peers said that in his opinion, the developers did not want affordable homes being mixed with the 'Abode' dwellings. It was reported that the development now required 46 affordable homes but Councillor Peers felt that 47 was the correct amount that should be sought. In referring to paragraph 7.12, he said that 80% of the affordable dwellings were proposed to be sited on this parcel of the land and the higher density on this part of the site was overdevelopment and was not compliant with policy HSG8. He also felt that the proposals would create an unsightly communal car park in the area.

Councillor Ron Hampson concurred that the proposal was an overdevelopment of the site and that the affordable dwellings should be spread across both parcels of the land, not just in this area. He felt that the developer was arrogant to continue building without planning permission and that the application should be refused. Councillor Owen Thomas agreed with the comments and queried why enforcement action had not been taken to stop the development progressing without planning permission. Councillor Chris Bithell agreed that affordable housing should be spread across the whole site and that it was inappropriate to concentrate all of the affordable dwellings in one area. He referred to owners who had purchased their properties based on the plans that they had seen and referred to the difficulties that they could experience if this application was permitted. He expressed his surprise and concern at the cavalier attitude of the developer on the issue of the planning process to continue to build without permission.

In response to the queries made, the Democracy & Governance Manager advised that the developer continuing building without planning permission was neither a reason to refuse or grant permission. He added that the developer had taken a risk by building the properties as refusal of the application could result in the dwellings being demolished. He added that the plans that existing buyers had seen when purchasing their properties was not a relevant planning consideration and reminded Members of the need to concentrate on whether they felt the application was satisfactory or not.

Councillor Derek Butler agreed that it was overdevelopment of the southern parcel of the land. He drew Members' attention to the fifth additional comment in the late observations where it was reported that the applicant was agreeable to providing a lower level of affordable housing provision on this part of the site and queried the earlier comment of the agent that the proposed change of house types was as a result of market demand. Councillor Carol Ellis concurred that the proposals for a density of 50 dwellings per hectare on this part of the site was overdevelopment and to not distribute the affordable housing across the site was discrimination. She queried why a stop notice had not been put in place and said that more needed to be done to ensure that developers built properties based on the permission that they had in place.

Councillor Alison Halford felt that the developer had been greedy and that they had provided a lack of protection to the existing residents on the site. She also felt that the proposals resulted in a breach of contractual obligations with the owners of the dwellings. She said that the affordable housing was to be dumped in an overdeveloped part of the site with fewer parking spaces and queried whether anything was to be built on the site which was to be vacated by the re-siting of the affordable dwellings from the northern parcel of the site. The Democracy & Governance Manager reminded Members that any breach of contract was not relevant in their consideration of the application. Councillor Ian Dunbar queried whether the extra dwellings complied with space about dwellings guidelines and he asked whether any conditions were to be proposed for the site layout because of access and parking.

In response to the comments made and questions raised, the officer confirmed that the development was being undertaken on a part of the site that was already substantially occupied. The developer had discussed numerous layouts before submitting this application and the officer provided details of the plans to show the comparative built form of development. It was acknowledged that the proposals were different but that in terms of the overall development, the changes were not so substantial to refuse the application on the grounds of overdevelopment. On the issue of the affordable housing, he explained that these were primarily in three built developments of terraced/detached/apartment block but that market properties across the site were also in this form of development. The officer said that the density on the site ranged from 15 to 70 dwellings per hectare so this part of the site was in the mid range in terms of density. In referring to the comments about enforcement, he said that despite officer's best efforts the developer had continued to build on the site but that work had now ceased.

In summing up, Councillor Peers referred to the 26 parking spaces that were to be provided on a hardstanding area and said that there were other blocks of apartments on the site but none with 26 car parking spaces that would resemble a car park. On the issue of density he said that some parts of the site were undeveloped but that the proposals for this area would result in overdevelopment. He said that if the application was refused, the applicant could re-look at the proposals for the benefit of the residents, reduce overdevelopment and remove the car park area. He said that the proposals were against policy and urged Members to support refusal of the application.

In response to Councillor Halford's earlier query, the officer said that the original proposals were for 15% affordable housing and that the intention was to distribute the dwellings across the whole of the site. He said that tenure was not the issue and that 44 affordable units would still be achieved even though it was proposed that the majority would be sited on the southern parcel of the land.

On being put to the vote, the proposal to refuse the application on the grounds of overdevelopment and the provision of a car parking area for 26 cars, being out of character with this part of the development and the effect on the amenity was CARRIED.

**RESOLVED:**

That planning permission be refused on the grounds of:--

- overdevelopment;
- the provision of a car parking area for 26 cars being out of character with this part of the development
- the effect on the amenity

148. **FULL APPLICATION - SUBSTITUTION OF HOUSE TYPES ON PLOTS 295 - 302 & 337 - 339 OF NORTHERN PARCEL OF FORMER BUCKLEY BRICKWORKS AS PREVIOUSLY APPROVED UNDER APPLICATION 050333 (PARTLY RETROSPECTIVE), LANE END BRICKWORKS, BUCKLEY (050874)**

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

The officer detailed the background to the report and explained that there would be no detrimental impact on the streetscene or neighbouring properties. He referred Members to the list of conditions and amendment to the description reported in the late observations.

Councillor Mike Peers proposed the recommendation for approval which was duly seconded. He said that the number of affordable houses should be 47, 37 of which were on this southern part of the site but added that the tenure of the units and whether they were affordable or not was not an issue. They were only affordable because of the way that they had been equipped by the developer in terms of a lower specification such as in the kitchens of the properties. He supported the application.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and late observations and subject to the applicant entering into a supplemental planning obligation reinforcing the provisions of the Section 106 Obligation entered into under Code No. 050333 in respect of highway, ecological, affordable housing and open space requirements.

149. **FULL APPLICATION - INSTALLATION OF A SMALL SCALE WIND TURBINE ON AN 18 MTR SELF SUPPORTING TOWER (25 MTRS TO BLADE TIP) TO SUPPLY POWER TO THE FARM AT MIDLIST FARM, PANT Y GOF, HALKYN (051493)**

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

The officer detailed the background to the report and referred Members to the extra condition requested in the late observations sheet.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded. He said that the site was not in the Area of Outstanding Natural Beauty and that there was a need to find alternative means to provide electricity.

**RESOLVED:**

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

150. **APPEAL BY MULLHILL ESTATES LLP AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR OUTLINE - ERECTION OF 73 NO. HOUSES INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE (LANDSCAPING RESERVED FOR FUTURE APPROVAL) AT BYCHTON HALL FARM, MAES PENNANT ROAD, MOSTYN - ALLOWED (047951)**

**RESOLVED:**

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

151. **APPEAL BY MR. R. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE SITING OF 18 NO. STATIC CARAVANS AT PENNANT PARK GOLF CLUB, MERTYN DOWNING LAND, MOSTYN - ALLOWED (049812)**

The Head of Planning indicated that this appeal would be considered in more detail at a future meeting of the Planning Strategy Group.

**RESOLVED:**

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

152. **APPEAL BY MR. JOHN BURGESS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE FROM SHOP INTO A3 FAST FOOD AT 18 CHESTER ROAD WEST, SHOTTON - ALLOWED (050383)**

The Head of Planning indicated that this appeal would be considered in more detail at a future meeting of the Planning Strategy Group. Councillor Gareth Roberts welcomed the suggestion as he raised concern about the consistency of decisions by the Planning Inspectorate and suggested that a mechanism should be put in place for Members to discuss issues with the Inspector. Councillor Richard Jones referred to Policy S7 and in querying the decision of the Inspector to allow the appeal, said that rules were made to protect the town centres and that the decision to refuse the application had provided protection.

**RESOLVED:**

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

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

There were 17 members of the public and 3 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 4.32 pm)

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**Chairman**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 12 MARCH 2014**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 23 NO. DWELLINGS AND ASSOCIATED WORKS ON LAND AT (SIDE OF FFORDD HENGOED), UPPER BRYN COCH, MOLD.**

**APPLICATION NUMBER:** **051105**

**APPLICANT:** **STEWART MILNE HOMES**

**SITE:** **LAND AT SIDE OF FFORDD HENGOED, UPPER BRYN COCH, MOLD.**

**APPLICATION VALID DATE:** **16<sup>TH</sup> AUGUST 2013.**

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

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

**REASON FOR COMMITTEE:** **SIZE & SCALE OF DEVELOPMENT.**

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

### **1.00 SUMMARY**

- 1.01 This is a full application for the erection of 23 dwellings, creation of a new vehicular and pedestrian access etc at land side of Ffordd Hengoed, Upper Bryn Coch Lane, Mold.
- 1.02 The main issues to consider are the principle of the development in planning policy terms, the highway implications, the effects upon the character and appearance of the area, the amenities of the adjoining residents, trees, wildlife, flood risk and drainage and the provision of open space and educational requirements. The majority of the site is

allocated for residential development within the Flintshire Unitary Development Plan with the southern section designated as green space. Amended plans have now been received which shows all of the residential development on the allocated part of the site with the green space remaining as such. Therefore, the proposals are acceptable in principle in planning policy terms. These amended plans also now resolve all of the detailed matters which need to be considered. The Applicants are also prepared to pay the requested sums in terms of education and off site open space improvement, maintenance etc.

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

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

- a. Payment of £73,542 towards educational provision/improvements at Ysgol Glanrafon, Mold. The timing of such payment to be agreed with the Director of Lifelong Learning.
- b. Payment of £25,300 for the enhancement of existing public open space in the nearby community.

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

**Conditions**

1. 5 year time limit on commencement.
2. In accord with approved detail.
3. Samples of all external materials to be submitted and approved prior to commencement.
4. Detailed scheme of hard and soft landscaping to be further submitted and approved in writing prior to commencement.
5. Foul water shall connect to Public Sewerage System at manhole Ref: SJ23633101.
6. Land drainage run-off not permitted to discharge either directly or indirectly into Public Sewerage System.
7. No surface water to connect either directly or indirectly to Public Sewerage System.
8. Foul water and surface water discharges drained separately from the site.
9. No development to commence until developer has prepared a scheme for the comprehensive integrated drainage of site.
10. No buildings on site shall be brought into beneficial use earlier than March 31<sup>st</sup> 2015 unless upgrading of waste water treatment works has been completed.

11. Mitigation measures as detailed in Section 4.10 of submitted Flood Consequences Assessment adopted as part of the development.
12. Biosecurity Risk Assessment to identify risks and control measures to avoid spread of invasive species and diseases, within or off the site to be submitted to and agreed in writing by the Local Planning Authority prior to commencement.
13. Details of existing and proposed site levels and proposed finished floor levels further submitted to and approved in writing by the Local Planning Authority.
14. Details of "Design Stage" Assessment and related construction to be further submitted to and approved by the Local Planning Authority.
15. Each dwelling to be constructed to achieve a minimum Code for Sustainable Homes Level 3 and Achieve 1 Credit under Category Ene1 in accordance with the requirements of Code for Sustainable Homes – Technical Guide April 2009.
16. No dwelling occupied until Code for Sustainable Homes "Post Construction Stage" Assessment has been carried out, a final Certificate has been issued certifying Code Level 3 and 1 Credit under Ene1 have been achieved in writing by the Local Planning Authority.
17. Details of all boundary treatments to be submitted and approved.
18. Reasonable Avoidance Scheme for bats to be further submitted and approved by the Local Planning Authority.
19. Management plan of green space corridor to be further submitted and approved.
20. Scheme for 10% reduction of carbon footprints.
21. No tree and hedgerow works during bird nesting season.
22. Siting, layout and design of means of access to be further submitted to and agreed in writing by the Local Planning Authority.
23. Forming and construction of means of site access to be further submitted to and agreed in writing by Local Planning Authority.
24. Access to each plot in accordance with attached detail.
25. Front of garages set back minimum of 5.5 m behind back of footway line.
26. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal roads to be further submitted and agreed in writing.
27. Positive means to prevent the run off of surface water onto highway to be provided in accordance with details to be further submitted and agreed.
28. Construction management plan to be further submitted and approved.
29. Arboricultural Method Statement to be further submitted and

approved. Development after carried out in accordance with AMS.

If the Obligation pursuant to Section 106 of the Town & 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 R. Guest**

No response received to date.

#### **Mold Town Council**

Agreed amended application still does not address original concerns to those listed below. Objects on the following grounds:-

- Pond and stream should be protected in addition to the hedge. Culverting of watercourse will create a flood danger.
- Need to consider construction traffic during development. This should be through Maes Gwern.
- Will increase traffic flow considerably, especially affecting Glanrafon School. Evidence to the cul de sac should be at the other end of Ruthin Road as there is already a gate there.
- Need for a footpath access should the entrance to the cul-de-sac be amended.
- Overdevelopment of the site. UDP identifies only 15 properties.

#### **Head of Assets & Transportation**

Technical Note submitted satisfactorily appeases previous concerns. Traffic survey by the applicant at Ffordd Trem y Foel gives an indication that the development is unlikely to generate any significant additional traffic onto this section of road. Thereafter recommends approval subject to suggested conditions.

#### **Head of Public Protection**

No adverse comments to make regarding the proposal.

#### **Director of Lifelong Learning**

Development will have a significant effect on Ysgol Glanrafon, Mold where the numbers on the roll already exceed its official capacity by 11. Therefore, financial contribution requested is £73,542 for that school.

A contribution is not requested for the Alun School, which has more than 7% surplus places.

Public Open Spaces Manager

Should be seeking an off site payment of no less than £1,100 per unit in lieu of an on-site POS. The payment would be used to ensure improvement to existing POS in the community.

Natural Resources Wales

The FCA submitted in support of the application demonstrates that the risks and consequences of flooding can be acceptably managed in accordance with TAN14 Development & Flood Risk (2004). Suggests recommended conditions are placed upon any grant of planning permission.

Notes site been subject to survey and assessment of statutory species. Consider assessment completed to satisfactory standard for purposes of informing the decision making process. Concur with its conclusion and recommendations. Believe proposals unlikely to be detrimental to maintenance of favourable conservation status of any statutory protected species populations present in their natural range if recommendations are carried out in it.

Welsh Water/Dwr Cymru

If minded to grant consent, advise suggested notes and conditions are included within the consent.

Proposed development would overload the existing waste water treatment works. Improvements are provided for completion by 31<sup>st</sup> March 2015. Offers a Grampian style condition to that effect.

Wales & West Utilities

Do not have any plant or apparatus in the area. Gas pipes owned by other companies and also privately owned may be present in this area.

SP Powersystems

Has plant and apparatus in general proximity. Developer advised of need to take appropriate steps to avoid any potential danger that may arise during their works in relation to the electrical apparatus.

Airbus

Does not conflict with safeguarding criteria. No aerodrome safeguarding to the proposal required.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

74 letters of objection received in total (including amended plans), objecting on the grounds of:-

- Impact upon wildlife and their habitats.
- Overdevelopment of site. Housing allocation states a total of 15 units. Will adversely affect the entire surrounding area with less privacy and higher levels of noise and traffic.
- Overlooking onto adjacent residential properties resulting in a loss of privacy.
- Strongly oppose loss of any hedgerows due to wildlife concerns and will change character of area.
- Development site is currently open grassland/farmland, also serves as wildlife corridor between parkland on St. Mary's Park and green belt.
- Access to narrow section of Upper Bryn Coch be reviewed. Development will lead to an increase in traffic using this narrow lane which will result in increased danger to pedestrians, cyclists and motorists.
- Flooding of the site.
- Severe impact in traffic flow upon local roads.
- Applicants already drained nearby pond.
- Have the appropriate surveys been undertaken – ecology and transport?
- Loss of another area of open countryside.
- Minimum distance of 22 m between properties should be adjusted to 26 m to allow for height difference.
- Site construction traffic will add to congested roads.
- Removal of existing trees. Replanting not acceptable as current householders would not gain any benefit.
- Plan does not show drainage proposals.
- Woodland belt is an important landscape feature.
- In a high risk coal mining area.
- Loss of green space to south of site.

- Flintshire County Council have already met their housing targets.
- 2003 Welsh Water objected to the site on the basis of a lack of sewage treatment capacity. No work since to extend capacity.
- Will Section 106 monies be requested to improve play facilities at St. Mary's Park?
- Infrastructure needs to be improved i.e., schools etc.
- The new houses would weaken the Welsh Language situation even further.
- Houses would be built too close to EDF's windmill.
- Proposed access is dangerous and hazardous.
- No need for more houses in Mold.
- Still proposals to culvert a section of the stream at south side of site. No culverting or diversion of the stream should be allowed.
- Loss of amenity to houses opposite new site access.
- Access for construction traffic should be along Maes Gwern to avoid heavy traffic passing through congested areas past schools etc.
- Some of the development is still in the green space.

## **5.00 SITE HISTORY**

- 5.01 **051610** – Erection of 28 No. dwellings and associated works – Current.

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
 STR1 – New Development.  
 STR2 – Transport & Communications.  
 STR4 – Housing.  
 STR7 – Natural Environment.  
 STR9 – Welsh Language & Culture.  
 GEN1 – General Requirements for Development.  
 GEN2 – Development Inside Settlement Boundaries.  
 GEN6 – Welsh Language & Culture.  
 D1 – Design Quality, Location & Layout.  
 D2 – Design.  
 D3 – Landscaping.  
 TWH1 – Development Affecting Trees & Woodlands.

TWH2 – Protection of Hedgerows.  
L1 – Landscape Character.  
L3 – Green Spaces.  
WB1 – Species Protection.  
WB6 – Enhancement of Nature Conservation Interests.  
AC13 – Access & Traffic Impact.  
AC18 – Parking Provision & New Development.  
HSG1(16) – New Housing Development Proposals – Upper Bryn Coch Lane, Mold.  
HSG8 – Density of Development.  
HSG9 – Housing Mix & Type.  
HSG10 – Affordable Housing within Settlement Boundaries.  
EWP2 – Energy Efficiency in New Development.  
EWP13 – Nuisance.  
EWP16 – Water Resources.  
EWP17 – Flood Risk.  
IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note 2 Space Around Dwellings.  
Local Planning Guidance Note 4 Trees & Development.  
Local Planning Guidance Note 8 Nature Conservation & Development.  
Local Planning Guidance Note 13 – Open Space Requirements.  
Local Planning Guidance Note 22 – Planning Obligations.  
Adopted Supplementary Planning Guidance 23 – Developer Contributions to Education.

#### National Planning Policies

Planning Policy Wales Edition 5, November 2012.  
Technical Advice Note (TAN)2: Planning & Affordable Housing.  
Technical Advice Note 5: Nature Conservation & Planning.  
Technical Advice Note (TAN) 11: Noise (1997).  
Technical Advice Note (TAN) 12: Design (2009).  
Technical Advice Note 16: Sport, Recreation & Open Space (2009).  
Technical Advice Note 15: Development & Flood Risk.

The site is located within the settlement boundary of Mold with majority of the site allocated for residential development (Policy HSG1(16)) within the Flintshire Unitary Development Plan. The southern part of the site is designated as green space (L3(171)) Maes Gwern. This area within the proposals has been retained as such. Therefore, in principle, the development for residential development is considered acceptable. What needs to be considered are the detailed matters of the application.

## **7.00 PLANNING APPRAISAL**

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

The site comprises of approximately 1.21 ha of improved agricultural grassland which slopes downwards from its northern to southern



boundary by approximately 2 m. To the south of the site lies a brook and woodland which is designated as green space in the Flintshire Unitary Development Plan (FUDP). Both the northern and western boundaries comprise of a species rich hedgerow with a hedge also located along the eastern boundary adjacent to the rear gardens of Nos 2-8 Ffordd Hengoed. These existing properties are approximately 2 m lower than the site itself. Access to the site is gained via an existing field gate within the north eastern corner of the site, off Upper Bryn Coch Lane.

- 7.02 It is situated in between the southern side of the narrowest part of Upper Bryn Coch Lane and the northern side of Maes Gwern upon its western end. The rear gardens of Nos 2-8 Ffordd Hengoed lie immediately to the east. On the northern side of Upper Bryn Coch Lane lies the green space set within the modern residential properties of the St. Marys Park development. The site is located in the south west corner of Mold.
- 7.03 The proposals involve the erection of 23, detached dwellings being all of two storey in height. They will be a mix of four and five bedroomed and will be constructed within facing brick walls with tiled roofs.
- 7.04 A new vehicular access will be constructed in the location of the existing agricultural access with a cycle and pedestrian access being provided in the south western corner of the site also.
- 7.05 The level of car parking will be 3 spaces for the four bedroomed dwellings and 3 spaces for the five bedroomed dwellings.
- 7.06 The dedicated green space has been retained in its entirety to the south of the site and its long term future will be protected by the developer's proposals to instruct a management company to maintain the area.
- 7.07 Background  
Members may be aware that the site was allocated for residential development in the preparation of the Flintshire Unitary Development Plan and was the subject of objections at deposit stage which raised a wide range of issues which were subsequently addressed by the Inspector in her report. Despite these objections, the Inspector recommended to retain the allocation for residential development.
- 7.08 Issues  
The main issues to consider with the determination of this planning application are the principle of the development in planning policy terms, the highway implications, the effects upon the character and visual appearance of the area, the amenities of adjoining residents, trees, wildlife, flood risk and drainage and the provision of open space and educational contributions.

7.09 Principle of Development

This site is located within the settlement boundary of Mold with the majority of the site allocated for residential development by virtue of Policy HSG1 (16) within the adopted Flintshire Unitary Development Plan. The southern part of the site is designated as green space – L3(117) Maes Gwern whereby development will only be permitted which does not unacceptably harm their function or value as a green space nor threaten their value to the community. However, amended plans have now been received which show that part of the site allocated for green space will not be developed and will be retained and managed as green space.

7.10 Policy HSG10 requires, where there is a need, for the Council to negotiate with developers to provide 30% affordable housing in suitable schemes within settlements. The minimum size threshold being 25 dwellings or 1 ha. Although the site is less than 25 dwellings, it is over 1 ha. However, in this instance such a provision has not been requested as the nett developable area is less than 1 ha. with the developer retaining the green space area to the south.

7.11 The indicative yield for the site in Policy HSG1 is 15 units which reflects its small size, the characteristics of the site and its surroundings. However, as part of ensuring sustainable development, there is a fundamental principle embodied in both Planning Policy Wales and the UDP that the most efficient use should be made of land for development. Such principles are expressed in the form of a series of targets against which the Plans performance can be measured. Target 6 in the Housing Chapter of the written statement specifies 'Achieve a minimum of 30 houses/ha on all allocated sites' and specific policy guidance is then given in policy HSG8 'Density of development'. This policy adopts a criteria based approach to ensuring that individual development proposals make the most efficient use of land yet have regard to the character of the site and surrounding area. It is considered that the proposed density of 21 dwellings per hectare on this proposed development is in accordance with the Plans overall policy thrust as it balances the density of the development with the particular characteristics of the site and its surroundings, as explained later in the report.

7.12 Given the above, the development accords in principle in planning policy terms. What needs to be considered are the detailed matters of the development.

7.13 Highways

It is proposed to create a vehicular access into the site from Upper Bryn Coch Lane which is to be located in the north eastern corner of the site where the existing field access is presently located. From this new vehicular access, it is proposed to have a spine road which runs down to the south west of the site with a cul de sac at the western end of the site. It is also proposed to create a pedestrian and cycle access

at the south western corner of the site onto Upper Bryn Coch Lane enabling a through route within the site for pedestrians and cyclists to avoid using the unlit and narrow section of Upper Bryn Coch Road.

- 7.14 Parking provision within the site will be 3 off road spaces per property. This is in accordance with the Council's maximum standards.
- 7.15 The Applicant has submitted a technical note to support their application on highway grounds which has been assessed by the Head of Assets & Transportation. This note advises that the likely trip generation as a result of the development would result in 2 & 10 vehicular movements to the site in the morning and afternoon peak hours and 13 and 3 vehicles out of the site in the morning and afternoon peak hours respectively. Vehicle movements into the site from vehicles turning right from the narrow section of Upper Bryn Coch Lane and out of the site up this lane during peak hours have been predicated at 0-1 and 0 respectively. Given these trip generation rates it is considered that there are no capacity issues with the nearby roads to deal with the increased traffic resulting from the development.
- 7.16 It has been suggested that a through route within the site and closing off this narrow and unlit section of Upper Bryn Coch Lane would improve vehicle, pedestrian and cycle safety. The closed part would only be used by pedestrian and cyclists. However, it is considered that this would significantly increase the volume of traffic through the site as a result of its use as a 'rat run' for vehicles between the large residential area of south west Mold and Ruthin Road. This section of road from the western corner access of the site for the remaining part of Upper Bryn Coch Lane to its junction with Ruthin Road is also unsuitable, due to its narrow width when opposing vehicles meet and lack of footways. Furthermore, at the Ruthin Road Junction, visibility to the right when emerging from Upper Bryn Coch is limited to well below the stopping sight distance on the derestricted section of Ruthin Road, where legal speeds can be up to 60 mph.
- 7.17 It is considered that the closing off of the Lane which would only be used by pedestrians and cyclists is also considered unacceptable as it is unlit, darkened by overhanging tree canopies and with no surveillance. It would be safer for both pedestrians and cyclists to travel through the development site which it is proposed.
- 7.18 The overall number of car parking spaces for the development is considered to be sufficient and will not lead to parking on nearby roads to the detriment of highway safety.
- 7.19 Given the above, the Head of Assets & Transportation concludes that there are no highway safety or capacity grounds to resist the development as proposed, and that the current proposals offer an opportunity to provide improved pedestrian and cycle routes though

the site and allow the existing narrow lane to be retained to accommodate the limited existing and proposed traffic flows.

7.20 Character & Appearance

The site lies on the south western edge of Mold and sits between low/medium density residential development and land to the south which is allocated for employment development as part of Mold Business Park. Land to the west is rural in character and forms part of the green barrier between Mold and Gwernymynydd. The prevailing house types in this part of Mold are large, detached and of two storey.

7.21 The development will be of 2 storey detached dwellings with pitched roofs. Their design will be a mix of one and two projecting two storey bays with hipped roofs to the front with a variety of detailing including brick bands, brick heads and cills around the other windows. The external materials will be of concrete tiled roofs with a mix of render and brick walls. The type of dwellings will match those within the locality with the differing styles and detail of those proposed adding variety and interest within the development itself.

7.22 The site layout is conventional in style and it is considered reflects the general layout of surrounding roads and properties where dwellings directly front onto the main access roads and arranged around cul de sacs. The proposed layout to the north east of the site has dwellings fronting onto both sides of the main internal road but further into the site westwards, the proposed dwellings front onto only the northern side of internal road as upon the southern side the green space corridor has been retained. To the west, lie proposed dwellings arranged around a cul de sac.

7.23 The character and design of the proposed development has been informed in part by the pattern and appearance of the existing dwellings, which are of a modern suburban appearance, and in part by the need for a development that responds not only to the physical constraints of the site (designated green space, mature trees and hedgerows together with the restricted width of the eastern part of Upper Bryn Coch Lane) but also to current housing market requirements. The latter indicates the need for the larger executive style houses within this part of Mold. The revised layout has been devised so the retained green space becomes a focal point of the site, with proposed dwellings facing onto it wherever possible.

7.24 The density of development upon the developable part of the site equates to approximately 21 dwellings per hectare. HSG8 of the Flintshire Unitary Development Plan advises that on allocated sites in Category A settlements, the general minimum net housing density should aim to achieve 30 dwellings per hectare. However, the policy recognises that individual circumstances will vary according to site location and the character of the area. The density of the proposed

development is lower than the minimum requirement but given the small size of the site and its constraints, the housing need and the importance of retaining as much of the character and appearance of the site and locality, this is considered acceptable in this case.

7.25 Amenities of Existing/Proposed Occupiers (Privacy, Loss of Light, Etc).

The rear gardens of the existing properties of Nos 2-8 Ffordd Hengoed lie immediately to the east of the site with the side elevations of Nos 62, 64, 76 Ffordd Newydd lying to the west of the site. It is proposed that four dwellings will be erected to the west of Nos 2-8 Ffordd Hengoed with seven properties to be located to the south west of Nos 62, 64, 76 Ffordd Newydd. The existing dwellings on Ffordd Hengoed are set at a lower level, by approximately 2 m, from the proposed dwellings in this location.

7.26 The separation distances between the rear of the proposed properties to the west of the site and the side elevations of Nos 62, 64, 76 Ffordd Newydd will be approximately 20 m with the side elevation of the proposed dwelling on Plot 10 onto the existing side elevation of No. 76 Ffordd Hengoed being 18 m. These distances accord with the minimum separation distances within the Local Planning Guidance Note 2 'Space Around Dwellings'. Thus it is considered that these proposed dwellings will not have a significant detrimental impact upon the amenities of these existing dwellings in terms of loss of light, privacy, obtrusiveness etc.

7.27 The separation distances between the rear of the proposed dwellings on plot Nos 20, 21 & 22 and the rear of the existing properties of Nos 8, 6 & 4 Ffordd Hengoed will be approximately 26 m, 22.5 m and 22 m respectively. Taking into account the proposed difference in finished floor levels, between them, these accord with the minimum standards within the Local Planning Guidance Note 2 'Space Around Dwellings'.

7.28 The separation distance between the proposed side elevation of the dwelling on plot No. 23 and the side elevation of the existing property of No. 2 Ffordd Hengoed is approximately 16.6 m. Again this meets the minimum standard within the LPG taking account of the difference in levels. This proposed plot No. 23, will also be at an angle to the rear of the properties of Nos 2, 4, 6 & 8 Ffordd Hengoed and thus it is considered that there will be no significant loss of amenity to the properties by this proposed dwelling on the plot.

7.29 Within the site itself, the proposed layout shows that the size of the private amenity gardens and the separation distances between each proposed dwelling accord with those set out in the Local Planning Guidance Note and therefore it is considered that there will be no significant detrimental impact upon the amenities of the proposed occupiers of the dwellings.

- 7.30 Impact Upon Trees  
The site contains mature trees on the northern boundary and within the green space corridor to the south along the brook.
- 7.31 Amended plans have been received which now excludes development from the green space corridor in which a number of trees are sited. In addition, the dwellings near the hedgerow and mature trees along the northern boundary have been moved further into the site. Therefore, a large proportion of the mature trees will be retained as part of the development.
- 7.32 A BS5837:2012 Tree Report has been submitted with the application which provides an objective assessment of the trees which has been used to inform the layout. This layout proposes 3 individual trees and part of one tree group (totalling approximately 15 trees) will be removed to facilitate the development proposals. These are considered as of moderate value.
- 7.33 The successful retention of the remaining trees will be dependent on the implementation of a Tree Protection Scheme. This addresses ways in which the build-up of ground levels close to the southern boundary can be minimised or avoided. This has been recommended as a condition upon any planning permission granted.
- 7.34 Mitigation for the loss of trees, is recommended to take the form of new tree planting along the southern boundary and within the green space. Suitable species along the green space southern boundary will include those that are tolerant of wet ground conditions. This replacement tree planting is recommended within the proposed landscaping condition attached to the recommendation to grant planning permission.
- 7.35 This BS5837:12 report and the recommendations within it have been assessed by the Council's Forestry Officer who considers it acceptable subject to appropriately worded conditions which have been placed upon the recommendation to grant planning permission.
- 7.36 Wildlife  
The site is predominantly improved agricultural grassland which is of limited ecological value. The key features are the hedgerows and the wooded stream which forms a natural green corridor along the southern boundary which is identified within the FUDP as part of a larger green space which also has a value as a wildlife corridor linking to the wider countryside.
- 7.37 The key issues are the potential of the mature trees as bat roosts and value of the hedgerow and woodland habitats for nesting birds. There are no obvious signs of badgers along the site boundaries and no setts recorded in the immediate vicinity.

- 7.38 The mature trees offer some potential as bat roosts. The arboricultural report lists one which is to be retained. However, it is considered that other trees have a potential for bats, one which has been hit by lightning and dead tree which has a knothole which has potential for nesting birds/bats. These will be retained.
- 7.39 The key ecological features on the site will be retained as a result of the development.
- 7.40 Amended plans have been submitted retaining the green space corridor as such, which comprises of a combination of wetland and woodland habitat with its long term future protected by the developers proposals to implement a management company to maintain the area. A condition has been placed upon the recommendation that management plan is submitted to and agreed by the Local Planning Authority prior to the commencement of development.
- 7.41 Although the pond will not be reinstated, reprofiling of the brook has the potential to benefit wetland species and details of this will be included within the landscaping proposals which are to be further submitted as a condition attached to this recommendation to grant planning permission.
- 7.42 The majority of hedgerow will be retained in particular along Bryn Coch Lane but also along the eastern boundary. To offset the losses in relation to the new accesses, these existing boundaries will be enhanced together with new planting along the green space corridor. This will be required as part of the proposed landscaping condition attached to this recommendation to grant planning permission.
- 7.43 The trees to be removed shall be first assessed to see whether they have a potential as bat and breeding bird habitat and if so mitigation measures proposed for their loss. Again this is proposed as a planning condition upon the recommendation to grant planning permission.
- 7.44 Flood Risk & Drainage  
Representations have been made that the land is liable to flooding and that the existing drainage infrastructure in the locality is inadequate to serve the proposed scale of development.
- 7.45 The site is in Zone A as defined by TAN15 Development and Flood Risk (July 2004) and shown on the Welsh Government's Development Advice Map (DAM). However, Ordnance Survey mapping indicates that there are watercourses running through the site. Due to the limitations of the flood map, which does not consider catchments smaller than 3 km<sup>2</sup>, the risks from these watercourses are unknown.
- 7.46 In addition, given that there is an area of marshy ground to the east of the site, indicating potential problems with site drainage, the

development is likely to increase the surface area of impermeable ground, thus reducing percolation and increasing rapid surface run-off. In accordance with Section 8 of TAN15, in all zones, development should not increase flood risk elsewhere.

- 7.47 Given the above, and given the scale and nature of the development, Natural Resources Wales advised that the developer submit a Flood Consequences Assessment, so that the flood risks to the development can be adequately considered in line with the requirements of TAN15 Development & Flood Risk (July 2004).
- 7.48 The Flood Consequences Assessment (FCA) has now been submitted and been assessed by Natural Resources Wales.
- 7.49 The submitted FCA state that the risk of flooding from all sources is considered low and the development is accessible for emergency access and egress during times of extreme flooding as the flood plain does not extend into the development area, and thereby the focus was on the effective management of surface water.
- 7.50 Based on the ground conditions and following soakaway testing, it was considered that infiltration drainage is likely to provide a suitable means of surface water disposal for a portion of the surface water run-off generated by the proposed development.
- 7.51 It is proposed that where an infiltration solution is determined not to be viable the discharge of surface water continue to mimic the pre-development situation by discharging to the adjacent watercourse.
- 7.52 As the surface water run-off is being increased as a result of the introduction of impermeable areas, it is necessary to restrict the post-development rate of discharge to the pre-development pre-development rates of run-off for all storm events up to and including the 100 year return period event. Storm water storage will be provided for storm events up to and including the 100 year period with a 30% allowance for climate change.
- 7.53 This FCA has been assessed by Natural Resources Wales who advise that it has been demonstrated that the risk and consequences of flooding can be acceptably managed.
- 7.54 The proposals have also been subject of consultation with Dwr Cymru Welsh Water who advise that in relation to foul drainage, that a programme of system improvements are planned and are expected to be completed by April 2015. This together with other suggested conditions in respect of the submission, agreement and implementation of detailed drainage schemes can be placed upon any planning permission granted. There are no objections to the proposal therefore on drainage grounds also.



7.55 Public Open Space

The Public Open Space Manager advises that the Council in accordance with Local Planning Guidance Note 13 – Open Space Requirements and Policy SR5 of the Flintshire Unitary Development Plan should be seeking an off site commuted sum payment of no less than £1,100 per unit in lieu of an on site provision. The payment would be used to enhance existing public open space in the community. Should the developer require the Council to adopt any amenity space, a commuted sum payment for 10 years maintenance costs would be required upon formal adoption of the land. The applicant has indicated that this will be paid in the event of planning permission being granted.

7.56 Educational Contributions

The Director of Lifelong Learning has advised that the proposed development will have a significant effect on Ysgol Glanrafon Mold, where the numbers on roll already exceed its official capacity by 11. Therefore, the financial contribution requested is £73,542 for that school. A contribution is not requested for the Alun School, which has more than 7% surplus places.

7.57 The applicant has indicated that the financial contribution for Ysgol Glanrafon Mold will be paid in the event of planning permission being granted.

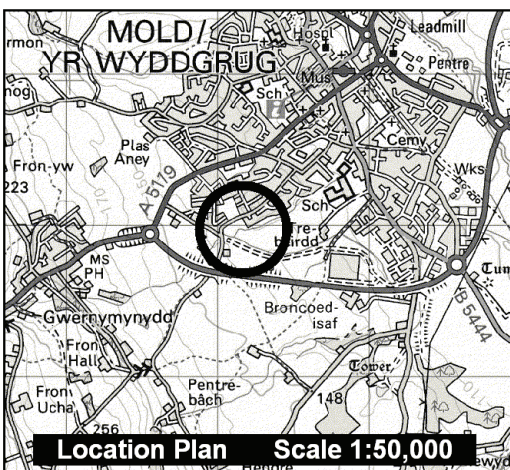
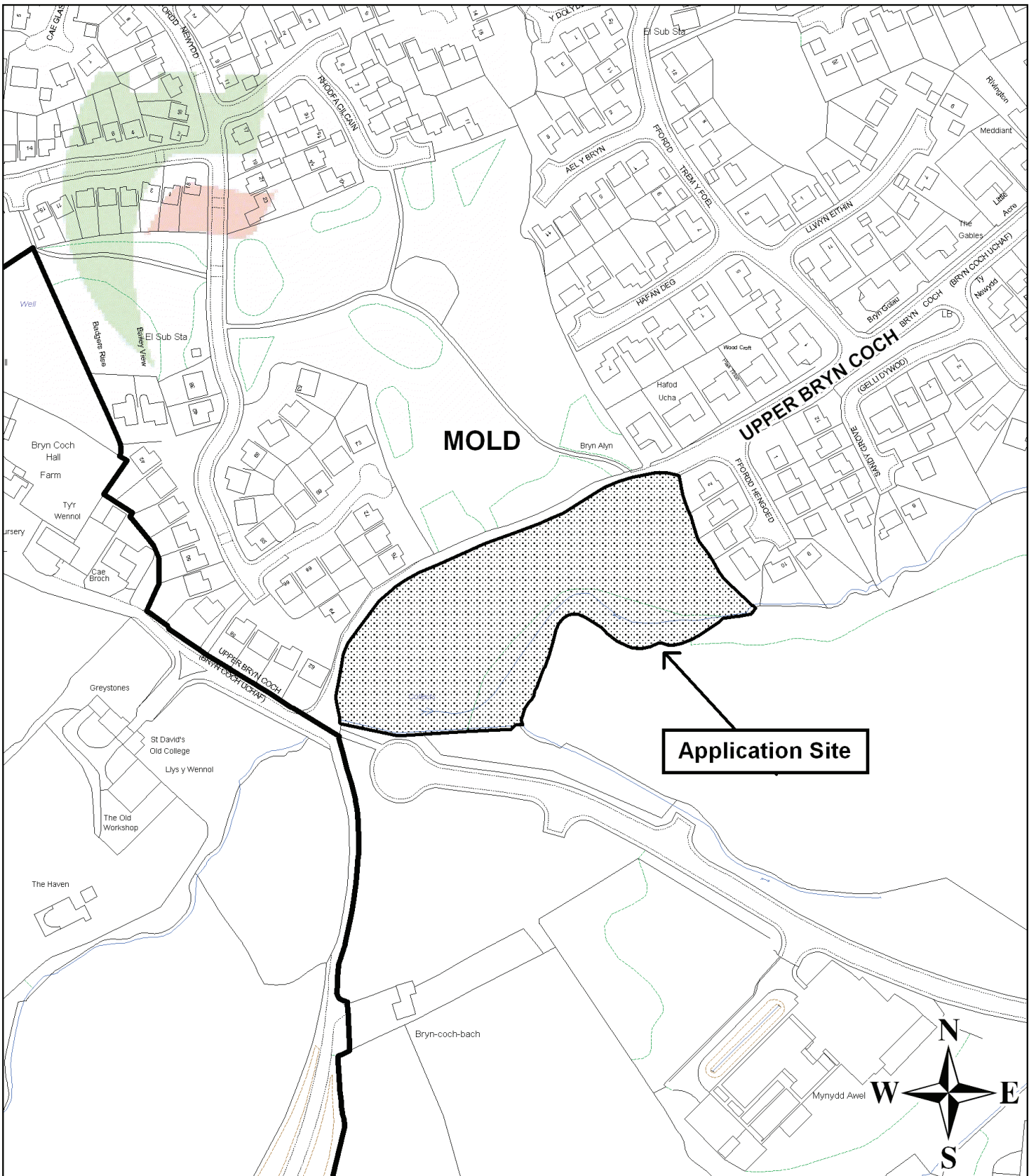
**8.00 CONCLUSION**

8.01 It is considered that all detailed matters are now acceptable on the part of the site which is allocated for residential development in 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:** Alan Wells  
**Telephone:** (01352) 703255  
**Email:** alan.wells@flintshire.gov.uk

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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **51105**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 12 MARCH 2014**

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

**SUBJECT:** **051534 - GENERAL MATTERS - CHANGE OF USE OF AGRICULTURAL LAND TO A GRAVEYARD ON LAND REAR OF 10 CROMPTON CLOSE, HIGHER KINNERTON**

**1.00 APPLICATION NUMBER**

1.01 051534

**2.00 APPLICANT**

2.01 William Crompton Estate Charity

**3.00 SITE**

3.01 Land to rear of 10 Crompton Close, Higher Kinnerton, Chester

**4.00 APPLICATION VALID DATE**

4.01 28<sup>th</sup> November 2013

**5.00 PURPOSE OF REPORT**

5.01 To report back to Committee Members with the proposed reasons for refusal following the resolution of the 12<sup>th</sup> February 2014 Committee

**6.00 REPORT**

6.01 Members will recall that the above application (ref: 051534) was reported to the 12<sup>th</sup> February 2014 Planning and Development Control Committee, where it was resolved that planning permission be refused because of concerns over the unsatisfactory access arrangements leading to parking on Park Avenue, the lack of disabled access and the potential conflict with the use of the playing field through which the limited access was to be gained.

6.02 In planning policy terms this translates into three reasons for refusal which are given below :

1. The proposed access arrangements would result in unacceptable on-street parking to the detriment of highway safety, contrary to policies GEN1 and AC18 of the adopted Flintshire Unitary Development Plan.

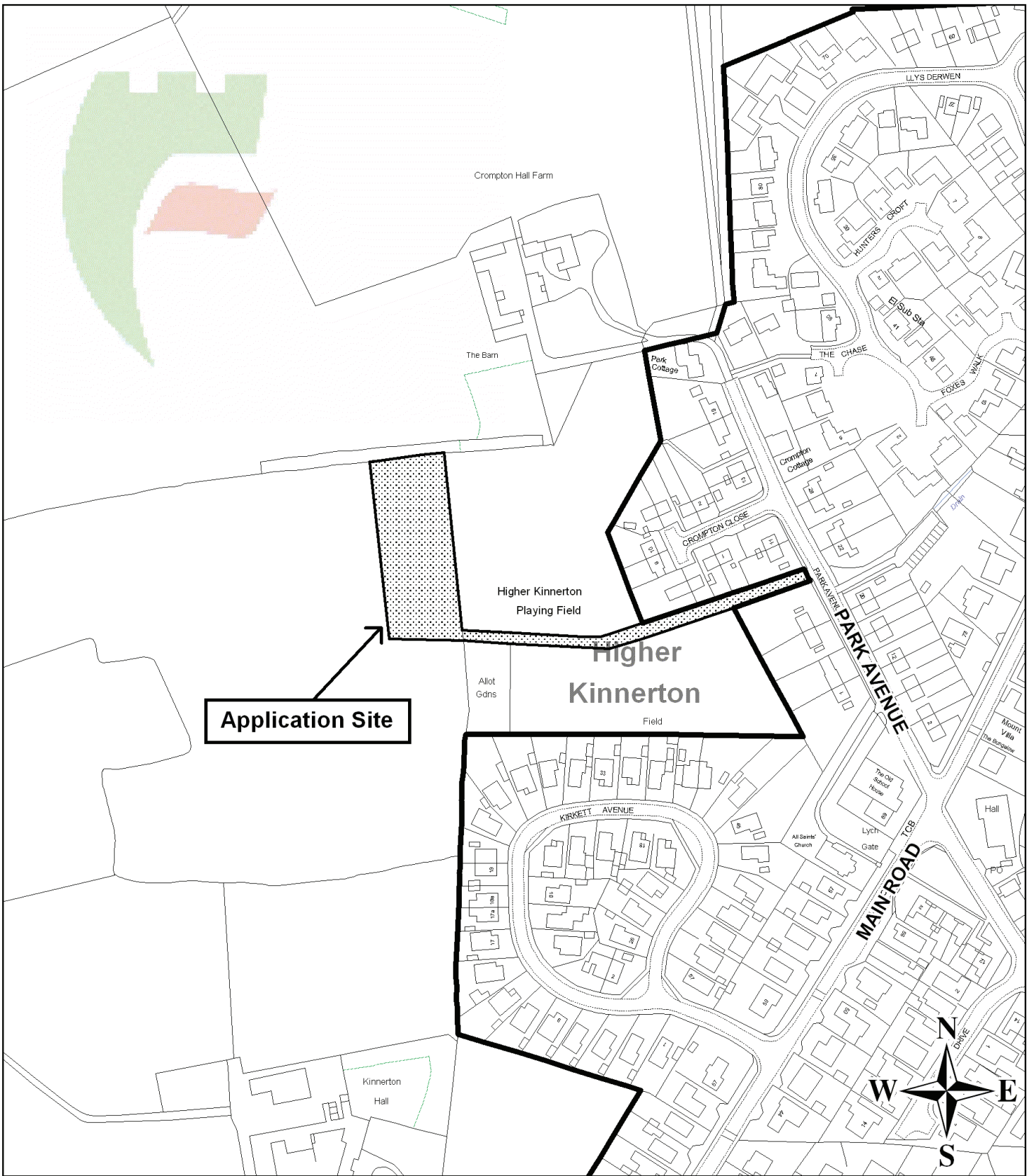
2. The proposal makes no provision for disabled facilities in connection with the graveyard use, contrary to policies GEN1 and AC1 of the adopted Flintshire Unitary Development Plan.

3. Notwithstanding its limited use the proposed access through the playing field would result in an unacceptable risk to the safety of the users of the playing field, contrary to policies GEN1 and AC13 of the adopted Flintshire Unitary Development.

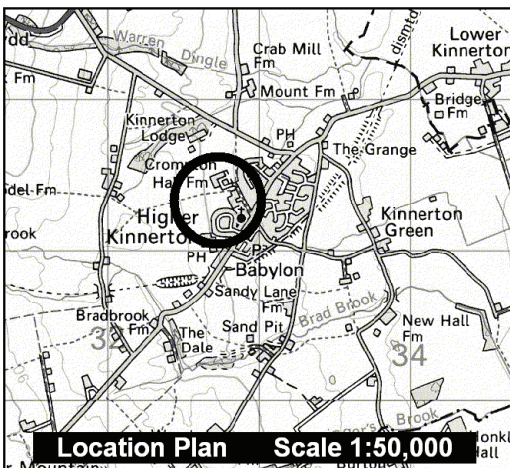
## **7.00 RECOMMENDATIONS**

7.01 That the above reasons be given for the refusal of planning permission.

**Contact Officer:** Alex Walker  
**Telephone:** (01352) 703235  
**Email:** alex.walker@flintshire .gov.uk



**Application Site**



**Location Plan Scale 1:50,000**



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

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application	<b>51534</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 12 MARCH 2014**

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

**SUBJECT:** **FULL APPLICATION – CONSTRUCTION OF 13 NO. DETACHED HOUSES AND ASSOCIATED WORKS AT LAND TO THE REAR OF ROCK BANK, MAIN ROAD, NEW BRIGHTON.**

**APPLICATION NUMBER:** **051424**

**APPLICANT:** **EDWARDS HOMES LTD**

**SITE:** **LAND TO THE REAR OF ROCK BANK, MAIN ROAD, NEW BRIGHTON, MOLD.**

**APPLICATION VALID DATE:** **29<sup>TH</sup> OCTOBER 2013**

**LOCAL MEMBERS:** **COUNCILLOR A. BRAGG**

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

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME.**

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

### **1.00 SUMMARY**

1.01 This full application proposes the erection of 13 No. detached houses and associated works on land to the rear of Rock Bank, Main Road, (A5119) New Brighton, Flintshire. Amended plans have been received in progression of the application with a further round of consultation undertaken.

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

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

Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Materials to be submitted and approved.
4. Site and finished floor levels of buildings to be submitted and approved.
5. Site is crossed by a public sewer which must be safeguarded.
6. Surface water scheme to be submitted and approved.
7. No land drainage run-off to discharge into public sewerage system.
8. No surface water to connect into public sewerage system.
9. Foul and surface water shall be drained separately from site.
10. No buildings to be brought into beneficial use earlier than 1<sup>st</sup> October 2014 unless upgrading of Waste Water Treatment works has been completed.
11. Submission and implementation of ecological mitigation.
12. Siting, layout, design and means of site access to be submitted and approved.
13. No commencement on forming site access until detailed design has been submitted and approved.
14. Access to have visibility splay of 2.4 m x 43 m in both directions.
15. Visibility splays to be kept free from obstruction during site works.
16. Facilities to be provided for parking/turning of vehicles.
17. Front of garages to be set back behind back of footway or edge of carriageway.
18. Detailed layout, design, traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads to be submitted and approved.
19. Positive means to prevent run-off of surface water onto highway to be provided in accord area with details to be submitted and approved.

If the Obligation pursuant to Section 106 of the Town & 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. Bragg

Original Scheme

Request for discussions with case officer prior to formulating a view on progress of application.

Amended Scheme

Request site visit and planning committee determination in order to assess impact of development on character of site/surroundings and impact of development on occupiers of existing development at Argoed View.

Argoed Community Council

Original Scheme

The application could create traffic problems to the area and will have a profound effect on the amenities of the area such as schools, community centre and doctors considering that another 23 houses are being built in the area. Councillors have concerns for safety.

Amended Scheme

No responses received at time of preparing report.

Head of Public Protection

No response received.

National Resources Wales

Advise that Natural Resources Wales have records of Great Crested Newts (GCN) within approximately 350 m of the site. No objection to the proposal subject to the imposition of a condition requiring Reasonable Avoidance Measures to ensure that the development has no detrimental impact on the GCN population that may cross the site.

Welsh Water/Dwr Cymru

Recommend that any permission be subject to the imposition of a grampian condition to prevent occupation of any dwelling prior to 1<sup>st</sup> October 2014, unless upgrading of Waste Water Treatment Works has been completed. In addition request imposition of conditions in respect of surface, land and foul water drainage.

Airbus

No aerodrome safeguarding objection to the proposal.

Public Open Spaces Manager

Request the payment of £1,100 per dwelling in lieu of on site recreational facilities, the payment being used to enhance existing facilities in the community.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

Original Scheme

Three letters of objection with accompanying petition signed by 25 residents, the main points of which can be summarised as follows:-

- detrimental impact on the amenities of existing residents by way of overlooking and overshadowing.
- the erection of 2 storey dwellings adjacent to existing bungalows of Argoed View would be out of character with the form of existing development.
- proposal will result in increased vehicular movements onto A5119 and there will be conflict with movements associated with the development of the Argoed Garage Site recently granted permission for 23 houses.
- conflict with vehicular movements associated with Rock Bank which houses people with disabilities.
- adequacy of foul and surface water drainage.
- impact on ecology.

#### Amended Scheme

Two letters with accompanying petition signed by 27 residents received which re-iterates previous objections and do not consider that re-positioning of dwellings overcome initial objections, as the 2 storey dwellings relative to properties on Argoed View will be overbearing and impact on privacy/amenity.

### **5.00 SITE HISTORY**

5.01 None relevant.

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy WB1 – Species Protection.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Mix & Type.

#### Additional Guidance

Local Planning Guidance Note 2 – Space About Dwellings.

The proposed development **would** comply with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction/Site Description**

The site, the subject of this application amounts to approximately 0.47 hectares in area. It comprises an irregular shaped area of agricultural land to the rear of existing residential properties fronting onto the Main Road (A5119) and Argoed View, New Brighton. Vehicular access into the site is obtained from the A5119, to the east of an existing property 'Rock Bank' and west of a property Ty Banc Cerrig.

### **7.02 Planning Policy**

Although not an allocated housing site the site is located within the settlement boundary of New Brighton a Category B settlement as defined in the adopted Flintshire Unitary Development Plan, which in accordance with Policy HSG3 allows for growth of between 8 – 15% over the plan period 2000 – 2015. As at April 2013, completions and commitments have resulted in 8% growth and therefore the principle of residential development at this location is acceptable in accordance with Policy HSG3.

### **7.03 Proposed Development**

The plans the subject of this application propose the erection of a total of 13 No. 2 storey detached dwellings, to be constructed having facing brick/render external walls and concrete tile roofs. Vehicular access to serve the development is proposed from an access off the A5119, to the east of a property Rock Bank with 4 No. properties proposed to be served from a private drive at the head of the cul-de-sac.

### **7.04 Main Planning Issues**

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

- a. Principle of development having regard to the planning policy framework.
- b. Scale of development.
- c. Impact on character of the site and surroundings.
- d. Impact on privacy/amenity.
- e. Adequacy of access.
- f. Adequacy of drainage.
- g. Open and play space.

### **7.05 Principle of Development**

Although not an allocated housing site, it is located within the settlement boundary of New Brighton as defined in the adopted Flintshire Unitary Development Plan. The principle of residential development to meet general housing demand is therefore acceptable subject to ensuring a well balanced layout and the safeguarding of residential amenity.

7.06 Scale of Development

It is considered that the scale of development proposed i.e., 13 No. dwellings on approximately 0.47 hectares would not represent overdevelopment at this location. For Members information the scale/density of development proposed is at a slightly lower level than the 30 dwellings per hectare which is specified as a minimum density in Policy HSG8 of the adopted Flintshire Unitary Development Plan. The scale of development is established having regard to the site constraints in particular the need to safeguard a number of existing trees/hedgerows on the site's north western boundary the density also being reflective of the scale of development on the periphery of the application site.

7.07 Impact on Character of Site/Surroundings

The character of existing development at this location is principally defined by bungalows at Argoed View, a number of which have been adapted to provide accommodation within the roof space, two storey dwellings fronting onto the Main Road and Ty Banc Cerrig a property with a fairly steep roof pitch incorporating dormer windows adjacent to the proposed site access. Whilst the objections raised requesting the introduction of bungalows on plots 1-4 along the common site boundary with properties at Argoed View are duly noted when viewed in the wider site context, it is considered that the principle of two storey dwellings along this boundary would not be out of character given the existing mix of house types with differing ridge heights at this location.

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

Individual consultation on the application has been undertaken with the occupiers of existing residential properties which are adjacent to the application site, with one of the main areas of concern as previously highlighted being the introduction of 2 storey dwellings along the common site boundary with bungalows at Argoed View.

7.09 On the basis of the initially submitted plans, particular concerns were expressed at officer level regarding the position of the proposed dwellings on plots 1-4 relative to this site boundary with a number of these proposed dwellings having shallow garden depths. Having regard to the relationship to the garden areas of existing properties this would have resulted in significant overlooking and the recommendation would have been for permission to be refused.

7.10 Having regard to the objections received, the applicants/agent gave further consideration to amending the house types along this boundary by reducing the ridge heights accordingly. The amended plans however principally propose that the dwellings on plots 1 & 2 be moved forward by approximately 1.8 m with a slight orientation in their position. Although third party objections consider this change to be minimal to alleviating the impact on the amenity of the occupiers of

these existing dwelling, the increased distances between properties with no overlooking between main habitable windows would in my view be acceptable to maintain privacy/amenity. There is not in this instance (as there is no direct overlooking involved), a need to apply the guidance contained in Local Planning Guidance Note 2 – Space Around Dwellings.

7.11 In addition to the above an assessment of the relationship of the dwellings proposed to the rear of existing properties Sholden, Bryn Awel and The Poplars which have access onto the Main Road (A5119) has been undertaken. Notwithstanding that there is a difference in site levels of approximately 1 m at this location the gable elevation of Plot 13 relative to existing properties Sholden and Bryn Awel would be 22 m with the rear elevation distances between the dwelling on Plot 11 to The Poplars being approximately 30 m. This is in excess of the 12 m and 22 separation distances as specified in Local Planning Guidance Note 2.

7.12 Adequacy of Access

Vehicular access to serve the development is proposed off the A5119 Main Road, New Brighton to the north of an existing dwelling Rock Bank and south of Ty Banc Cerrig. The objections received relating to the adequacy of the access onto the A5119 and generation of increased vehicular movements at this location given the relationship of the site to the former Argoed Service Station which has permission for the erection of 23 No. dwellings are duly noted. Consultation on the application has been undertaken with the Head of Assets & Transportation in order to assess the acceptability of the access arrangements and detailing of internal site layout. Whilst the Head of Assets & Transportation confirms that there is no objection to the principle of development as the road/footpaths width and dimensions of the turning head are all acceptable subject to the imposition of conditions, clarification on the surface water drainage proposals for the site has been requested. This information is currently being assessed and Members will be advised at the Planning & Development Control Committee of the acceptability of the proposed measures.

7.13 Adequacy of Drainage

The adequacy of the drainage infrastructure to serve the proposed scale of development has been the subject of consultation with Dwr Cymru/Welsh Water and has been an area of concern to interested third parties.

7.14 For Members information Dwr Cymru/Welsh Water have confirmed that they have no objection to the proposal subject to the imposition of a Grampian condition to control occupation of any dwelling until after 1<sup>st</sup> October 2014 given current proposals to improve the capacity of the Mold Waste Water Treatment Works by this date. In addition it is requested that foul surface and land drainage is separated at this

location to avoid overloading the capacity of the foul sewer system. These aspects can be covered by the imposition of conditions if Members are mindful to grant permission for the development.

7.15 Open & Play Space

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

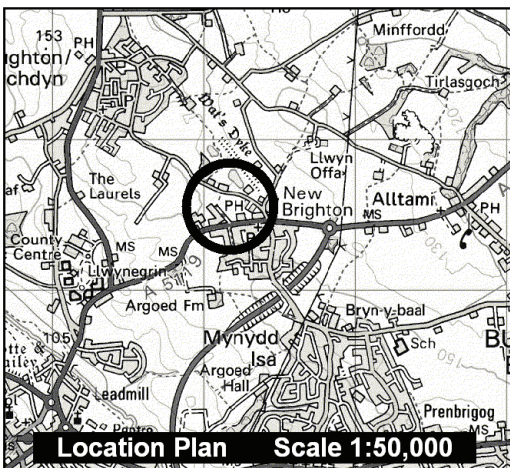
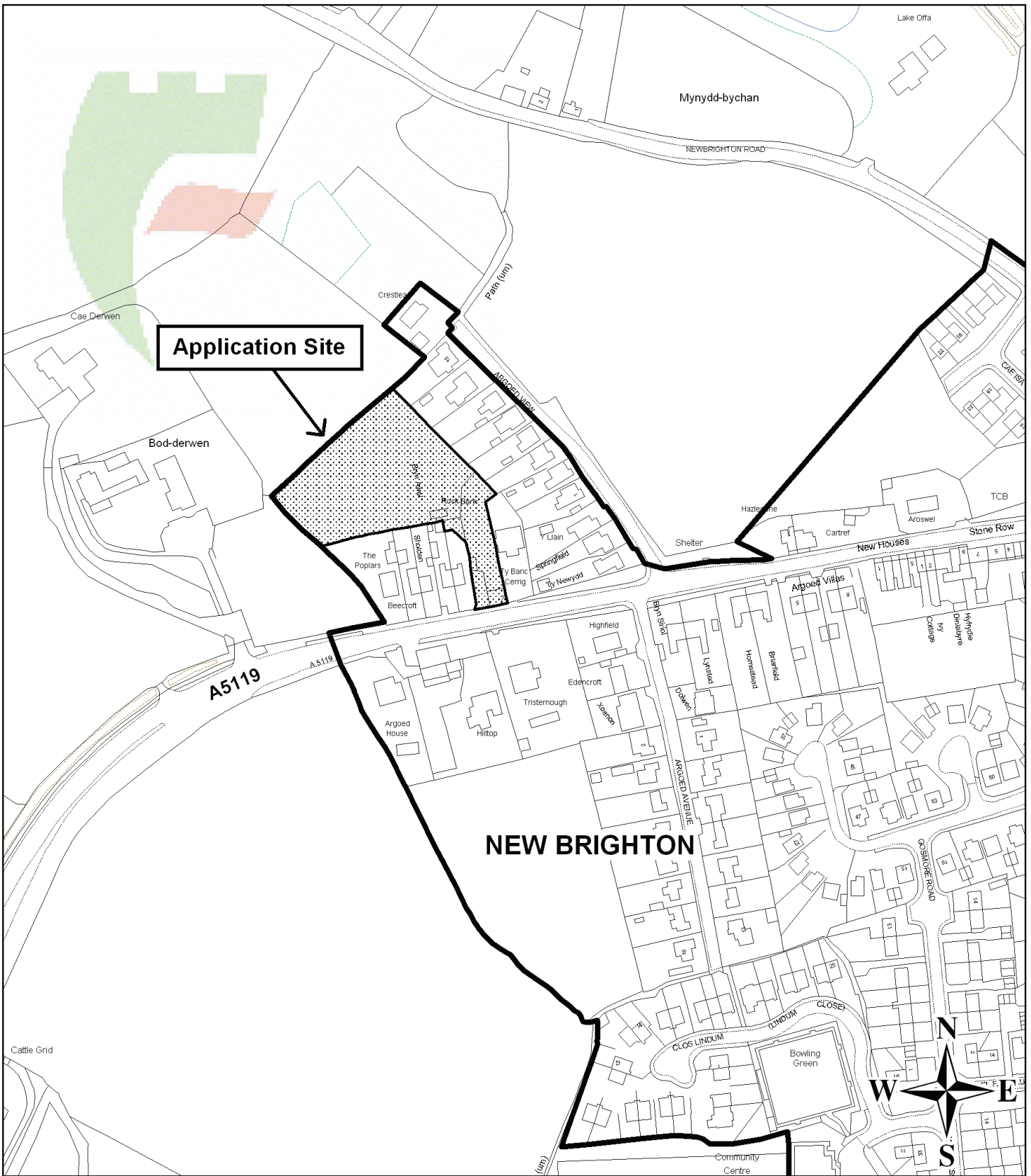
8.00 CONCLUSION

8.01 In conclusion, it is my view that the scale/form of the development proposed as part of this application would be sympathetic to the character of the site and surroundings. Whilst the objections received from the occupiers of existing bungalows at Argoed View requesting the introduction of bungalows along this common site boundary are duly noted, it is considered that:- i. the orientation and distances would be acceptable and would not require consideration in accord with the Council's Space Around Dwellings Guidance; and ii. the character of existing development is of a mix of house types including bungalows a number of which have been adapted to provide accommodation within the roofspace. I therefore recommend accordingly.

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

**Contact Officer:** Mark Harris  
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**Email:** Robert\_mark\_harris@flintshire.gov.uk





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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2565

Planning Application **51424**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 12 MARCH 2014**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF 36 NO. AFFORDABLE DWELLINGS WITH ASSOCIATED PARKING, ACCESS, HABITAT CREATION AND PUBLIC OPEN SPACE ON LAND AT LLYS BEN, NORTHOP HALL.**

**APPLICATION NUMBER:** **050613**

**APPLICANT:** **MORRIS HOMES (NORTH) LIMITED**

**SITE:** **LLYS BEN, NORTHOP HALL**

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

**LOCAL MEMBERS:** **COUNCILLOR L.A. SHARPS**

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

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

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

### **1.00 SUMMARY**

- 1.01 This application is for the erection of 36 affordable dwellings and associated works on land at Llys Ben, Northop Hall.
- 1.02 The main issues to consider within the determination of this planning application are the principle of the development in planning policy terms, the provision of affordable housing, the impact on the openness and visual amenity of the green barrier, the highway implications, the effects upon Public Rights of Way and the amenities of adjoining residents, trees, drainage and flood risk, wildlife of the

area and the educational and open space requirements.

- 1.03 All matters have been resolved apart from the principle of the development in planning policy terms, the impact upon the visual amenity and openness of the green barrier and the impact upon the key features (Great Crested Newts) of the Deeside & Buckley Newt Sites Special Area of Conservation. Hence the recommendation is for refusal.

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

- 2.01
1. Due to the proximity of the site to the Deeside & Buckley Newt Sites Special Area of Conservation (SAC), the proposals are considered to have a detrimental effect upon the key features of this designation (Great Crested Newts) and thereby contrary to Policies STR7, WB1 and WB2 of the Flintshire Unitary Development Plan.
  2. The Local Planning Authority considers that the affordable housing need in the area can be met within existing settlements nearby and thus the proposals are considered to be contrary to Policies HSG11(b), GEN3(e) and GEN4(d) of the Flintshire Unitary Development Plan. This resultant unjustified development would have a detrimental impact upon the openness and visual amenity of the open countryside and green barrier and thus contrary to Policies STR7, GEN1, L1 and GEN4 of the Flintshire Unitary Development Plan.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor L.A. Sharps

Requests application be referred to Planning Committee as this area is outside the UDP. The site is also a designated green space. The Inspector rejected the area as a former housing allocation. The housing department also objected on viability grounds. Requests also a site visit so that the Committee can view the entrances which all have difficulties, building over public footpaths.

Objects strongly for the following reasons:-

- To add a further 36 dwellings would put extra strain on the local school and further danger on Village Road.
- Site designated as green space and is well used by local villagers due to public rights of way and other informal plans crossing the site.

- Recreational area and community centre together with Llys Ben provide a natural buffer to the settlement and help define transition from built up area of village. Therefore no realistic development potential for this land. Inspector recognised this who rejected its potential as a formal housing association.
- Volume of traffic remains a major problem. To have a further 75 vehicles passing each way into Llys Ben and pass the school would be unacceptable.
- Village Road has had more than its fair share of development. Enough is enough.

Northop Hall Community Council

Has the following comments:

- Submitted plan shows access is over Flintshire owned land.
- Road to proposed development is not adopted.
- Increase in traffic past school – there is already pressure in the area due to drop off and pick up.
- Question need for affordable housing. Nearby Cae Eithin development will contain 5 affordable dwellings. Site is heavily weighted to 4 bedroom, detached properties (18).
- There are TPO's on the Gorsley, one of which is not shown on the submitted plan (TS).
- There is a criss cross network of footpaths over the Gorsley. In the proposed plan, part of the network has been deleted.
- Question timing of application and consider it has been an opportunistic attempt submit prior to LDP and is in effect a 'land bank'.
- No specific details of sewerage system. Llys Ben Pavilion has to pump its sewerage upto school for disposal and regularly overflows. Site would have to do same but no mention of it.
- Residents view the Gorsley as 'common land'. It is subject to protected rights of way, TPO's and to register site as a village green.

Head of Assets and Transportation

Applicant has failed to submit any detailed information regarding the vertical and horizontal road profiles, highway drainage or street lighting. This can be dealt with by way of a condition.

Llys Ben and Gardd Eithin are adopted as publicly maintainable highway. However adoption does not need to show they have a right of access and rights to carry out improvement of length of road will need to be brought up to adoptable standard prior to any agreement between the Highway Authority and the developer with regard to adoption of roads on the site. Other issues regarding off-site highway impacts have been addressed by the Transport Statement.

If application is likely to be considered for approval recommends any permission to include suggested conditions.

#### Head of Public Protection

No objections in principle. However site is in an area with mining history and as such there is potential for land to be contaminated with minerals/metals associated with mining operations. Therefore recommends conditions be imposed on any approval granted.

#### Director of Lifelong Learning

In view of its surplus places, No contribution is requested for Northop Hall Primary School. Contribution of £110,814 is requested for Hawarden High School, while numbers on roll already exceed its capacity of forty four.

#### Public Open Spaces Manager

In accordance with Planning Guidance Note 13, Council should be seeking an off site commuted sum payment of no less than £1,000 per unit in lieu of an on site provision. Payment would be used to enhance existing POS in the community.

Should the developer require the Council to adopt any amenity space, a commuted sum payment for 10 years. Maintenance costs would be required upon formal adoption of the land.

#### Regulatory Services Manager

Public Footpaths Nos 13, 16 & 16a cross the site. Applicant must contact rights of way section before proceeding with any works.

County Council has received a claim to add to the definitive map and statement a public right of way (i.e., a public footpath). The claim is based on evidence of uninterrupted use 'as a right' for a period of 20 years or more, which, in the absence of evidence to the contrary, raises a presumption that the way has been dedicated to the public.

#### Housing Strategy Manager

Based on the current evidence concludes that the current identified housing need can be addressed through existing UDP planning commitments/allocations and alternative affordable housing provision provided through our housing association partners.

### CPRW

Object on the following grounds:-

- Site abuts northern boundary of Northop Hall settlement on land not allocated for development. Therefore not in accordance with existing development plan.
- Proposals are out of keeping with open countryside. Land is crossed by well used footpaths that contribute to the health and safety of residents in the enjoyment of the countryside.
- Due to the large scale of development will adversely impact upon openness and character of green barrier.
- Not in a sustainable location.
- Increase in traffic along narrow, unlit country roads will present concerns to safety of cyclists.
- Difficult to accept that there is a proven need for the quantity of affordable houses.

### Clwyd Badger Group

No objections.

### The Coal Authority

Concurs with the recommendations of the Coal Mining Assessment Report that coal mining legacy potentially poses a risk to the development and that inclusive investigation works should be undertaken prior to the development in order to establish the exact situation regarding the coal mining legacy issue on the site. Requests Local Planning Authority impose a condition to this effect.

### Clwyd-Powys Archaeological Trust

Recommends a standard watching brief condition attached to any planning permission granted.

### Natural Resources Wales

No objection in principle to the proposal. But our view, the applicant has not submitted satisfactory information to address European site and European protected species issues. In these circumstances, object to the issue of consent for this proposal. With regard to drainage and surface water management recommends imposition of suggested conditions and notes attached upon any consent granted.

### Welsh Water/Dwr Cymru

Recommends any consent granted to include suggested conditions and notes.

### Wales & West Utilities

Do not have plant and apparatus in the area. However, gas pipes owned by other companies and also privately owned may be present in this area.

#### SP Energy Networks

Has plant and apparatus in the general proximity of the proposed development. The developer should be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation the apparatus.

#### Ramblers Association

Object to the application on the following grounds:-

- No justification for approving a development outside the settlement boundary. Land in question is a delightful area affording quiet and safe recreation.
- Criss crossed by several well used public rights of way which add to the amenity of the village, providing access to open countryside to the north. Importance of this open ground is underlined by the fact that access to the south is blighted by A55.
- Appreciated that the application does recognise the existence of public rights of way and retains them, however, can never match that of paths in open countryside and is vital that village settlements in Flintshire allow to retain as much as possible of their original rural character.
- Supports the claim for an additional right of way on the site.

### **4.00 PUBLICITY**

#### 4.01 Press Notice, Site, Notice, Neighbour Notification

405 letters of objection in total received (including amended plans).  
Objecting on the grounds of:-

- Green barrier land and lies outside of the Flintshire Unitary Development Plan.
- Will unacceptably harm open character and appearance of green barrier and destroy wildlife habitats.
- Demand for affordable homes in the village is already met by existing provision and plans.
- Increased traffic will pass village school, posing additional risk to children and further congestion to Llys Ben and Village Road. This road is narrow and used as a bypass for A55 access.
- Loss of green barrier, known as the Gorse, a community recreation



space. Loss of internal footpaths enjoyed by residents, children, dog walkers and ramblers.

- Infrastructure under stress and doctors and dentists.
- Will destroy the village feeling.
- Enough houses for sale in village and nearby areas to accommodate demand.
- Dog fouling elsewhere will increase if this land is lost.
- Gorse is idyllic for peace and quiet and should be developed as a nature reserve.
- Large development is taking place in Oakenholt. Additional amount of rat run traffic through Northop Hall.
- Provides safer route for children to walk to school and pavilion.
- Health & safety issues from increased car parking.
- Will be no green around the village.
- Wonder how many of these houses will be for local people.
- Overloading of the sewerage system and overflowing drains of heavy rain.
- 52 houses have already been built.
- Gorse has already been fenced off to increase their housing development potential.
- Loss of amenity upon existing and proposed occupiers in terms of loss of light, privacy etc.
- Developer does not own the land over which it is proposed to gain entry to the site.
- Survey of need for affordable homes is flawed looked at North Hall with Sychdyn and Northop but in reality Northop Hall is closer to Connah's Quay, Ewloe and Buckley where the availability of affordable housing is much greater.
- The local area is generally considered to be a low cost housing area.
- Recently approved development at Cae Eithin will only add to the

traffic concerns.

- Increased noise disruption to local residents.
- Actual design of the houses are stock house designs that Morris Homes uses across the county and thus do not reflect the design of houses in the locality.
- Over building is likely to weaken the strong community value of the village.
- 4 bedroom houses are likely to sell for £212K and £230K.
- Limited recreational space in Northop Hall already.
- Planting of dividing trees will cause damage to nearby residents houses.
- Detrimental impact upon existing trees.
- Families of the affordable homes more likely to use bus services which are presently united in Northop Hall.
- Broadband may also be impacted. Adding additional line length will impact services.
- Existing land within settlement boundary which is available for housing development.
- Proposed development falls within an area of high risk identified by the coal Authority and developer not carried out a risk assessment.
- Questions within the affordable needs survey not issued to Flintshire County Council.
- Transport Statement does not show a true reflection of traffic outside the school.
- Gorsey is an existing landmark.
- Detrimental impact upon archaeology of the site.
- Footpaths/rights of way drawn incorrectly upon the plans.
- Not enough space between trees and houses.
- Detrimental impact upon SSI and SAC.
- Potential for flooding.

## **5.00 SITE HISTORY**

5.01 None.

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

STR7 – Natural Environment.

STR11 - Sport, Leisure & Recreation.

GEN1 – General Requirements.

GEN3 – Development in the Open Countryside.

GEN4 – Green Barriers.

D1 – Design Quality, Location & Layout.

D2 – Design.

D3 – Landscaping.

TWH1 – Development Affecting Trees & Woodlands.

TWH2 – Protection of Hedgerows.

L1 – Landscape Character.

WB1 – Species Protection.

WB2 – Sites of International Importance.

WB3 – Sites of National Importance.

HE7 – Other Sites of Lesser Archaeological Significance.

AC2 – Pedestrian Provision & Public Rights of Way.

AC13 – Access & Traffic Impact.

AC18 – Parking Provision & New Development.

HSG11 – Affordable Housing in Rural Areas.

SR5 – Outdoor Playing Space & New Residential Development.

EWP2 – Energy Efficiency in New Development.

EWP3 – Renewable Energy in New Development.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP14 – Derelict & ~Contaminated Land.

EWP16 – Water Resources.

EWP17 – Flood Risk.

IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note 2 – Space Around Dwellings.

Local Planning Guidance Note 4 – Trees & Development.

Local Planning Guidance Note 8 – Nature Conservation & Development.

Local Planning Guidance Note 9 – Affordable Housing.

Local Planning Guidance Note 10 – Housing in the Open Countryside.

Local Planning Guidance Note 13 – Open Space Requirements.

Local Planning Guidance Note 22 – Planning Obligations.

Adopted Supplementary Planning Guidance 23 – Developer Contributions to Education.

## National

Planning Policy Wales Edition 5, November 2012

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

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

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

Technical Advice Note 6 – Planning for Sustainable Communities (2010).

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

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

Technical Advice Note 22: Sustainable Buildings (2010).

- 6.02 The site is located outside the defined settlement boundary of Northop Hall in the adopted Flintshire Unitary Development Plan. In addition to its open countryside location, the site is also part of a wider green barrier between Northop Hall and Connah's Quay. As such in principle policies GEN3, GEN4 and HSG11 of the Plan apply.
- 6.03 It is considered that as any affordable housing need can be met within existing Flintshire Unitary Development Plan allocations/commitments and alternative affordable housing provision provided through the Council's Housing Association Partners, the proposals are considered contrary to Policies GEN3, GEN4 and HSG11 of the Flintshire Unitary Development Plan and National Planning Policies.
- 6.04 In addition, upon detailed matters, it is considered that the site would have a detrimental impact upon the openness and visual amenity of the green barrier and key features (Great Crested Newts) of the Deeside & Newt Sites Special Area of Conservation.

## **7.00 PLANNING APPRAISAL**

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

The site extends to approximately 1.88 ha, is roughly rectangular in shape and comprises of private scrubland which is mainly overgrown with dry heath and a few scattered broadleaf trees. The topography of the site slopes downwards from south to north by approximately 5 m. A woodland lies to the north and beyond that farmland with a ditch located adjacent to this northern boundary. To the south lie the residential properties of Gardd Eithin and to the east those of Trum yr Hydref and Cae Haf. To the west lies the Northop Hall Community Pavilion, car parking and playing pitches.

- 7.02 The site is located off the eastern side of Llys Ben which leads to the Northop Hall Community Pavilion, car parking and playing fields to the west. Llys Ben in turn is located upon the northern side of Village Road within the centre of Northop Hall village. Immediately to the south of the site lie the rear gardens of the modern residential properties of Gardd Eithin and upon its eastern boundary the rear gardens of Trum yr Hydref and Cae Haf.

- 7.03 The proposals involve the erection of 36 affordable dwellings with associated parking, access, habitat creation and open space.
- 7.04 The dwellings will comprise of 12, two bedroom mews, 6 three bedroom corner splay and 18 four bedroom detached properties.
- 7.05 The tenure and mix has been designed to respond to the need identified by the affordable housing needs survey and update paper which have been submitted with the application. The scheme will comprise a mix of intermediate rent at 80% shared ownership and social rent.
- 7.06 The largest shortfall was for four bedroom affordable housing followed by one bedroom homes. The latest guidance from Welsh Government on intermediate housing indicates that only properties of two bedroom are eligible. Therefore, the one bedroom need identified will be met with two bedroom accommodation, this will also provide flexibility should the family in the dwelling grow it is required by the applicants.
- 7.07 A large area of open space (landscaped) will be provided around the prominent mature oak tree within the centre of the proposed site.
- 7.08 Vehicular access into the site will be provided from Llys Ben via the introduction of a priority controlled junction. Internal access roads into the development will be served off this.
- 7.09 In terms of car parking, the two and three bedroom houses will have 2 car parking spaces each with the 4 bedroom houses having 3 car parking spaces each.
- 7.10 Households in housing need are able to afford an intermediate product. Intermediate rent at 80% would be suitable for 12 households in need per year, intermediate rent at 60% would be appropriate for 5 households and shared ownership for 2 households. The report indicates that the majority of both the gross and net need is for social rented accommodation.
- 7.11 These houses will be delivered with the applicants working selectively with those registered providers that have a proven track record in active, quality management and stewardship as well as delivering shared equality affordable homes themselves.
- 7.12 Background  
Members may recall that the site was promoted in the form of an omission site for housing by the Applicants as part of the preparation of the Flintshire Unitary Development Plan. Representations were submitted seeking inclusion of the site within the settlement boundary, its allocation for housing, its exclusion from the green barrier and the

deletion of the green space designation.

- 7.13 The Inspector concluded that the site visually is seen as part of the open land surrounding the settlement of Northop Hall. It is not part of the built up area and it is not required for development during the plan period and therefore it did not meet the criteria for including land within settlements. The Inspector concluded that the existing settlement boundary is clearly defined by housing and the school. It was suggested by the Applicants that the site could be developed wholly for affordable housing but the Inspector considered that it was not necessary to include land within settlements to provide such an affordable housing development as if the criteria within Policy HSG11 can be met, the policy is permissive of rural exception sites.
- 7.14 In terms of excluding the site from the green barrier designation the Inspector considered that the site relates well to the countryside and other open land such as the playing fields to the west and formed part, albeit a small part of the green barrier and allocation of development on it would undermine the objectives of the designation.
- 7.15 The Inspector recommended that the site remains outside of the settlement boundary for Northop Hall and within the green barrier but no longer designated as green space. These recommendations were accepted by the Council when formally considering the Inspector's recommendations and carried forward into the adopted UDP.
- 7.16 Issues  
The main issues to consider within the determination of this planning application are the principle of the development in planning policy terms, the provision of affordable housing, the impact on the openness and visual amenity of green barrier, the highway implications, the effects upon the Public Rights of Way and the amenities of adjoining residents, trees, drainage and flood risk, wildlife of the area and the educational and open space requirements.
- 7.17 Principle of Development  
The site is located outside the defined settlement boundary of Northop Hall in the adopted Flintshire Unitary Development Plan. In addition to its open countryside location the site is also part of a wider green barrier between Northop Hall and Connah's Quay. As such Policies GEN3, GEN4 and HSG11 of the plan apply.
- 7.18 Policy GEN3 states that development proposals outside settlement boundaries will not be permitted except for specific forms of development which are listed within the Policy. Criteria (e) makes reference to 'affordable housing exception schemes adjoining existing villages' and makes reference to Policy HSG11.
- 7.19 Policy HSG11 as stated above makes provision for rural exception schemes for affordable housing subject to the proposals meeting a

number of detailed criteria, most notably that there is evidence of genuine local need for such provision and there are no suitable alternative sites or properties within settlement boundaries to meet the need. These issues are addressed in paragraph 7.21 – 7.27 of this report – Affordable Housing.

7.20 Guidance on green barriers is set out in Policy GEN4 which specifies the types of development permitted within green barriers. Criterion (d) refers to affordable housing exception schemes' provided that the development would not contribute to the coalescence of settlements and unacceptably harm the open character and appearance of the green barrier. Again, the issue of affordable housing is detailed in paragraphs 7.21 – 7.27 of this report with the impact of the development upon the green barrier also addressed in paragraphs 7.28 – 7.33 of the report.

7.21 Affordable Housing

A Housing Needs Survey was submitted with the application by the applicants for Northop Hall and Northop. The survey report was issued in December 2011 and has been supplemented with an update paper published in September 2012.

7.22 This Household Survey (Questionnaire) indicated a need for 51 affordable houses per year, 17 per year of which arise from Northop Hall village. It also found that the largest need is for four bedroom affordable housing followed by one bedroom homes. However, it suggests that the need for one bedroom units be met in two bedroom units. This equates to an annual need in the study area for 22 two bedroom houses, 7 three bedroom dwellings and 22 four bedroom units the applicants argue.

7.23 The Survey together with the update paper has been assessed by the Housing Strategy Manager who advises in the first instance that the evidence base to support any proposed planning application is the affordable homeownership register and not any completed questionnaires which the applicants have undertaken. As of March 2013, the Council had 3, 13 and 3 applicants on the Affordable Homeownership Register and 9, 15 and 5 applicants on the Social Housing Register for Northop Hall, Northop, Sychdyn respectively. Based on this evidence, the Housing Strategy Manager advises that the current affordable housing allocations which have been provided within the Flintshire Unitary Development Plan, which are also in close proximity to this proposed site would meet this existing identified housing need. These include Ffordd Newydd, Connah's Quay (43 affordable properties with a mix of 2 & 3 bed houses), Cae Eithin (4 affordable properties which would meet the identified affordable rental 80% market need) and Connah's Quay Road, Northop (8 shared equity properties in which the development has been completed).

7.24 Whilst there is a need for social housing across the County, the social

housing grant programme is over subscribed, with new schemes not being considered until 2018 onwards. In the absence of this grant and the lack of any financial viability evidence from the applicant there are concerns as to how social rented can be delivered on the site. This leaves Intermediate Rent at 80% and shared ownership in relation to types of tenure of affordable housing.

7.25 One of the intermediate housing products under consideration is shared equity/shared ownership schemes. The Council has already experienced difficulties with providing shared equity/shared ownership and discounted for sale affordable products over recent years, which has resulted in amending various Section 106 Agreements to allow the Council to implement shared equity/ownership products on current affordable schemes. This is due to the mortgage lenders not being willing to provide mortgage finance on Section 106 schemes and the high deposits associated with these products. There are also a limited number of lenders willing to provide shared ownership mortgages at this current time.

7.26 The above was experienced with the exception site development in Lixwm, which was granted planning permission in 2006 for affordable homeownership utilising the shared ownership product. Due to the down turn in the economic climate, the developer is still unable to sell 3 plots under the shared ownership scheme. Therefore they requested the planning committee allow the properties to be provided on a rent to buy basis, because prospective purchasers were unable to find an affordable mortgage product.

7.27 Given the above, which argues that the current identified affordable housing need can be addressed through existing Flintshire Unitary Development Plan allocations/commitments and alternative affordable housing provision provided through the Council's Housing Association Partners, the proposals are contrary to Policies GEN3(e), HSG11(b) and GEN 4(d) of the Flintshire Unitary Development Plan.

7.28 Openness & Visual Amenity of Green Barrier  
The site falls within green barrier No. 13 which focuses on the strategic gap between Northop Hall and Connah's Quay. In drawing up the UDP, existing (Local Plan) green barriers were reviewed and subsequently reduced in number and extent to ensure that they are more strategic in protecting only key areas of land where it is essential to retain their open character and appearance. The green barrier, here, seeks to (a) safeguard the surrounding countryside from further encroachment and (b) prevent neighbouring towns or villages from merging into one another. The green barrier wraps around the eastern part of Northop Hall and includes not just the application site but also other open land comprising the playing fields extending up to the rear boundary of St. Mary's Church.

7.29 As detailed earlier in this report in paragraphs 7.12 – 7.15 the site was



subject to representations including its exclusion from the green barrier in the preparation of the UDP. The Inspector subsequently supported the designation of the site as green barrier and that development on it would undermine the objectives of the designation.

7.30 The applicant's agents planning statement refers to their landscape and visual impact assessment and comments on the character of the site being different than that of surrounding countryside and its relationship with the settlement having development on three sides. The site is considered to have a sense of enclosure with screening restricting views into and out of the site.

7.31 However, it has to be remembered that the designation of land as a green barrier is not based on any qualitative assessment of different parcels of land but rather on its openness. The fact that the site comprises scrubland and is different in character, from the surrounding open countryside does not mean that it is inappropriate to be included within the green barrier. The site is open in character and sits alongside the larger swathe of recreational land beyond which are traditional field patterns. The conclusions of the Inspector were as follows:

'The site forms part of a network of open areas to the north of the village. It has the appearance of scrub/heath land and is contiguous with the countryside to the north and playing fields to the west ..... visually the site is seen as part of the open land surrounding the settlement.

..... In this case because I find the site relates well to the countryside and other land such as playing fields to the west, it forms part, albeit a small part, of the green barrier and allocation of development on it would undermine the objectives of the designation'.

7.32 Taking into account either existing or proposed vegetation, it would be possible to screen to varying degrees, many development sites in purely visual terms. However, development on the site would still affect its openness. If the impact of the development is in green barriers could be made acceptable by providing screening then the strict protection afforded by green barriers would be significantly eroded. The planning statement refers to development being on three sides of the site but this is not accepted and neither did the Inspector, referring to development on two sides. It is not considered that development comprising the recreation building to the west can be considered in the same context as the adjoining housing development as it is set within an open setting comprising recreational land. The presence of the existing residential land to the south and east is not considered to provide a physical context for the development of the site as the proposed built development will constitute encroachment into open countryside and green barrier. The absence of built development on the site, thereby expressed in terms of openness, is a

different concept from that of visual impact.

7.33 Given the above, it is considered that the site, in planning policy terms is rightfully designated as green barrier. Having regard to the objectives of green barriers designation and the comments of the Inspector, it is also considered that the site serves, in its present state, to prevent encroachment of development into open countryside and prevent coalescence between settlements. In this context it is considered that built development comprising of 36 houses would be harmful to the open character and appearance of the green barrier. It is also worth stressing that as the proposals affordable housing need can be met elsewhere, the development is not considered to represent an affordable housing exceptions scheme and is therefore classed as inappropriate development in the green barrier as set out in para 4.8.16 of Planning Policy Wales. Inappropriate development by its very nature is harmful upon both the openness and visual amenity of the green barrier. PPW in para 4.8.15 states 'inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm such development would do to the Green Belt or green wedge'. Even if the proposal was considered to be an appropriate form of development in a green barrier, it is still considered that the development of 36 affordable homes upon the site would lead to further encroachment, and unacceptably harm the open character and appearance of the green barrier, thereby being contrary to Policy GEN4 d (i) & (ii) of the Flintshire Unitary Development Plan.

7.34 Highways

Vehicular access to the development will be provided off the eastern side of Llys Ben opposite the community woodland via the introduction of a simple priority controlled junction. A number of internal roads are proposed which are in turn to be served off this new access. This section of Llys Ben is unadopted and evidence has been provided that this is owned by the Applicants.

7.35 Pedestrian and cycle access will be provided from the same location as vehicular access. In addition, secondary pedestrian accesses will be provided from the existing rights of way that run through the residential areas to the south of the site.

7.36 The proposed on-site parking provisions approximately equates to the maximum parking standards. A number of the four bedded properties are provided with two parking spaces and a single garage space arranged in tandem.

7.37 The proposed site access junction, internal road layout of the development and the existing junction of Llys Ben with the B51125 Village Road has been reviewed by both the Applicant's highway consultants and the Head of Assets & Transportation who consider them to be acceptable from a road safety, layout and visibility

perspective.

7.38 The trip generating potential of the site has been estimated using trip rates from the industry standard TRICS database. The maximum number of vehicular trips arising from the development will be 21 one way trips in the AM peak hour and 22 one way trips in the PM peak hour. Volumetrically, this equates to roughly one additional vehicle movement every three minutes in each peak hour at the site access. If this traffic is then further split across the highway network to both the east and west along the B5125 Village Road of the site and beyond, it is concluded that the traffic impact of the development in the area will be negligible and almost imperceptible.

7.39 Impact Upon Public Rights of Way

Public Footpath Nos 13, 16 & 16a cross the site. In addition, a definitive map modification order to add to the Definitive Map footpath crossing the site from the south west corner to the north east corner was made to the definitive map on 15<sup>th</sup> October 2013. Objections have been received to the Order. It will need to be submitted to the Welsh Minister for confirmation.

7.40 Despite the above however, the development retains and enhances the quality of the public footpaths. The development will provide an opportunity to improve the relationship between the built environment and the countryside as the site is currently overgrown and unmanaged.

7.41 Amenities of Adjoining Residents (Privacy, Loss of Light etc)

The rear gardens of the modern two storey detached dwellings of Gardd Eithin lie immediately to the south of the site with the rear gardens of similar properties of Cae Haf and Trem Yr Hydref lying immediately to the east. The proposed layout indicates that some of the rear and side gardens of the proposed two storey dwellings will back onto these existing rear gardens. The applicant's agent has indicated that the proposed levels of the site will be those as existing which are generally those of the adjoining land. From the proposed layout, it appears that the rear to rear, side to side and rear to side separation distances between the proposed and existing dwellings accord with the minimum requirements as set out in the guidelines within the Local Planning Guidance Note 2 – 'Space Around Dwellings'. Given these distances, that there is unlikely to be any significant difference in levels and that the boundaries will provide a good screen, it is considered that there will be no significant detrimental impact upon the amenities of both proposed and existing occupiers in terms of loss of privacy, light, obtrusiveness etc.

7.42 Within the site itself, the proposed layout shows that the size of the private amenity gardens and the separation distances between each proposed dwelling accord with those set out in the Local Planning Guidance Note 2 and therefore it is considered that there will be no

significant detrimental impact upon the amenities of the proposed occupiers of the dwellings.

7.43 Impact upon Trees

The site contains an attractive mosaic of vegetation including unmanaged pasture interspersed with oaks of varying ages and narrow woodland along the northern boundary.

7.44 The development as shown upon the amended drawings excludes development along the northern edge of the site and also towards the site centre. Therefore, the woodland adjacent to the northern boundary is retained, as well as, a number of mature oaks within the unmanaged pasture.

7.45 A Tree Preservation Order (No. 304 (2012)) has been placed upon three mature oaks, one mature ash as well the linear woodland along the northern boundary.

7.46 A BS5837 Tree Report has been submitted with the application which provides an objective assessment of the trees which has been used to inform the layout. This layout proposes the retention of all the individually protected trees apart from the oak (T2). This is shown for removal at the southern end of the central open space. Although the oak is subject to the TPO, the Council's Forestry Officer agrees that it is not a good specimen as it has sustained major limb fracture creating poor form and containing decay. The tree is also considerably smaller than the adjacent oak (T3). Given the above, and that the layout plan retains the woodland and the majority of the other mature trees on the site, the Council's Forestry Officer advises that this oak (T2) can be removed.

7.47 The layout also shows plot 36 and also the garages for plots 35 & 36 within the Root Protection Area (RPA) of the oak (T4). The BS permits some elements of development within the RPA provided certain requirements are met. In this case it is proposed to construct the garages on pile foundations and to provide ground protection for the path. The dwelling can be constructed in the position shown because of the offset permitted in the BS. Nevertheless, excavations will still need to be restricted during the site clearance phase and arboricultural method statements submitted for any works inside the RPA.

7.48 The other trees interspersed across the unmanaged pasture are mainly early mature or young which means their amenity value is limited due to their size. In addition, they could be readily replaced or even transplanted to the open areas unaffected by development.

7.49 To conclude, it is considered that the proposal in its current form does not justify making an objection based upon the impact to trees. It is evident that the scheme has retained many of the trees on site within

a spacious layout and includes comprehensive landscaping to reduce the impact of the development.

7.50 Flood Risk & Adequacy of Foul/Surface Drainage

Representations have been made that the land is liable to flooding and that the existing drainage infrastructure in the locality is inadequate to serve the proposed scale of development.

7.51 The site lies outside of any flood zone and consultation has been undertaken by Natural Resources Wales, who accordingly advise they raise no objection to the development on these grounds.

7.52 The proposals have also been the subject of consultation with Dwr Cymru Welsh Water who advise that in relation to foul drainage, that a programme of system improvements are planned and are expected to be completed by April 2015. This, together with suggested conditions in respect of the submission, agreement and implementation of detailed drainage schemes could be placed upon any planning permission granted. There are no objections to the proposal therefore on drainage grounds.

7.53 Educational Contributions

The Director of Lifelong Learning has advised that no educational contributions are requested for Northop Hall Primary School as there are surplus places. However, a contribution of £110,814 is requested for Hawarden High School, where the numbers on the roll already exceed its capacity by forty four.

7.54 The Applicant has been advised of this request but is unwilling to make the payment. This is because it is argued the development would provide affordable housing for the embedded population and would not therefore add to the population or need for additional school places.

7.55 However, the above educational contributions are still requested as there will still be additional demand created by the development for child places in local schools from within the existing area and outside.

7.56 Public Open Space

The Public Open Space Manager advises that the Council in accordance with Planning Guidance Note 13 – Open Space Requirements and Policy SR5 of the Flintshire Unitary Plan should be seeking an off site commuted sum payment of no less than £1,100 per unit in lieu of an on site provision. The payment would be used to enhance existing public open space in the community. The applicant has indicated that this will be paid in the event of planning permission being granted.

7.57 Wildlife

The site is just over 500 m from the Deeside and Buckley Newts Sites

Special Area of Conservation (SAC) and within 200m of Wepre Wood Site of Special Scientific Interest (SSSI) which are designated for great crested newts. In addition there are records of ponds with GCN within 200 m and newly created but ideal GCN mitigation ponds within 250 m of the site. The Great Crested Newt Survey report confirms presence and breeding within a number of these ponds including the new mitigation ponds.

- 7.58 The site is unmanaged pasture which now has abundant oak regeneration. Grassland species present include sweet vernal grass, meadow foxtail, tufted hair grass, pignat and black knapweed and bulbous buttercup. The northern boundary is an overgrown species rich hedge with bluebell (qualifies it as important under the hedgerow regulations). These habitats are suitable for terrestrial great newts within the range of the surrounding ponds.
- 7.59 The grassland and scrub present means the site has potential for nesting birds, as terrestrial habitat for other habitat for other amphibians and reptiles.
- 7.60 Subsequent surveys have confirmed that there is no evidence of badgers within 50 m of the site and no reptiles were recorded under the placed refugia but the habitat is considered suitable and reasonable avoidance measures are still proposed. Frogs and toads were recorded under the refugia but not great crested newts although this does not confirm their absence from the site.
- 7.61 The breeding birds survey identified the boundaries as the key nesting habitat including gorse scrub for linnets in the north western corner which is to be retained and enhanced.
- 7.62 The additional surveys cover the issues raised previously with regards to badgers, bats, breeding birds and reptiles, but due to the proximity of confirmed great crested newt ponds, the whole site has potential to provide terrestrial habitats for GCN.
- 7.63 As the competent authority, the Local Planning Authority needs to assess whether the development is likely to affect the designated features of the SAC which in this case is great crested newts. The development will have no direct effect on the SAC, but there is the potential for indirect effects. These being:-
- a. On the Great Crested Newt population. There are a number of Great Crested Newt breeding ponds within 500 m, therefore there is potential for Great Crested Newts to be present on the development site especially as it provides suitable terrestrial habitat.
  - b. In addition indirect effects e.g., increased recreational pressures, especially when considered in conjunction with

other developments in the Deeside and Buckley area (“in combination effects”) could potentially have significant impacts.

- 7.64 The report by the Applicant covers proposals for Reasonable Avoidance Measures and the retention of the northern boundary with the creation of a pond albeit next to two footpaths. The site itself is currently well used as an informal open space with well walked PROWs linked by desire lines which combined with the semi-natural habitats present give the site high value as an “accessible natural green space”. Loss of this has the potential to increase recreational pressure on the SAC.
- 7.65 The proposals retain an area for informal recreation which had the potential to be enhanced as a natural green space but it is not suitable as a combined GCN mitigation/recreation space.
- 7.66 In comparison with other development sites, the mitigation put forward is inadequate. Equally, while provision has been put forward for informal recreation, this is less than existing so there is the potential to add to the pressures on the SAC. Therefore a likely significant effect on the Deeside and Buckley SAC where GCN are the key feature cannot be ruled out.
- 7.67 European Protected Species (EPS) such as GCN and their breeding sites and resting places are protected under Regulation 41 of the Conservation of Habitats & Species Regulations 2010 (as amended) and under Article 12 of the EC Directive 92/43/EEC in the United Kingdom. Plans or projects that could affect EPS must satisfy the appropriate Article 16 Derogation and two mandatory tests. Disturbance to a EPS whilst occupying a place of shelter and/or obstruction of access to a place or shelter are also prohibited under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000).
- 7.68 Regulation 9(1) & 9(5) of the Conservation & Habitats & Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to ensure compliance with and to have regard to the provisions of the 1982 ‘Habitats’ Directive (92/43/EEC). Consequently the Local Planning Authority decision making must be undertaken in accordance with compliance of the Habitats Directive.
- 7.69 The Local Planning Authority must be satisfied that a proposal satisfies the appropriate Article 16 derogation and two mandatory tests as part of the planning decision process. The need to consider this derogation is specifically identified in TAN5 and Regulation 53 of the Conservation & Habitats and species Regulations 2010. In consideration to these requirements it is considered that the proposals seek to establish the principle of the use of the site for the purposes of affordable residential development. The site lies outside of the

settlement boundary of Northop Hall, within green barrier and open countryside. National planning policies seek to direct affordable housing in the open countryside and green barrier only where there is evidence of genuine local need and there are no suitable alternative sites or schemes about settlements provided that the development does not contribute to the coalescence of settlements and unacceptably harms the open character and appearance of the green barrier. It has been demonstrated elsewhere within its report that any need can be met upon existing allocations for residential development.

7.70 To ensure the effective safeguard of amphibians (including Great Crested Newt and other species of amphibian as features of the SSSI) the applicant has submitted outline amphibian avoidance, mitigation and compensation schemes to inform the public decision making process. It is considered that these are not satisfactory. Appropriate schemes will include the submission and implementation of detailed Reasonable Avoidance Measures (RAMs), such as timing of operations and the exclusion of individuals from working areas. In addition compensation schemes will be required and these will need to include the long term provision of land for specific nature conservation purposes, together with long term management, wardening and monitoring. Proposals as identified with the submitted assessment are not considered to be satisfactory. Material points of concern in respect of the submitted proposal include size of the compensation site, lack of detailed management plan and failure to effectively consider incidental capture/killing issues.

7.71 To conclude, given the above, it is considered that the proposals would have a detrimental impact upon the nearby Deeside & Buckley Newt Sites Special Area of Conservation.

7.72 Village Green

The County Council has received an application for the registration of the application site as a new town or village green. The period for objections to be made in respect of that application expires on 28<sup>th</sup> March 2014. The procedure relating to that application, only impacts upon planning process in so far as it will have a practical effect upon the ability to implement any planning permission granted. The decision-making processes are entirely distinct and the existence of a planning permission has no bearing upon the discretion to grant or refuse a town/village green application.

**8.00 CONCLUSION**

8.01 It is considered for the reasons detailed above that the proposals are not acceptable in principle in planning policy terms and would have a detrimental impact upon the openness and visual amenity of the green barrier together with the key features (Great Crested Newts) of the adjoining Deeside & Buckley Newt Sites Special Area of Conservation

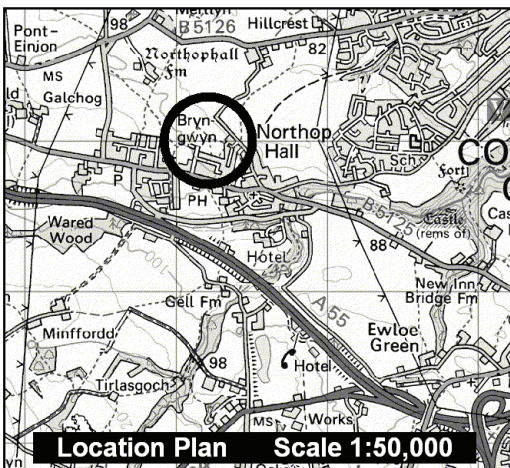
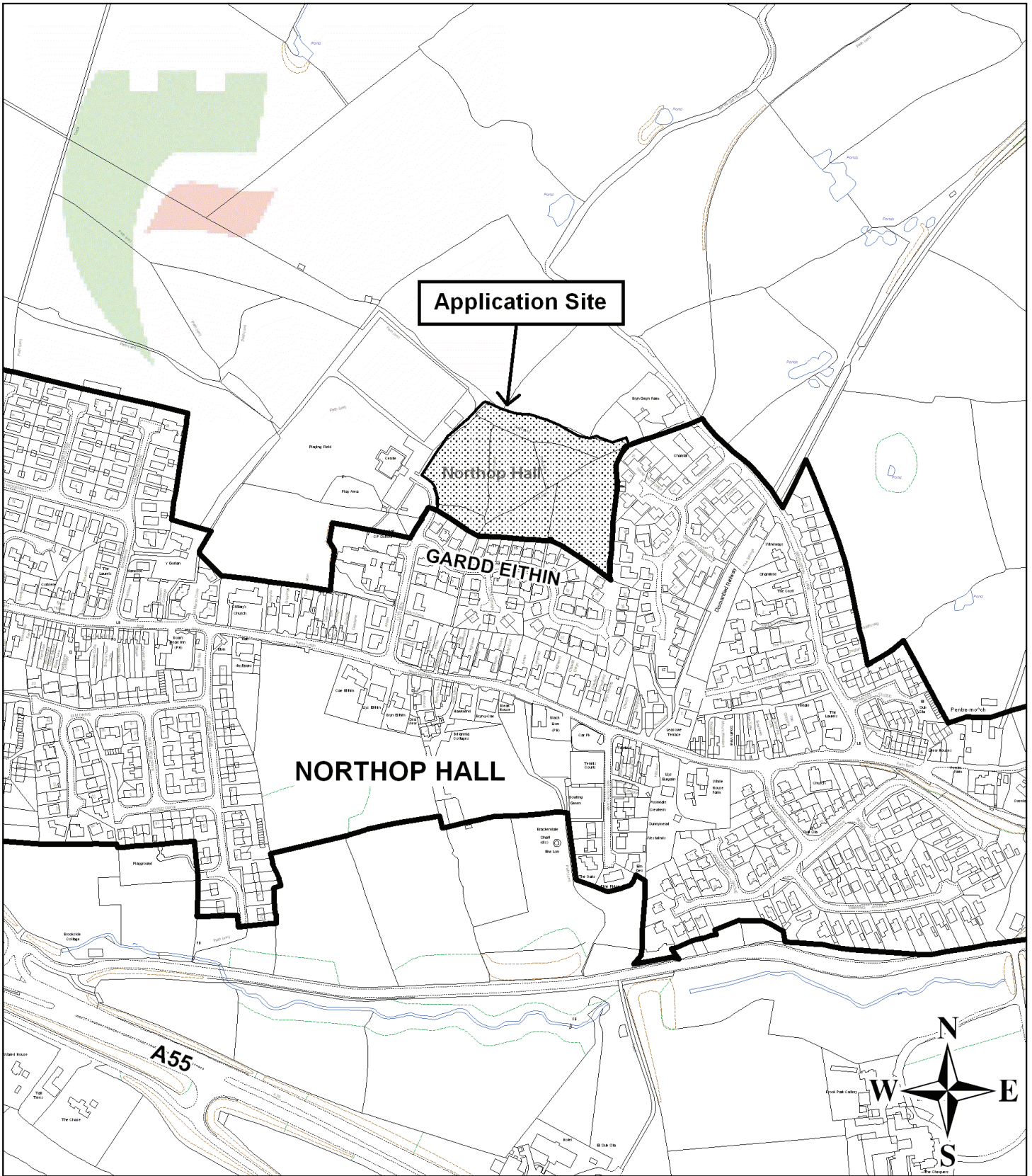


(SAC).

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

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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Map Scale 1:5000

OS Map ref SJ 2767

Planning Application **50613**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **12<sup>TH</sup> MARCH 2014**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF 35 NO. DWELLINGS AND ASSOCIATED WORKS AT "ABERMORDDU CP SCHOOL", CYMAU LANE, CAERGWRLE**

**APPLICATION NUMBER:** **051482**

**APPLICANT:** **ANWYL CONSTRUCTION**

**SITE:** **LAND SIDE OF ABERMORDDU CP SCHOOL, CYMAU LANE, CAERGWRLE, WREXHAM, LL12 9DH**

**APPLICATION VALID DATE:** **10/12/2013**

**LOCAL MEMBERS:** **COUNCILLOR H. ISHERWOOD**

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

**REASON FOR COMMITTEE:** **DUE TO SCALE OF DEVELOPMENT**

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

### **1.00 SUMMARY**

1.01 This is a full planning application for the erection of 35 No. dwellings and associated works at Abermorddu CP School, Cymau Lane, Caergwrle. The site fronts onto Cymau Lane. The proposed development is detailed as follows,

- 35 No. dwellings which vary in design from terraced two bed dwellings, up to 3/4 bed detached dwellings.
- Public open space to the north of the site. The open space

would be equipped with play equipment. In addition, landscaping would be provided throughout the remainder of the site in the form of retained landscaped buffers, boundaries and new trees/hedges.

- A new access point onto Cymau Lane to serve the proposed development.
- The provision of 8 car parking spaces for public use adjacent to the boundary with Abermorddu CP School.

1.02 The issues for consideration are the principle of development, design/appearance, visual/residential impacts, affordable housing, ecology impacts, educational contribution and highway impacts.

**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 deliver the following:-

a) The construction to DQR (Design Quality Requirements) and transfer at no charge to the Council of three 2 bed residential units prior to the completion of 18th dwelling on the site with such dwellings being used for affordable housing in perpetuity and nomination rights being retained by the Council. The dwellings shall be added to the Council housing stock for local residents in the Abermorddu community.

b) Ensure the payment of an educational contribution totalling £208870 towards educational provision/improvements to local education facilities (to be allocated as follows, Castell Alun £110,814, Abermorddu County Primary £98,056). The contribution shall be paid prior to occupation of the first dwelling and if some or all of the money is not spent within five years of payment, it is to be returned to the developer together with any interest accrued.

c) Ensure payment of £75,000 to provide for the long term maintenance of the public open space area, and installation of play equipment in accordance with detailed specifications with the play equipment provided prior to 50% of the development being built.

d) Ensure the provision prior to occupation of any dwelling of a speed activated flashing neon sign on the approach to the site from Cymau Lane at a cost of £3,500 and to the Council's specification.

Conditions

1. 5 year time limit

2. In accordance with approved plans
3. Approval of external materials to roofs and walls
4. Approval of detailed layout, design, traffic calming, signing, surface water drainage, street lighting of the internal estate road
5. Detailed design of means of access and a 1.8 m wide footway to the site frontage and which connects to the existing public footpath to the west of the site
6. Visibility splays of 2.4m by 43m
7. 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
8. Provision of facilities for the parking/turning/loading/unloading of vehicles associated with proposal including bin storage/collection
9. Submission for approval of landscaping scheme to include for the retention of the hedging fronting onto Cymau Lane
10. Implementation of landscaping scheme
11. Root protection area for trees and hedging to site boundaries during construction works
12. Submission and approval of details for public open space including boundary treatment and hard/soft landscaping and any drainage requirements for the site
13. Archaeological watching brief
14. Play area land not to be used as a compound for construction works or general site storage during construction works
15. Details of a scheme for amphibian mitigation including reasonable avoidance measures (RAMS) for Great Crested Newts, one way newt/reptile exclusion fence, reptile refugia to boundaries, further ecological surveying of the site prior to construction works
16. Any changes to the layout/design of the gifted units as a result of building to DQR (Design Quality Requirements) to be agreed beforehand.
17. No land drainage discharges into the public system
18. No surface water discharges into the public system
19. Foul/surface water drained separately from site
20. Submission for approval of a comprehensive drainage scheme for foul/surface and land drainage and to include for the assessment of a Sustainable Drainage System (SuDS).
21. Submission of a scheme for the management of overland flow from surcharging surface water.
22. Application of Code 3 requirements pre and post-commencement

### **3.00**

### **CONSULTATIONS**

3.01

Local Member

Councillor H.T. Isherwood

Wishes affordable housing provision to be in the form of 3 gifted units. Accepts the provision of 8 parking spaces as a measure of goodwill. Pleased to see a substantial uplift in educational contributions.

Adjacent Ward Member:

Councillor C. Hinds

The application raises concerns due to the level of residential activity in the locality/adjacent wards and questions if the local schools and other services and utilities can cope, with potential for over development.

Llanfynydd Community Council

Request the following be included as conditions to any grant of planning permission,

- Wilson Homes had promised 12 car parking spaces not six as stated by Anwyl – Anwyl should honour the original provision
- Anwyl Homes have not consulted with the residents of Abermorddu, the developers have inherited the consultation from Wilson Homes
- Hours of operation – to avoid deliveries during the school drop off and pick up times as Cymau Lane is congested during these hours. To request deliveries only on Saturday mornings and not during Saturday afternoon or Sundays.

Head of Assets & Transportation

No objections subject to conditions and payment of monies for a speed activated neon sign.

Environment Directorate (Rights of Way)

Public Footpath 2 abuts the site but is unaffected by the development. The path must be protected and free from interference from construction.

Public Protection Manager

No adverse comments

Public Open Spaces Manager

No objections subject to detailed specification of equipment being subject to a planning condition and maintenance payment.

SP Energy Networks

Applicant's attention brought to plant/machinery in the locality.



#### Welsh Water

Requests standard conditions be applied relating to land, surface and foul drainage.

#### Natural Resources Wales

No objection subject to conditions on ecology and drainage.  
Note to applicant.

#### CPAT

No objection subject to condition.

### **4.00**

#### **PUBLICITY**

#### 4.01

The application has been publicised by means of site notices, press notices and neighbour notification letters. The proposal has been advertised as a departure to the adopted development plan.

3 letters/emails of objection have been received in response to this application whose comments are summarised as follows,

#### Highway Issues

- Will make the Wrexham Road/Cymau Lane junction which is already heavily used more dangerous due to additional volumes of vehicular traffic the site will generate.
- Cymau Lane has fast moving traffic and lacks adequate visibility due to the bend in the road.
- Questions lower provision of parking allocation for school use.
- The wider highway network and narrowness of the roads are insufficient in supporting an increase in housing on this site with Wyndham Drive in particular likely to be increasingly used as a “rat run” and used by parents to park at leaving off/picking up times at the school.
- Concerned over level of construction traffic using the local highway network at a busy junction.
- Questions safety of children walking to the school with the additional traffic that will generated by this development.

#### Amenity/Environmental Issues

- Concerned about environmental impact e.g. CO2 footprint, air pollution from additional traffic generated.
- Objects to loss of green space adjacent to the school.
- Questions if the proposal would lead to loss of the local “Witty’s Pond” or access to it.

#### Other issues

- Queries the timing of the submission of the application during a holiday period and amount of time given to respond and level of consultation undertaken.

**5.00**            **SITE HISTORY**

5.01            Ref. 048471, Erection of 35 no. dwellings and associated works, granted 16/4/2012

**6.00**            **PLANNING POLICIES**

6.01            **Adopted Flintshire Unitary Development Plan**

- Policy STR1 - New Development
- Policy GEN1 - General Requirements for Development
- Policy GEN2 - Development inside settlement boundaries
- Policy HSG3 - Housing on Unallocated sites within settlement boundaries
- Policy HSG8 - Density of Development
- Policy HSG9 - Housing Type and Mix
- Policy D1 - Design Quality
- Policy D2 - Location and Layout
- Policy D3 - Building design
- Policy D4 - Landscaping policy
- Policy AC2 - Pedestrian Provision and Public Rights of Way
- Policy AC13 - Access and Traffic Impacts
- Policy AC18 - Parking Provision and New Development
- Policy SR5 - Outdoor Playing Space and New Residential Development
- Policy EPW2 - Energy Efficiency in New Development
- Policy HSG10 - Affordable Housing within Settlement Boundaries
- Policy EWP3 - Renewable Energy in New Development

**Planning Policy Wales**

Technical Advice Note 1 - Joint Housing Land Availability Studies

Technical Advice Note 2 - Planning and Affordable Housing

Technical Advice Note 5 - Nature Conservation

Technical Advice Note 6 - Agriculture and Rural Development

Technical Advice Note 12 - Nature Conservation

Technical Advice Note 15 - Development and Flood Risk

Technical Advice Note 18 - Transport

Technical Advice Note 22 - Sustainable Buildings

**7.00**            **PLANNING APPRAISAL**

7.01            **Principle of Development**

This is a full planning application for the erection of 35 No. dwellings and associated works at Abermorddu CP School, Cymau Lane, Caergwrle. The site fronts onto Cymau Lane. The proposed development is detailed as follows,

- 35 No. dwellings which vary in design from terraced two bed dwellings, up to 3/4 bed detached dwellings.
- Public open space to the north of the site. The open space would be equipped with play equipment. In addition, landscaping shall be provided throughout the remainder of the site in the form of retained landscaped buffers, boundaries and new trees/hedges.
- a new access point onto Cymau Lane to serve the proposed development.
- the provision of 8 car parking spaces for public use adjacent to the boundary with Abermorddu CP School.

7.02 The site is located on agricultural land adjacent to Abermorddu Primary School, off Cymau Lane. The site is roughly square in shape (excluding the public open space provision to the rear) and measures approximately 100 metres by 103 metres. A tree lined public footpath can be found to the western boundary, agricultural land is to the southern boundary (rear of the site), with Cymau Lane to the northern boundary, with the school to the eastern boundary. On the opposite side of Cymau Lane existing residential development can be found.

7.03 Principle of Development/Policy Context

The proposed site currently has an extant planning permission granted in 2012 for a similar development of 35 No. dwellings. The application has been presented before the Council as a result of the site changing hands with the new developer (Anwyl) wishing to impose their house designs on the site. Bearing in mind there is an extant planning permission for the development, the current application is considered acceptable in principle.

7.04 Design/Appearance/Landscaping

Visually valuable boundary trees/hedging have been retained. The proposed dwellings fronting onto Cymau Lane are set back from the lane and the existing mature hedge onto Cymau Lane is retained. The proposed dwellings adjacent to the tree lined western boundary are set well back from the existing trees.

7.05 The general layout allows for passive surveillance of the proposed public open space and other public areas within the development. The proposal includes a mixture of two/three and four bed homes which are either detached or terraced. The proposed dwellings would be predominantly brick/rendered to the external walls with grey roof tiles with a layout that is broadly in line with Council standards as regards space about dwellings/overlooking/privacy. The existing general character of the area is a mixture of property types/styles and within which the proposed development would not appear out of character.

Therefore the proposed development is considered acceptable in design and appearance subject to approval of external wall/roof materials. The existing natural features to the site's boundaries are generally retained.

- 7.06 Impact on Existing/Proposed Residential Amenities  
The nearest residential properties to the proposed development are located on the opposite side of Cymau Lane and therefore it is not considered there would be any detriment to existing amenities by way of overlooking/privacy. The proposed dwellings are broadly in line with Council standards in regards to space about dwellings/depth of gardens etc and therefore are considered to provide adequate amenity provision for any future occupants of the proposed dwellings. The public open space provision is considered acceptable subject to the detailed specification of any equipment being proposed and its appearance in hard/soft landscaping terms, both of which can be the subject of planning conditions. In addition the long term maintenance would be subject to a legal agreement as detailed in paragraph 2.01 of this report.
- 7.07 Ecology  
Natural Resources Wales has not raised any objections to the proposed development subject to mitigation works to safeguard any potential protected species that may enter the site. These mitigation works would include details of a scheme for an amphibian one way newt/reptile exclusion fencing, reptile refugia to boundaries and further ecological surveying of the site prior to construction works. It is considered that an appropriately worded condition can provide for the required mitigation works.
- 7.08 Highways  
The proposed development would be accessed by vehicular traffic via one point on to Cymau Lane which the Head of Assets and Transportation has raised no objection to subject to appropriately worded conditions. Whilst objections to the proposed development have been raised on highway grounds, nonetheless, it is not considered the proposed development would be unduly detrimental to highway safety subject to appropriately worded planning conditions.
- 7.09  
In order to allay highway concerns in the local community the applicant has offered to provide parking space for 8 cars within the site to assist parents waiting for children at the adjacent school. It should be emphasised that the provision of the 8 parking spaces are not directly required to facilitate the application proposal in highway terms nor are they being required by the Head of Assets & Transportation, but they are the applicant's attempts to address highway matters of local

concern rather than concerns which are to be generated specifically by the development.

7.10 The Head of Assets & Transportation requires the provision of a speed activated flashing neon sign on the approach to the site from Cymau Lane at a cost of £3,500 and to the Council's specification. The proposed development is considered to provide adequate off road parking and manoeuvring space for the vehicles expected to visit the site and therefore in highway terms the proposed development is considered acceptable subject to conditions and the above mentioned monies being paid.

7.11 Affordable Housing  
Policy HSG10 of the development plan states that where there is an established local need for affordable housing the Council will seek to provide up to 30% affordable housing in suitable or appropriate schemes. The proposed development would normally require 12 dwellings which would be available at 70% of the open market value, however, the applicant has negotiated with the Housing Strategy Unit, that 12 dwellings at 70% market value would not be suitable for the area due to the lack of people listed on the affordable housing register and therefore it is considered the most suitable option for this site would be for the applicant to provide an equivalent 3 gifted units. If the discounted units were provided there is real prospect they may remain unsold which then may lead to the developer selling the properties at full market value due to lack of interest in the discounted rate. In order to avoid the realistic prospect of losing the affordable units on the site, the applicant has agreed to provide the financial equivalent of the 30% of affordable houses which would equate to three 2 bed units within the site being gifted over to the Council. As gifted units there is a significantly increased likelihood that the homes will be occupied, will be available as affordable homes in perpetuity, allow for the Council to retain nomination rights as regards occupancy and contribute towards meeting local housing need in the area. This approach was considered acceptable by Members when the previous application for the site was granted planning permission. The proposed provision of affordable housing is therefore in line with Policy HSG10 and acceptable subject to an appropriately worded legal agreement.

7.12 Educational Provision  
The previously approved scheme for the site required an educational contribution totalling £24,500 to meet increased educational demands/needs caused by the proposed development. Since that planning permission was granted the Council have adopted new supplementary planning guidance in regards to educational contributions which sets out how much

monies should be paid in the event of a contribution being required. In regards to the proposed development it is likely to result in 8 children having to attend the adjacent Abermorddu Primary School which results in a contribution of £98,056 for that school, whilst at secondary level it would result in an additional 6 pupils attending Castell Alun which results in a contribution of £110,814 having to be paid. Therefore a legal agreement should be attached to any grant of planning permission requiring a total of £208870 be paid to the Council in regards to enhanced educational provision for local schools that would serve the development. The contribution shall be paid prior to occupation of the first dwelling and if some or all of the money is not spent within five years of payment, it is to be returned to the developer together with any interest accrued.

7.13 Other Matters

In regards to drainage/flood issues, the proposed development has not been objected to by neither Welsh Water nor Natural Resources Wales and therefore subject to appropriately worded planning conditions the proposal is considered acceptable.

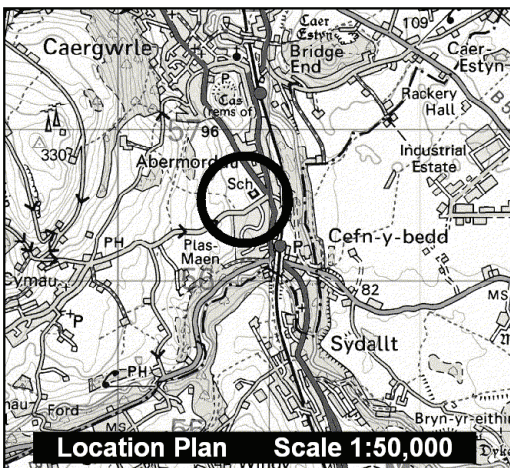
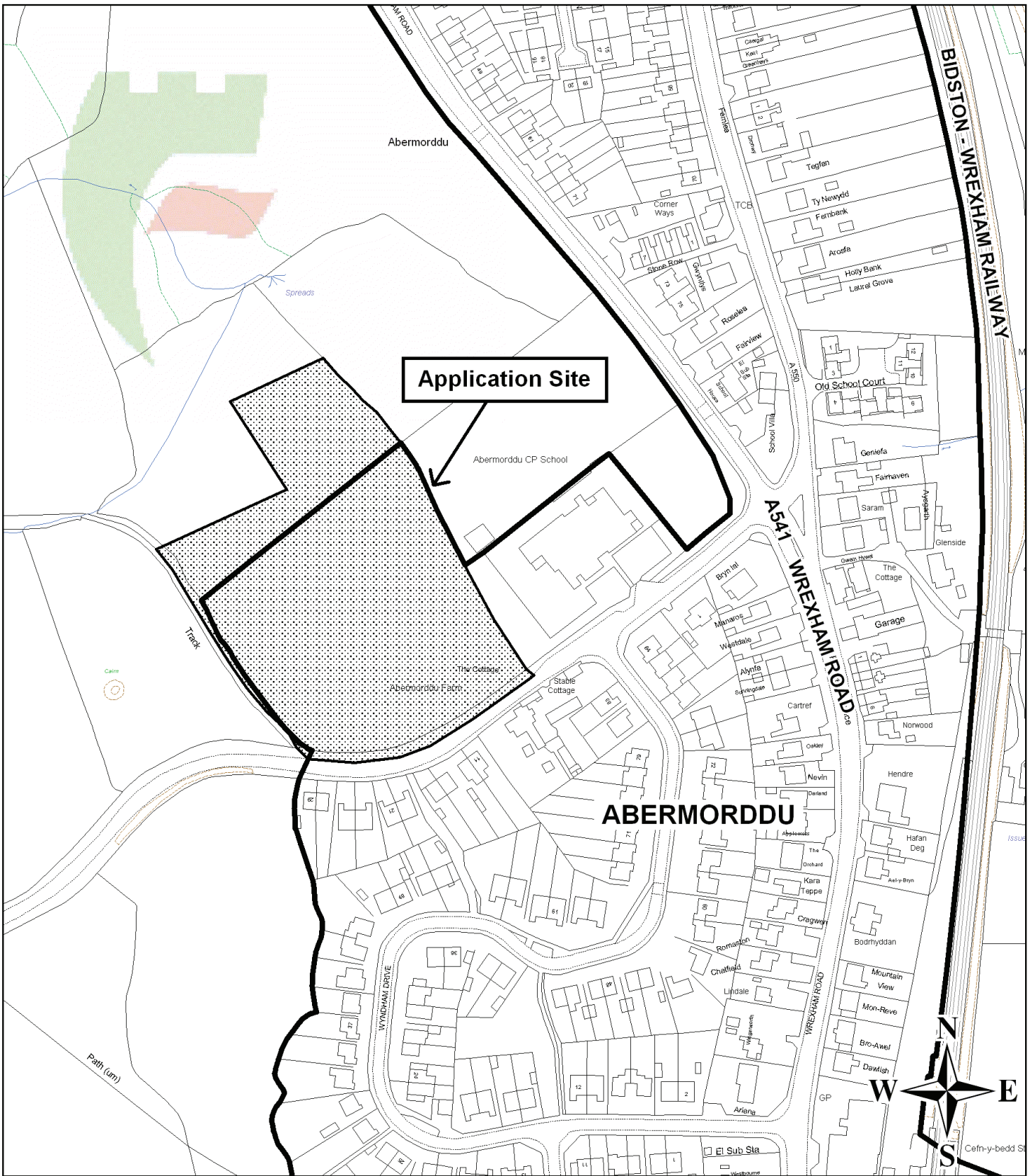
7.14 The proposed development would be located within 48 metres of two recorded prehistoric burial mounds/cairns which lay on raised land to the immediate west of the site. The presence of the cairns so close would suggest that prehistoric occupation and burial activity may extend into the sub surface of the development area. Bearing in mind the consultation comments of the Clwyd-Powys Archaeological Trust it is considered an appropriately worded condition should be imposed on any planning permission in order to safeguard any potential archaeological artefacts.

**8.00 CONCLUSION**

8.01 The proposal provides for a quality residential scheme which is acceptable in principle and detail subject to approximately worded planning conditions/legal agreement.

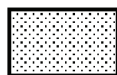
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

**Contact Officer:** Declan Beggan  
**Telephone:** (01352) 703250  
**Email:** [declan.beggan@flintshire.gov.uk](mailto:declan.beggan@flintshire.gov.uk)



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 3056

Planning Application **51482**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **12<sup>TH</sup> MARCH 2014**

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

**SUBJECT:** **APPLICATION FOR REMOVAL OF CONDITION No.14 RESTRICTING THE AREA OF DEVELOPMENT OF PREVIOUSLY APPROVED PLANNING PERMISSION REF: 047624 (TO ALLOW DEVELOPMENT OF WHOLE SITE) LAND SIDE OF DOVEDALE, ALLTAMI ROAD, BUCKLEY**

**APPLICATION NUMBER:** **051481**

**APPLICANT:** **ANYWL CONSTRUCTION LTD**

**SITE:** **LAND SIDE OF DOVEDALE, ALLTAMI ROAD, BUCKLEY**

**APPLICATION VALID DATE:** **03/12/13**

**LOCAL MEMBERS:** **COUNCILLOR C ELLIS**

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

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST DUE TO PREVIOUS USE OF THE SITE.**

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

### **1.00 SUMMARY**

- 1.01 This is a planning application to remove condition 14 attached to permission 047624 for outline residential development on land adjacent to 'Dovedale', Alltami Road, Buckley. Condition 14 stated "As part of the reserved matters no development shall take place to the north of the hammerhead as illustrated on the submitted illustrative layout drawing J002220 02 21st June 2010." The Engineering report submitted with the application concludes that the redevelopment of the site and the use of piled foundations would not compromise the long term stability of the site or impact upon the

stability of any adjoining third party land by including the land to the north of the hammerhead on the previously submitted illustrative layout drawing J002220 02 21st June 2010.

## **2.00 RECOMMENDATION: TO ALLOW THE REMOVAL OF CONDITION 14 OF PLANNING PERMISSION 047624.**

That planning permission be granted subject to a S106 agreement, covering;

- Open space provision - £1,100 per dwelling to enhance existing recreation facilities in the community
- Education provision - £12,257 per primary school pupil generated towards Mountain Lane Primary School
- Mitigation land to overcome indirect impacts on SAC through provision of land for ecological mitigation including long term management for both areas

1. Details of the access, appearance, landscaping, layout, and scale
2. Time period in accordance with outline 047624
3. Siting, layout and design of access
4. Completion of access to base course layer prior to commencement of other operations
5. Visibility splay 2.4m x 40 metres to access
6. 2.0m footway shall be provided along the frontage of the site
7. Surface water drainage scheme
8. Foul drainage scheme
9. Capacity at WWTW prior to occupation
10. Compensation scheme and mitigation method statement for Great Crested Newts
11. Code for Sustainable Homes
12. If the Reserved Matters area exceeds 1 hectare or the number of dwellings is 25 or more the Local Planning Authority will require 30% affordable housing
13. Land remediation method statement.

## **3.00 CONSULTATIONS**

### **3.01 Local Member Councillor C Ellis**

Requests committee determination due to the previous use of the site.

#### Buckley Town Council

Condition 14 was placed as part of the planning approval to protect the environment, protect existing properties in the near vicinity and to protect the new houses being built. The condition was put in by the inquiry Inspector and therefore the application for its removal should be refused.

#### Building Control

No objection as the proposals are for piled foundations and there

would be no need for major excavations which could lead to any landslip. Matters such as drainage could be dealt with by shallow solutions.

Head of Public Protection

No response to make as the issues raised are in relation to land stability.

Welsh Water/Dwr Cymru

No comments to make.

Natural Resources Wales

No objection.

**4.00 PUBLICITY**

4.01 Site Notice and Neighbour Notification

No responses received.

**5.00 SITE HISTORY**

5.01 047624 Outline application for residential development. Permitted  
05.11.13

043626 Outline application for residential development. Refused  
15.01.09

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

HSG8 – Density of Development

EWP14 – Derelict and Contaminated Land

EWP15 – Development of Unstable Land

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a planning application to remove condition 14 attached to permission 047624 for outline residential development on land adjacent to 'Dovedale', Alltami Road, Buckley. Condition 14 stated "As part of the reserved matters no development shall take place to the north of the hammerhead as illustrated on the submitted illustrative layout drawing J002220 02 21st June 2010."

7.02 This condition was imposed at the request of Planning Committee during its consideration of the item following concerns over land instability. The applicants wish to remove this condition in order to make beneficial use of the land and to assist in providing a layout which complements its surroundings.

7.03 Planning history

A resolution to grant outline planning permission (047624) for residential development on this site was granted at Planning Committee on 6<sup>th</sup> October 2010 subject to a number of conditions and the completion of a S106 agreement for unilateral undertaking or earlier payment covering;

- Open space provision - £1,100 per dwelling to enhance existing recreation facilities in the community
- Education provision - £3,500 per primary school pupil generated towards Mountain Lane Primary School
- Mitigation land to overcome indirect impacts on SAC through provision of land for ecological mitigation including long term management for both areas.

7.04

This permission was granted following the refusal and subsequent dismissal at appeal of a previous application for 'Outline residential development' of the site (043626). Application 043626 for 'Outline residential development' was dismissed at appeal on issues related to the nature of the contamination within the site and the stability of the ground. The Inspector considered there were uncertainties in relation to the effect construction activities for foundation works would have on the contaminated materials and contaminated ground-water and the uncertainty about the relationship between ground water in the appeal site and that on the adjacent sites and the potential for pathways between the two.

7.05

Application (047624) sought to overcome these issues and additional information was submitted with the application to address these matters. This included further intrusive site investigations in the form of additional boreholes at the centre and the north of the site and at additional depths to the bedrock with further monitoring of the gases and groundwater in the boreholes. This provided more information on the exact nature of the contamination and ground conditions in order for an appropriate remediation scheme for residential development to be taken forward. Ground water monitoring was also undertaken which showed no contamination of the groundwater in the boreholes and it was considered that there was no issue in relation to groundwater movements and the SSSI.

7.06

Land Instability

In terms of land stability the Inspector in his consideration of 043626 stated that there was insufficient evidence provided by the site investigation about the structure and stability of the former tramway which holds back the perched water table in the north of the site and impact of development upon it. The illustrative layout showed a significant landscape buffer around the northern boundary of the site extending along the western and eastern boundaries with no development in the area to affect the stability of the structure. It showed an internal estate road with two houses to the north of a

hammerhead at the northern end of the road. The indicative layout showed 21 dwellings. At Members request an additional condition was added to restrict any development to the north of the hammerhead as shown on the submitted illustrative layout drawing J002220 02, 21st June 2010. This therefore restricts the potential developable site area.

- 7.07 The applicants have submitted a letter by REFA Consulting Engineers with a copy of the 1899 Ordnance Survey Map. This deals with the concerns previously raised in relation to the development of this site and the impact upon the stability of part of the site. The previous extensive ground investigations and historical Ordnance Survey Maps show that this site and the area to the north of the site have both been subject to extensive quarrying, however the two areas were excavated as separate sites with the footpath structure located adjacent to the northern boundary being retained historically in this location. Excavations have taken place both to the south and north of this footpath with subsequent infilling works being carried out to the south within the development area. The northern slope represents the mature slope generated by the quarrying works and consists predominately of stable rock material. The Ordnance Survey map of 1889 indicates the separate treatment of the two parcels of land and the retention of the slope on the northern boundary. The excavated slope to the north off site is therefore a feature created in excess of 100 years ago as a result of clay extraction and quarrying. It is considered that the land is in a stable condition and has not been compromised by the filling of the southern development area.
- 7.08 It has been previously demonstrated that the ground conditions of the site comprise deep made ground to depths of greater than 10 metres below ground level. It is therefore proposed that all residential properties on the site will be constructed upon piled foundations with piles supporting the surface structures and transferring loads to rock level at the base of the made ground. The REFA report states that the construction of the residential properties will not generate any significant surface loadings at the site which may influence the stability of this site or the off site slope.
- 7.09 The REFA report concludes that the redevelopment of the site and the use of piled foundations would not compromise the long term stability of the site or impact upon the stability of any adjoining third party land. The development of land to the north of the hammerhead on the previously submitted illustrative layout drawing J002220 02 21st June 2010 would not affect the stability of the site.
- 7.10 Building Control have considered the submitted information and consider that the proposed piling methods are acceptable and provide a technical solution to build residential properties in these ground conditions. There are no objections as the proposals are for piled foundations and there would be no need for major excavations which could lead to any landslip. Matters such as drainage could be dealt

with by shallow solutions.

7.11 Other considerations

The exact locations of the dwellings would be determined as part of any subsequent reserved matters application. This is a windfall site within a Category A settlement, so any increase in the potential number of dwellings in such a location is supported.

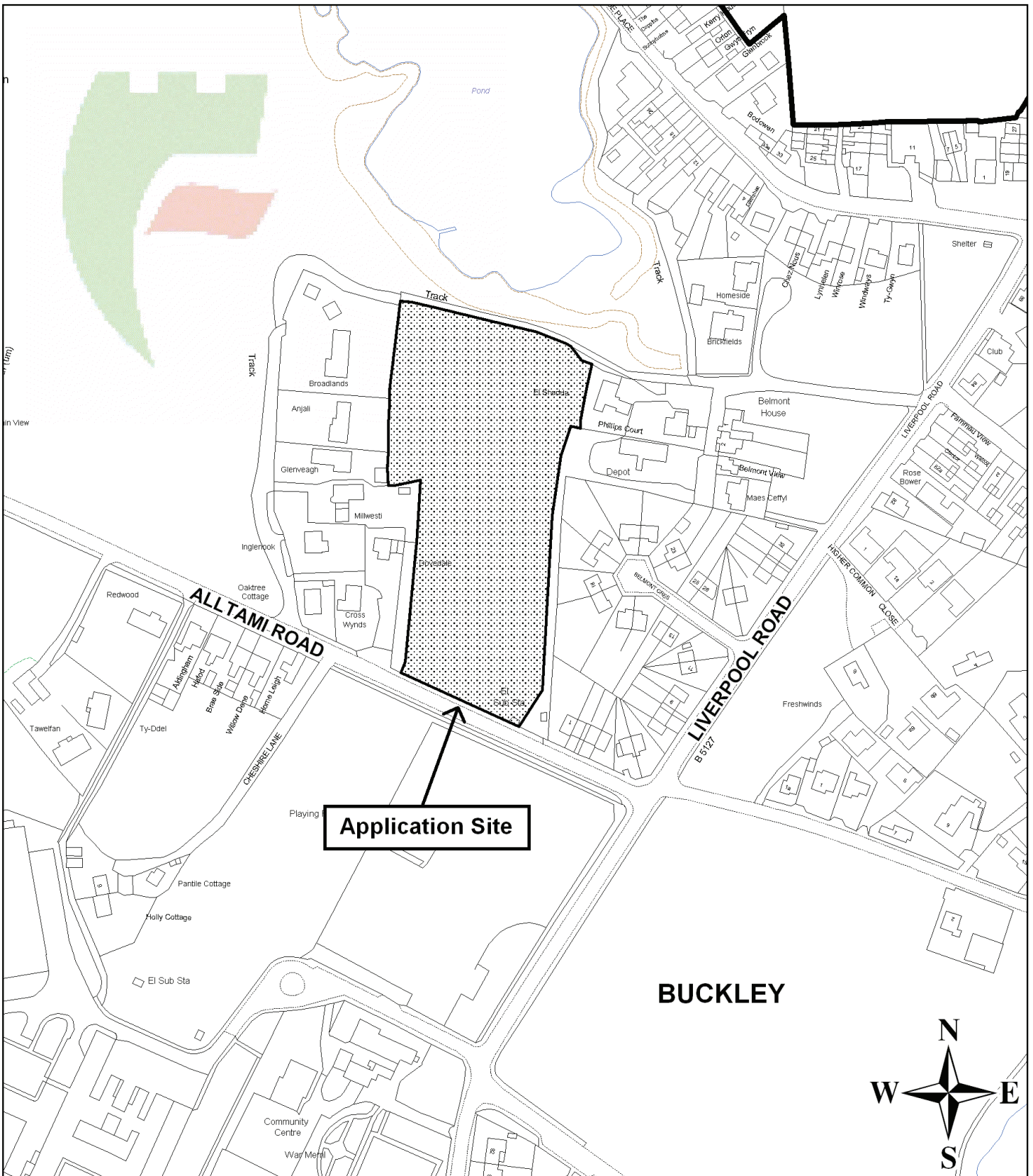
7.12 Since the previous resolution to grant planning permission the Council's requirements in terms of Education contributions have been revised to £12,257 per Primary School Pupil as set out in Local Planning Guidance Note 23 Education. If it is agreed that the condition be removed any new permission would require the imposition of the previous conditions and a supplementary S106 agreement with the revised Education requirement and the previous requirements in relation to a commuted sum for open space and land for ecological mitigation.

**8.00 CONCLUSION**

8.01 It is considered that information has been put forward that the land to the north of the hammerhead can be developed for residential purposes without affecting the stability of the development site or adjacent land. It is therefore considered that condition 14 can be removed.

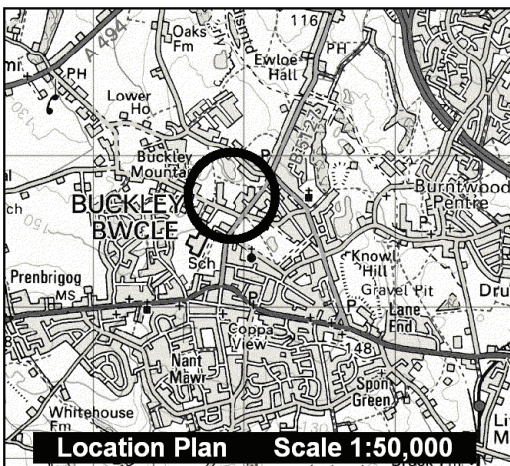
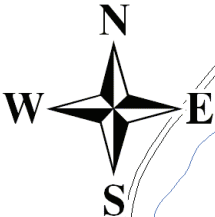
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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



**Application Site**

**BUCKLEY**

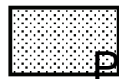


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application **51481**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **12<sup>TH</sup> MARCH 2014**

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

**SUBJECT:** **OUTLINE APPLICATION – DEMOLITION OF EXISTING PUBLIC HOUSE, BETTING OFFICE AND DWELLING AND ERECTION OF 5 NO. APARTMENTS AT 11 HIGH STREET AND BAGILLT ARMS, HIGH STREET, BAGILLT.**

**APPLICATION NUMBER:** **051325**

**APPLICANT:** **MR. B.E. RICHARDSON**

**SITE:** **11 HIGH STREET AND BAGILLT ARMS, HIGH STREET, BAGILLT.**

**APPLICATION VALID DATE:** **18<sup>TH</sup> NOVEMBER 2013**

**LOCAL MEMBERS:** **COUNCILLOR M.A. REECE**

**TOWN/COMMUNITY COUNCIL:** **BAGILLT COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **REQUIREMENT FOR LEGAL OBLIGATION TO CONTROL OCCUPANCY OF UNITS.**

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

### **1.00 SUMMARY**

- 1.01 This outline application proposes the demolition of a terrace of three existing buildings which are currently vacant and in a poor state of repair on the southern side of High Street, Bagillt and redevelopment of the site by the erection of 5 No. apartments. All matters are reserved for subsequent approval.
- 1.02 For Members information the application has been submitted following the refusal of a previous application under Code No. 047389 for the erection of 8 No. apartments at this location. Although it was resolved

by Members of the Planning & Development Control Committee on 13<sup>th</sup> July 2011 to grant permission for the development, the application was refused on 10<sup>th</sup> September 2013. The refusal was based on the applicant being unable to complete the necessary legal obligation in respect of (i) a commuted sum payment in lieu of on site open space and (ii) controlling the occupancy of the units to meet local needs due to complexities regarding site ownership.

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

2.01 That conditional planning be granted subject to the applicant entering into:-

- a. a Section 106 Obligation/Unilateral Undertaking to ensure that the units are offered for rental to meet local housing needs.
  - b. a Section 106 Obligation/Unilateral Undertaking or advance payment of £733 per apartment towards the maintenance enhancement of open space in the locality.
1. Outline - Reserved Matters to be submitted.
  2. Outline - Time limit.
  3. Compliance with parameters in development brief.
  4. Scheme for the protection of bedroom and living room windows to achieve a maximum of 34 dB(A) sound reduction.
  5. Foul and surface water to be drained separately.
  6. No surface water to connect into public sewerage system.
  7. No land drainage to discharge into public sewerage system.
  8. Proposed access in to site to have minimum width of 4.5m.
  9. No windows below 2.1m above footway to open outwards.
  10. Positive means to prevent roof water run-off from discharging into highway to be submitted and approved.
  11. Parking facilities to be provided and retained within site.
  12. Ecological survey to be undertaken with details of bat roost if required, to be submitted and approved with timescale for its provision.
  13. No building(s) to be demolished during bird-nesting season.

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

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor M.A. Reece

Agree to determination of application under delegated powers.

Bagillt Community Council

Given the reduction in the number of flats from that previously proposed, each with parking it now seems acceptable and the Council no longer objects to the proposed redevelopment of this site.

Head of Street & Transportation

Recommend that any permission includes conditions in respect of visibility, parking and window openings relative to existing footway on site frontage.

Public Open Spaces Manager

Request the payment of a commuted sum of £733 per unit to facilitate the enhancement of existing public open space within the community.

Dwr Cymru/Welsh Water

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

**4.00 PUBLICITY**

- 4.01 Site Notice, Neighbour Notification  
No responses received.

**5.00 SITE HISTORY**

5.01 **046183**

Outline – Demolition of former public house, betting office and dwelling and the erection of 10 No. apartments – Withdrawn 31<sup>st</sup> March 2010.

**047389**

Outline – Demolition of former public house, betting office and dwelling and the erection of 8 No. apartments – Refused 10<sup>th</sup> September 2013.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D2 – Location & Layout.

Policy D3 – Building Design.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites.

Policy HSG8 – Density of Development.

Additional Guidance

Local Planning Guidance Note 11 – Parking Standards.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

The buildings the subject of this application which are currently vacant, are located on the southern side of the High Street, Bagillt at the junction with Gadlys Lane and Station Road. The buildings are within the settlement boundary of Bagillt as defined in the adopted Flintshire Unitary Development Plan.

### **7.02 Proposed Development**

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

7.03 It is proposed to demolish the existing buildings and redevelop the site by the erection of a new building comprising a total of 5 No. 1 bed apartments. It is proposed that the building is 2 storey to respect the scale/form of the existing buildings. A total of 5 No. parking spaces are proposed within the site to serve the development.

### **7.04 Planning Policy**

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

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

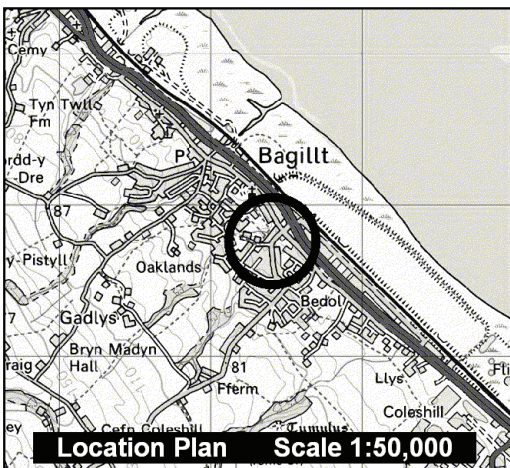
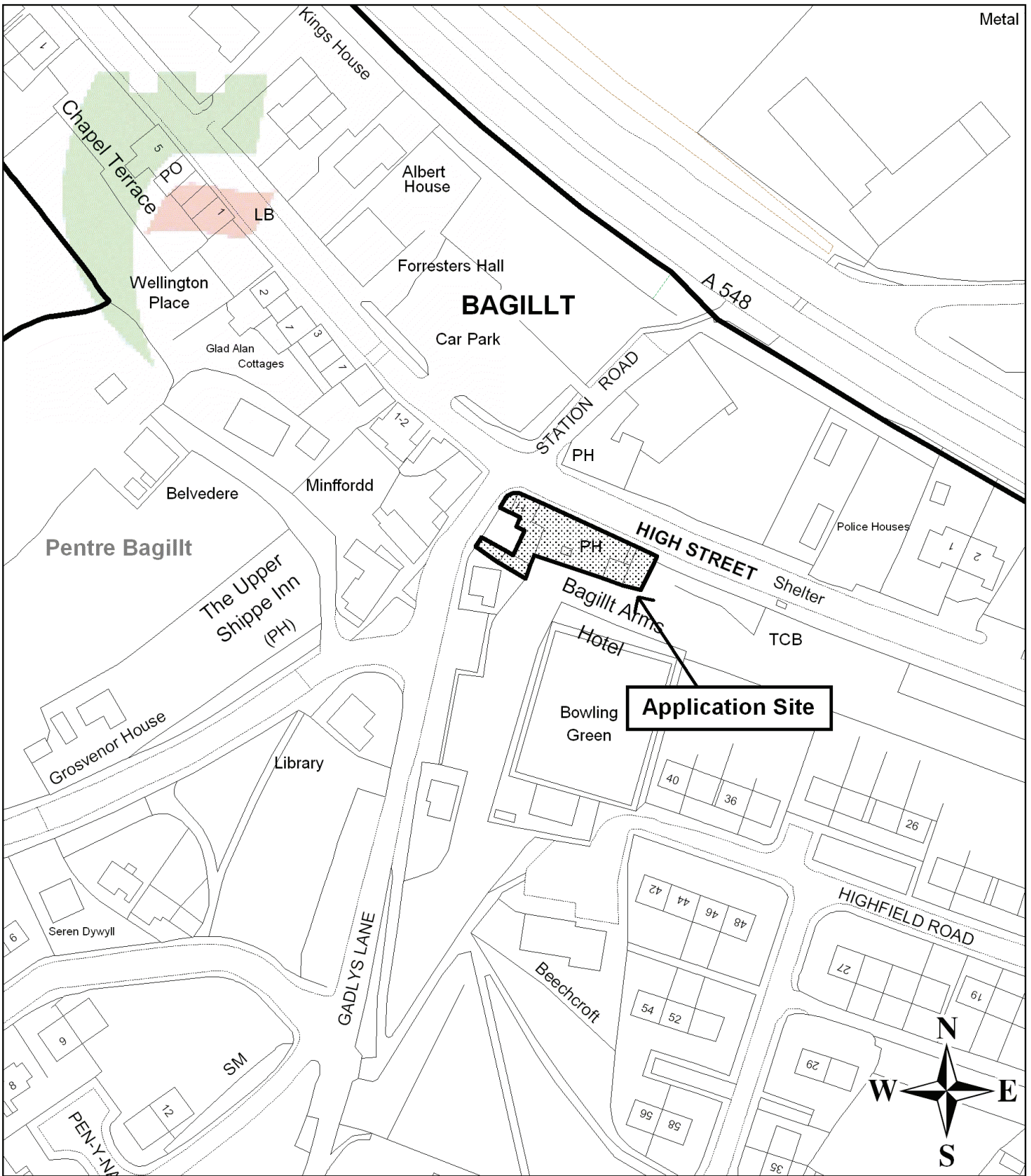
7.06 In Category B settlements residential development will only be permitted where it is the renovation or replacement of an existing dwelling or where it would cumulatively result in more than 15% growth since 2000 the development is justified on the grounds of housing need.

7.07 For Members information the current growth level of Bagillt currently stands at approximately 16% and therefore any new development is required to meet an identifiable local need which would be controlled through a Section 106 Obligation if permission were to be granted. It is in these circumstances that it is proposed the units are provided for below market rental which is considered to be acceptable to the Housing Strategy Unit as this would provide for an increase in and variety of different tenures within Bagillt.

- 7.08 Principle of Development  
The principle of the redevelopment of the site for residential purposes is considered to be acceptable subject to the safeguarding of relevant amenity considerations. For Members information, the buildings are not listed as being of special architectural or historic interest or located within a conservation area and given the physical condition are not considered to be worthy of retention.
- 7.09 Impact on Character of Site/Surroundings  
It is proposed that although submitted in outline that the scale/form of the proposed building is reflective of the buildings currently on site which are 2 storey in height. It is considered that if Members are mindful to grant permission for the principle of development that the detailing of the building can be controlled at reserved matters stage.
- 7.10 Ecology  
The buildings the subject of this application have remained vacant for a considerable period of time and have the potential to be used by bats and nesting birds. It is therefore recommended that if Members are mindful to grant planning permission that additional survey work is undertaken prior to demolition and if required adequate mitigation by way of the provision of a bat roost is provided with the demolition being controlled so that it is undertaken outside the bird nesting season. This can be controlled by way of planning conditions.
- 7.11 Access Parking  
The plans submitted as part of the application, illustrate the provision of 5 No. parking spaces within the application site boundary to serve the 5 No. apartments proposed.
- 7.12 Consultation on the acceptability of the access/parking arrangements has been undertaken with the Head of Assets & Transportation. Given the site's previous usage which would have generated a significant parking demand and tenure of occupation it is considered that this is acceptable subject to the imposition of conditions.
- 8.00 CONCLUSION**
- 8.01 It is considered that the principle of the redevelopment of the site for the scale of development proposed is acceptable. If Members are mindful to recommend that permission be granted for the redevelopment of the site, the precise details of the replacement buildings would be controlled at reserved matters stage in accordance with the parameters set out in the accompanying Design & Access Statement. The Head of Assets & Transportation considers the proposal to be acceptable given the site's previous usage and terms of occupation. I therefore recommend accordingly.
- 8.02 In considering this planning application the Council has acted in

accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

**Contact Officer:** Mark Harris  
**Telephone:** (01352) 703269  
**Email:** Robert.Mark.Harris@flintshire.gov.uk

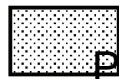


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 2175

Planning Application 51325

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **12<sup>TH</sup> MARCH 2014**

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

**SUBJECT:** **FULL APPLICATION – REGULARISATION OF EXISTING EQUIPMENT STORE AT MOUNTAIN PARK HOTEL, NORTHOP ROAD, FLINT MOUNTAIN, FLINT.**

**APPLICATION NUMBER:** **050965**

**APPLICANT:** **MR. B THOMAS**

**SITE:** **MOUNTAIN PARK HOTEL, NORTHOP ROAD, FLINT MOUNTAIN, FLINT, FLINTSHIRE**

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

**LOCAL MEMBERS:** **COUNCILLOR H T HOWORTH**

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

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

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

### **1.00 SUMMARY**

- 1.01 This application seeks retrospective planning permission for the erection of an equipment store at Mountain Park Hotel, Flint. The store will be used for storing machinery and equipment used in association with the golf course.
- 1.02 The main issues for consideration in the determination of this application is the impact the proposal will have on the visual amenity of the area and the impact it will have on the amenities of the occupants of the neighbouring residential properties.

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

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

1. In accordance with approved plans.
2. There shall be no windows/doors in the east elevation of the building.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor H T Howorth

The proposal is a deliberate attempt to by-pass planning laws and perhaps to upset neighbours. The committee neighbours need to see the intrusive nature of the giant shed and it is a deliberate eyesore. The store could have easily been sited elsewhere in an unobtrusive position.

Flint Town Council

In view of the retrospective nature of the application, request committee determination.

Head of Public Protection

No adverse comments.

**4.00 PUBLICITY**

4.01 Site Notice, Neighbour Notification

One letter received objecting on the grounds of:

- Impedes the view from the rear of their property (The Bungalow) and adversely affects their amenity.
- The storage container the building has replaced was smaller in size.

**5.00 SITE HISTORY**

5.01 No relevant history

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
GEN1 – General Requirements for Development  
SR3 – Golf Facilities

**7.00 PLANNING APPRAISAL**

- 7.01 Site Description and Proposal  
The application site falls within the grounds of Mountain Park Hotel and Golf Course, which is located within the open countryside as defined within the adopted Flintshire Unitary Development Plan.
- 7.02 The proposal comprises a 5m x 10.5m timber clad building with an asymmetrical pitched roof. The height of the ridgeline is 3.6m and 2.3m to the eaves.
- 7.03 The building has already been completed and is sited to the south east of the main hotel building, approximately 1m from the boundary with the neighbouring residential property, The Bungalow.
- 7.04 Main Issues  
The main issues are the impact the proposal has on the visual amenity of the area and the impact it has on the neighbouring residential properties.
- 7.05 The site comprises a number of buildings which makeup the hotel/golf course. The building which is the subject of this application is located within close proximity of the main building complex and is accessed via an existing service entrance to the side of the main building.
- 7.06 Policy SR3 allows for new facilities associated with golf courses providing they are located near existing buildings, and blend into the landscape in terms of siting, form, design and materials.
- 7.07 It is considered that the building is not readily seen from a public vantage point and relates well with the existing site. The scale of the building is considered not to be excessive As such, it is not considered to be detrimental to the visual amenities of the area.
- 7.08 An objection has been received from the occupant of the neighbouring dwelling mostly affected by the proposal, The Bungalow. The objector's main concern appears to be the resultant loss of view due to the building being within close proximity of the boundary with the dwelling. However, the loss of a view is not a material planning consideration.
- 7.09 Notwithstanding this, overbearing and over shadowing are material considerations. The building approximately spans the full width of the rear garden area of The Bungalow. The boundary comprises a 1.8m high close boarded fence.
- 7.10 Due to its height the roof of the building and approximately 300mm below the eaves is clearly visible from the garden area. There is a window on the rear elevation of the building which can potentially provide overlooking, albeit limited, into the private amenity space of the garden area. However, if planning permission was to be granted

a condition can be imposed to remove any windows and prevent any future openings in the rear elevation of the building.

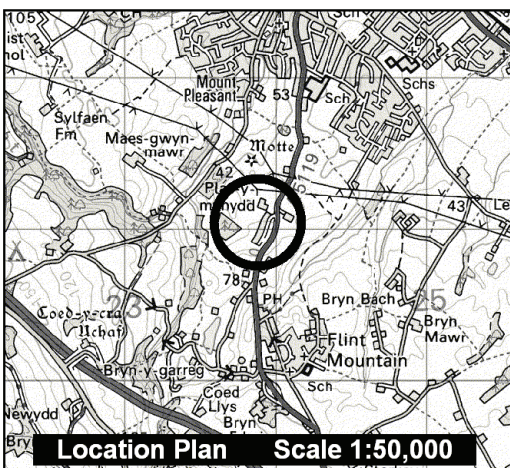
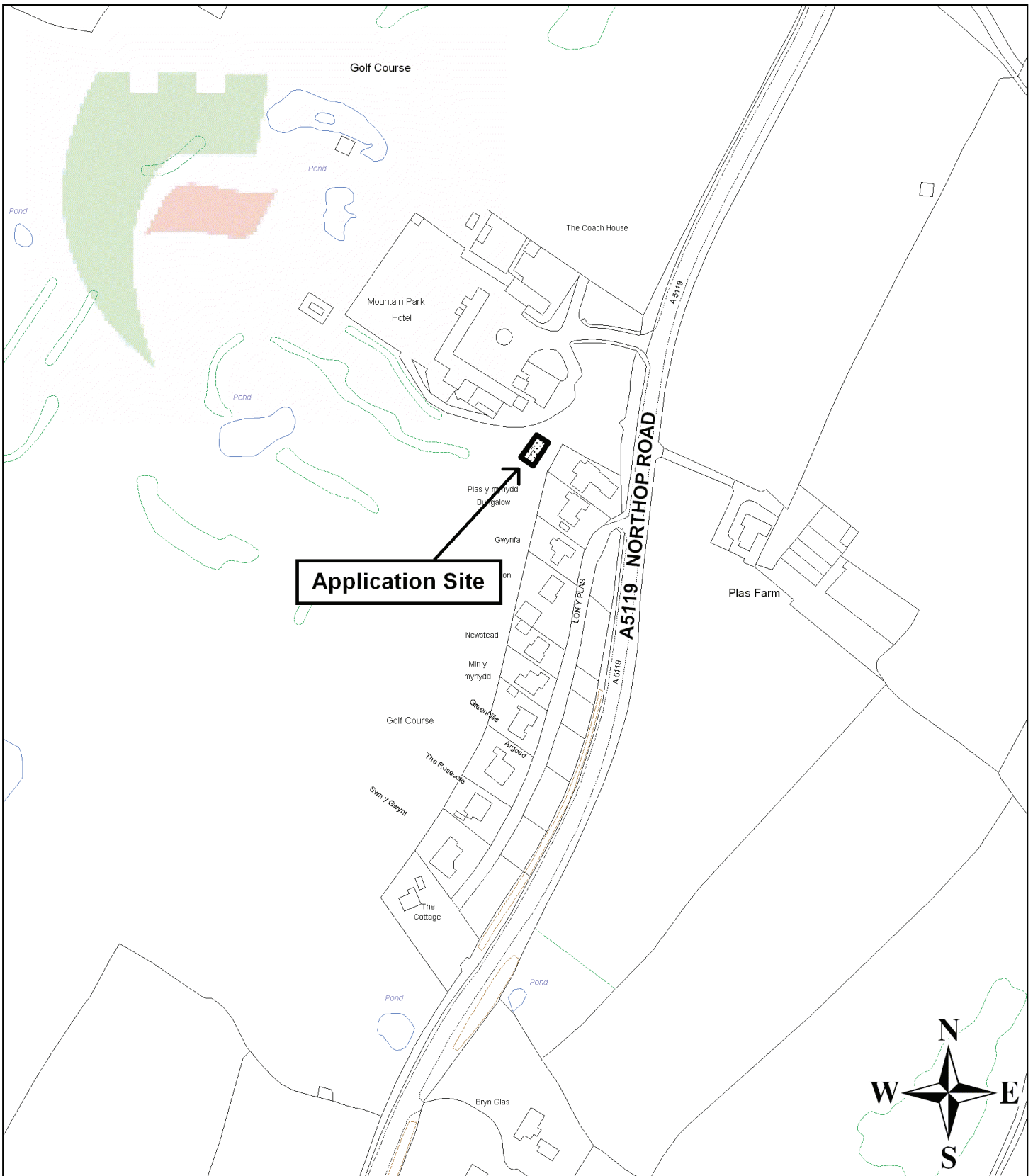
7.11 Given the above, it is considered that the proposal will not have an unacceptable adverse impact on the amenities of the neighbouring residential property.

## **8.00 CONCLUSION**

8.01 It is considered that the proposal is in accordance with policies GEN1 and SR3 of the adopted Flintshire unitary Development Plan. Whilst the building is clearly visible from the neighbouring residential property it is considered that the impact it has is not unacceptable harm the amenities of the occupants of the dwelling.

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

**Contact Officer:** Alex Walker  
**Telephone:** (01352) 703235  
**Email:** [alex.walker@flintshire.gov.uk](mailto:alex.walker@flintshire.gov.uk)



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

### Legend



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Planning Application **50965**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **12<sup>TH</sup> MARCH 2014**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 3NO. CLASS B1 INDUSTRIAL UNITS AND ASSOCIATED CAR PARKING AND AMENDED VEHICULAR ACCESS ON LAND AT BILLY JEAN’S CAFÉ, UNIT 2, THE HAVEN GARAGE, THE NANT, PENTRE HALKYN, HOLYWELL.**

**APPLICATION NUMBER:** **051580**

**APPLICANT:** **THE NANT (NORTH WALES) LTD**

**SITE:** **LAND AT BILLY JEAN’S CAFÉ, UNIT 2, THE HAVEN GARAGE, THE NANT, PENTRE HALKYN, HOLYWELL.**

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

**LOCAL MEMBERS:** **COUNCILLOR M. G. WRIGHT**

**TOWN/COMMUNITY COUNCIL:** **HALKYN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **PROPOSALS REQUIRE THE APPLICANT TO ENTER IN A S.106 AGREEMENT IN RESPECT OF MATTERS FOR WHICH DELEGATED POWERS TO DETERMINE DO NOT EXIST.**

**SITE VISIT:** **YES. REQUESTED BY LOCAL MEMBER IN VIEW OF TRAFFIC CONCERNS**

### **1.00 SUMMARY**

- 1.01 This application seeks approval for proposals to erect 3No. small B1 industrial units on land located to the rear of the existing Billy Jean’s Café, Pentre Halkyn. The application includes the provisions of access and parking and turning provisions.

1.02 The application is presented for Members consideration as the recommendation that planning permission be granted is conditional on the applicant entering into a S.106 Agreement to prevent the commencement of development until such time as another existing planning permission has been implemented. Matters such as these do not benefit from delegated powers provisions.

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

2.01 That conditional planning permission be granted, subject to the applicant entering into a S.106 agreement which provides for the following;

1. That development approved under planning permission Reference 051580 is not commenced until such time as that planning permission granted under Reference 050361 has been implemented.

**Conditions**

1. Development to be commenced within 5 years.
2. In accordance with the approved plans.
3. External finishing materials (including colours) to be submitted and agreed prior to works commencement.
4. Proposed car parking facilities to be provided prior to first use and thereafter retained.
5. Retention and protection of hedgerows and trees.
6. No land drainage to the public sewerage system.
7. No surface water, whether directly or indirectly, to the public sewerage system.
8. Foul and surface waters to be drained separately.
9. No development within 3 metres of the centreline of a public sewer crossing the site.
10. Siting, layout and design of access to be submitted and agreed prior to works commencement.
11. Any boundary enclosure to be 2.5m back from edge of carriageway kerblines.
12. Scheme for prevention of surface water run off from site onto highway.
13. Scheme for land contamination investigation prior to commencement of any site works. Any remediation to be undertaken prior to first use.
14. No external storage or display of any sort.
15. Scheme for Reasonable Avoidance Measures to be submitted and agreed prior to the commencement of development.
16. Uses restricted to Class B1 only.



### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

##### Councillor M. G. Wright

Has queried which measures are to be taken to ensure no adverse highway impact upon the A55 slip road from vehicular movements in and out of the site or parking on the highway.

Requests that a committee site visit is undertaken to illustrate relationship of access to the slip road.

##### Halkyn Community Council

Objects on the basis that approval of this proposal, should the permission under Reference 050361 not be implemented, will result in an adequate provision of parking for the existing café.

##### Head of Assets and Transportation

No objection. Requests the imposition of conditions but advises that permission should only be granted on the basis that proposals approved under 050361 are required to be undertaken in advance of the commencement of any development approved under this application.

Advises that there are no public rights of way affected.

##### Head of Public Protection

No adverse comments. Requests the imposition of conditions.

##### Welsh Water/Dwr Cymru

No objection subject to the imposition of conditions.

##### Natural Resources Wales

Advises of Great Crested Newts recorded within the vicinity of the site. Requests the imposition of a condition requiring Reasonable Avoidance Measures to be submitted and agreed prior to the commencement of development.

### **4.00 PUBLICITY**

4.01 The application has been publicised by way of a site notice and neighbour notification letters. At the time of writing this report, 1No. letter has been received raising objection in relation to the potential for parking problems and adverse impacts upon highway safety in the event that this proposals is implemented in advance of the permission granted under 050361.

## **5.00 SITE HISTORY**

### **5.01 3/HA/40581**

Outline - change of use to industrial  
Permitted 6.7.1981

### **530/85**

Change of use to café and take away  
Permitted 21.11.1985

### **99/1001**

Outline – residential development  
Withdrawn 8.11.1999

### **36652**

Outline – demolition of cafe and erection of 4No. dwellings  
Refused 19.12.2003

### **050361**

Demolition of café and erection of new office building  
Permitted 21.2.2013

## **6.00 PLANNING POLICIES**

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

Policy STR1 - New development.

Policy STR3 - Employment.

Policy GEN1 - General requirements for development.

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy EM4 – Location of other Employment Development.

## **7.00 PLANNING APPRAISAL**

### **7.01 The Site and surroundings**

The application site lies to the north of the slip road which serves the east bound carriageway of the A55 at Junction No. 32 which runs along southern boundary of the site on an east west alignment. Immediately to the north and west of the site is the residential curtilage to an adjacent dwelling. Land to the east is formed by a farm, Pistyll Isa and its associated buildings. Agricultural land lies to the north east of the site, associated with the farm. The land to the south is formed by the transport café which gives the site its name. Boundaries to the north, east and west are formed by mature and very well established hedgerows of both evergreen and deciduous species. The site comprises 0.18 hectares and is outside of the settlement boundaries of any nearby settlements as defined in the development plan.

7.02 The site is presently in use as a HGV parking and turning area in association with the adjacent transport café serving road users and is

given over entirely to hardstanding which serves as parking for vehicles using this facility. The site is generally flat across its east – west axis but the land falls gently downslope towards the northern boundary.

7.03 Vehicular access to the site is presently derived from the slip road across the majority of the southern boundary of the site. The application site boundary provides for an access way through the southern portion of the site to be shared with users of that land.

7.04 The Proposed Development

The proposals seek permission to develop the site in such a fashion as to provide 3 No. B1 industrial units. These arranged in a terraced fashion with provision made for parking and turning facilities for vehicles associated with each use.

7.05 Main Issues

The main issues for consideration in respect of this matter are;

- a) The principle of development
- b) Design
- c) Impacts upon amenity
- d) Highway impacts
- e) Landscaping impacts
- f) Ecological impacts
- g) Land contamination

7.06 The Principle of Development

Policy EM4 of the UDP is the policy which addresses the principle of proposals of this type. It advises upon the locations considered appropriate for the location of commercial development. One of those locations considered appropriate, outside of settlement boundaries, is brownfield land, subject to defined criteria.

7.07 This policy stipulates that such sites may be considered acceptable locations for employment development provided that identified criteria are adequately satisfied. These criteria are assessed against the proposals below.

7.08 i. Scale and Design

The surroundings provide a mix of buildings and structures of varying heights, massing and external appearances. The proposed industrial buildings reflect the form and external appearance of those commercial and agricultural buildings in the vicinity of the site. The proposed units are constructed in such a fashion as to have a monopitch roof with the highest part of this towards the front of the buildings. This height is lower than the existing dwellings which bound the site and, given the elevated nature of the trunk road in this location, and the height and visual impacts of its associated paraphernalia, I

do not consider that the introduction of height of the scale proposed to be unsightly or adverse to the appearance of the surroundings or adjacent amenity.

7.09 The buildings are proposed to be constructed of colour coated metal cladding which is consistent with standard construction for buildings of this type but also accords with some of the adjacent agricultural buildings.

7.10 The proposed building introduces a form of development onto this site which would serve to enhance its overall visual appearance.

7.11 ii. Amenity Impacts  
Amenity impacts in this location are twofold in consideration. Firstly, the impact of the proposals upon the visual appearance of the area and secondly, the impact upon the existing residential amenity of nearby properties. As discussed above, the nature of the visual appearance of the site at present, coupled with the mixed context of its surroundings is such that the proposed building would not be visually detrimental to the surroundings. In consideration of the residential amenity issue,

7.12 I am mindful that the current use of the site involves high levels and frequencies of vehicular movements of large vehicles. The proposed use as small industrial units would result in a reduction of the likely level of vehicle movements and the size and frequency of movement of the vehicles.

7.13 In addition, the proposals seek approval for proposed B1 uses within the Town and Country Planning (Use Classes) Order 1987. This class allows for small scale light industrial uses which are generally considered to be acceptable in mixed use areas, where one of the neighbouring uses is residential, as uses within this class do not normally give rise to the levels of disturbance, noise or amenity impacts which one would associate with other forms of industrial use. Accordingly, I do not consider therefore that the proposals would adversely affect amenity.

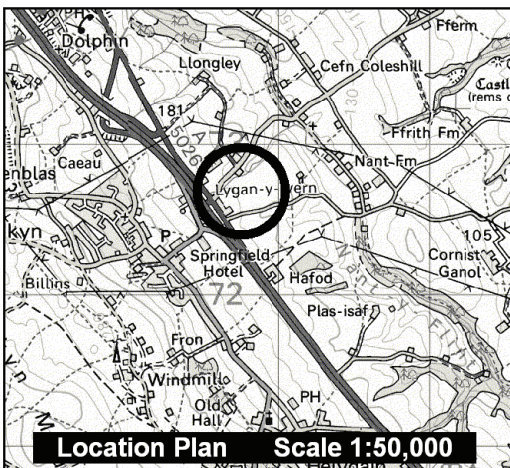
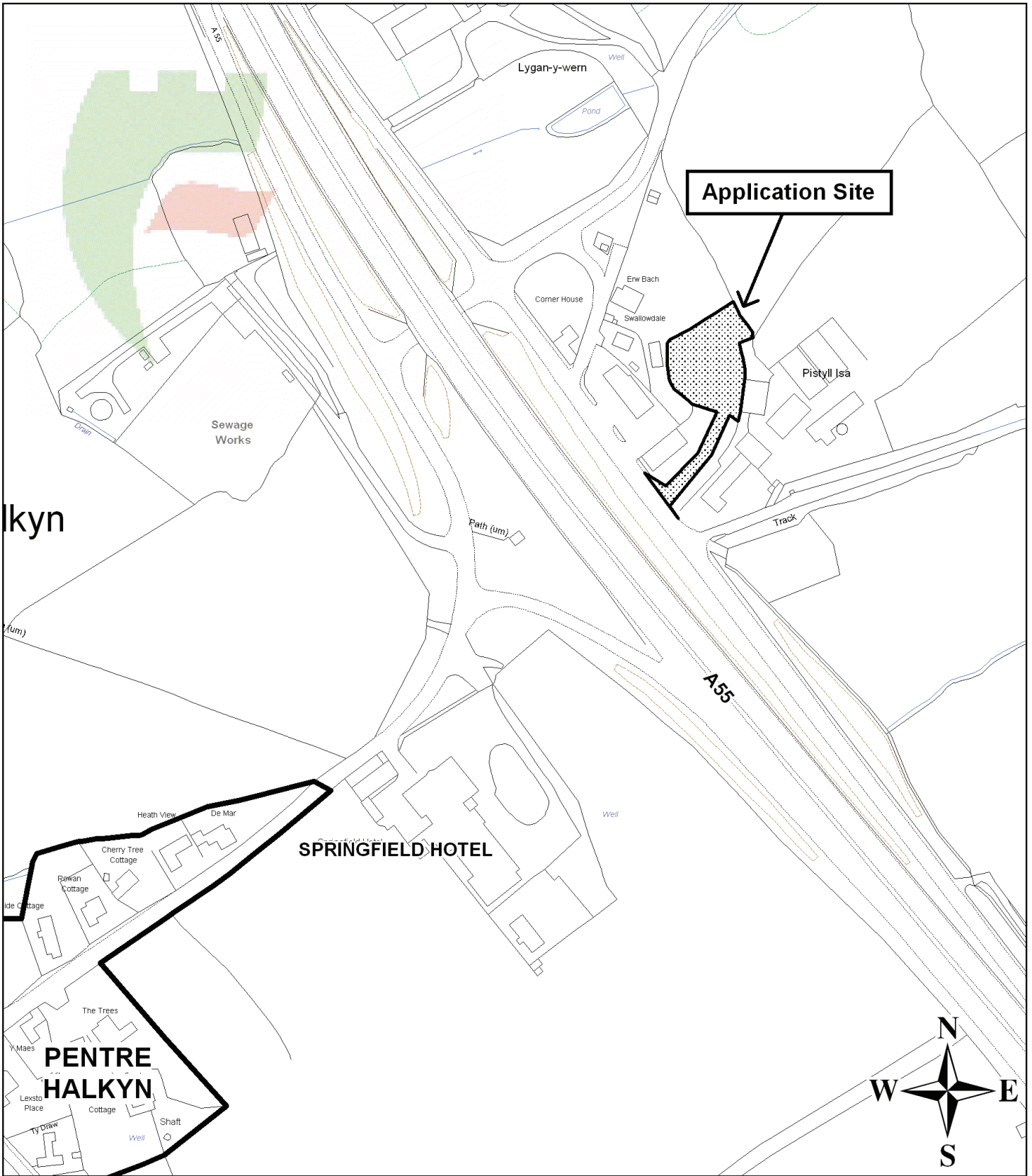
7.14 iii. Access and Parking/Turning  
Concerns have been raised from various sources in relation to the potential adverse highway impacts arising from the implementation of any permission granted under this application whilst the transport café remains operational. It is considered that the loss of this site as parking and turning facilities for the larger vehicles which use the café facility would result in increased levels of on road parking upon the adjacent A55 slip road which would in turn, give rise to increased risks to highway safety.

- 7.15 The proposals have been considered by the Head of Assets and Transportation who had also voiced the same concern. However I am advised that, provided the applicant is prepared to enter into a S.106 agreement (or similar) to the effect that any permission granted under this application will not be implemented until the permission granted under 050361 has been implemented, the proposals are acceptable in terms of highway safety, subject to such an agreement and conditions.
- 7.16 I do not therefore consider there to be an issue in respect of adverse access or highway impact, provided such an agreement is secured and conditions imposed.
- 7.17 iv. Screening  
The site is already well screened on 3 of its boundaries with the surroundings and the proposals involve no alteration to this situation. I would propose to condition the protection and retention of this landscape screening in order to ensure the screening affords adequate protection to the amenity of adjacent residents.
- 7.18 Ecology  
The application has been the subject of consultation with Natural Resources Wales who have advised that there are records of Great Crested Newts (GCN) within 230 metres of the site and the site is potential crossed by the GCN's. There are no records of GCN's upon the site itself.
- 7.19 Accordingly, I am advised by NRW that permission can be granted subject to a condition requiring the submission and agreement of a scheme of Reasonable Avoidance Measures. This scheme should make provision to ensure that there is no detrimental impact upon the favourable conservation status of the species. I propose to condition accordingly.
- 7.20 Land Contamination  
In view of the historical use of the site as a parking and turning area for large vehicles, it is considered that site may be at risk from contaminants associated with such a use. I am advised in response to consultation by the Head of Public Protection that this issue can be properly addressed via the imposition of a condition which requires that a land contamination investigation is undertaken prior to the commencement of other site works. In addition, the condition will require that where contamination is identified, a scheme of remediation measures shall be submitted, agreed and subsequently implemented.
- 8.00 CONCLUSION**
- 8.01 I am satisfied, having had regard to the provisions of the applicable

policies and all other material considerations, that this proposal would accord with the provisions of the same and would, through the suggested legal agreement and conditions, represent an appropriate and acceptable form of development in this location.

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

**Contact Officer:** David Glyn Jones  
**Telephone:** 01352 703281  
**Email:** david.glyn.jones@flintshire.gov.uk



	Environment Directorate, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Director: Mr. Carl Longland						
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<b>Legend</b> Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary	<table border="1"> <tr> <td>Map Scale</td> <td>1:2500</td> </tr> <tr> <td>OS Map ref</td> <td>SJ 2072</td> </tr> <tr> <td>Planning Application</td> <td><b>51580</b></td> </tr> </table>	Map Scale	1:2500	OS Map ref	SJ 2072	Planning Application	<b>51580</b>
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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 12 MARCH 2014**

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

**SUBJECT:** **051686 - FULL APPLICATION - ERECTION OF A DETACHED GARAGE BLOCK INCORPORATING HOME OFFICE AND WORKSHOP AT 2 TY UCHAF, CEFN ROAD, CILCAIN.**

**APPLICATION NUMBER:** **051686**

**APPLICANT:** **MR IAN ROBERTSON**

**SITE:** **"2 TY UCHAF", CEFN ROAD, CILCAIN, MOLD**

**APPLICATION VALID DATE:** **20<sup>TH</sup> JANUARY 2013**

**LOCAL MEMBERS:** **COUNCILLOR W O THOMAS**

**TOWN/COMMUNITY COUNCIL:** **CILCAIN COMMUNITY COUNCIL**

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

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

### **1.00 SUMMARY**

- 1.01 This application seeks planning permission for the erection of a garage/workshop/office at 2 Ty Uchaf, Cefn Road, Cilcain.
- 1.02 The main issue for consideration in the determination of this application is the impact the proposal will have on the character of the existing dwelling.

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

- 2.01 1. By virtue of its scale, the proposal will have a detrimental impact on

the character of the existing dwelling. As such, the proposal is contrary to policies GEN1 and HSG12 of the adopted Flintshire Unitary Development.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member Councillor W.T. Thomas

Due to the proposal being part of a barn development the planning committee should determine the application. There are a number of properties in the area that have garage and workshops including barn developments.

Cilcain Community Council  
No comments received

Head of Public Protection  
No adverse comments

Clwyd and Powys Archaeological Trust  
No archaeological implications

### **4.00 PUBLICITY**

#### 4.01 Neighbour Notification No comments received

### **5.00 SITE HISTORY**

5.01 **051420** - Siting of DIY timber shed/workshop with 2no. undercover car bays on existing garden (withdrawn 13.12.2013)

**764/90** – Conversion of barn to dwelling. Permission 14.09.1990

### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
GEN1 – General Requirements for Development  
HSG12 – House Extensions and Alterations

### **7.00 PLANNING APPRAISAL**

7.01 Site Description and Proposal  
The application site is located within the open countryside as defined in the adopted Flintshire Unitary Development Plan. The existing site comprises a semi-detached, two storey dwelling which was originally a barn but was converted to a residential use following a grant of planning permission in 2009.

- 7.02 The site is accessed via a private track which serves several properties.
- 7.03 This application seeks planning permission for the erection of a garage block, comprising 2no. car parking bays, an office and a workshop. The building is to be sited in the south east corner of the site.
- 7.04 The building will be 'L' shaped and measure 10.65m and 8.1m at its widest points. The proposed materials will be timber cladding and slate roof with all fenestration being timber.
- 7.05 The existing dwelling is a traditional barn conversion. It has a stone exterior with a slate roof and retains the character of the original stone long barn. The proposed materials for the building will match those of the existing dwelling.
- 7.06 It is considered that the scale of the proposed building will detract from the character of the existing dwelling, being one of a group of buildings which have a particular and traditional architectural merit. The introduction of such a large detached building within the setting of the original buildings, albeit sited within the corner of the plot, will dominate the dwelling.
- 7.07 In terms of the impact the proposal will have on the visual amenity of the area, the garage and therefore would not adversely affect the visual amenities of the area.
- 7.08 Given the proposed distance of the garage from the adjoining neighbouring property, it is considered that the proposal will not have any adverse impact upon the amenities of the occupants of the neighbouring property and it will not be readily visible from outside the site. However, it is considered that its impact on the character of this traditional group of buildings which include the dwelling is unacceptable in planning terms
- 7.09 The principle of providing garage building is not in dispute and following the withdrawal of the original application, ref: 051420 negotiations have taken place with the applicant seeking a simpler, smaller building which may be acceptable in design terms. However, the applicant has decided to seek determination of the application as it stands.

## **8.00 CONCLUSION**

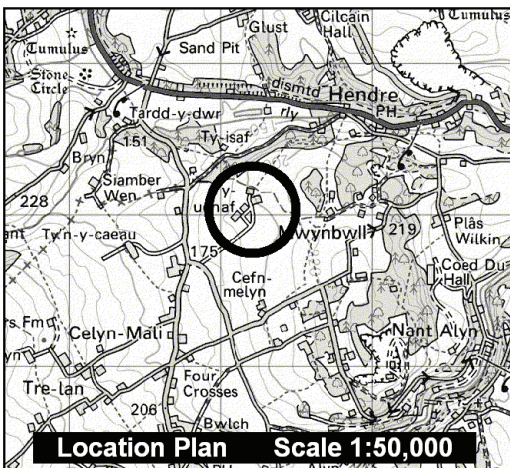
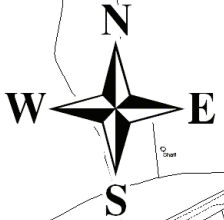
- 8.01 Whilst there is no objection to the principle of erecting outbuildings ancillary to barn conversion dwellings, in this particular case the proposal is out of scale with the dwelling to the detriment of its character. As such, the proposal would be contrary to policies GEN1 and HSG 12 of the adopted 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.

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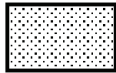


**Application Site**



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **51686**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **12 MARCH 2014**

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

**SUBJECT:** **CONVERSION OF REAR OF FORMER CHURCH TO TWO BED APARTMENT AT FORMER CONGREGATIONAL CHURCH, HIGH STREET, BAGILLT**

**APPLICATION NUMBER:** **051084**

**APPLICANT:** **MR B WILDE**

**SITE:** **FULL PLANNING APPLICATION FOR THE CONVERSION OF PART OF BUILDING TO TWO BED APARTMENT AT FORMER ENGLISH CONGRAGATIONAL CHURCH,HIGH STREET, BAGILLT.**

**APPLICATION VALID DATE:** **7 AUGUST 2013**

**LOCAL MEMBER:** **COUNCILLOR M A REECE**

**COMMUNITY COUNCIL:** **BAGILLT COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **RECOMMENDATION FOR APPROVAL SUBJECT TO A 106 AGREEMENT FOR AFFORDABLE HOUSING WHICH DOES NOT FALL WITHIN THE SCHEME OF DELEGATION**

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

### **1.00 SUMMARY**

- 1.01 This application seeks consent for the conversion of part of the former church to create a two bedroom apartment, which would create affordable rental housing provision for Bagillt.
- 1.02 The matter for consideration is the imposition of a Section 106 Agreement to ensure that the apartment is retained for local people

who require affordable rentable housing.

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

2.01 That conditional planning permission be granted subject to the applicant entering in to a Section 106 Obligation, in respect of the following matter;

To ensure that the apartment is retained for local people who require affordable rentable housing.

Conditions

1. Time limit on commencement
2. In accordance with approved plans
3. Existing railings on western boundary to be removed to maximise width available
4. No enclosure fronting the site shall be greater than 1m above the near side channel level.
5. No net increase in surface water
6. Land drainage shall not be permitted to discharge in to the public sewerage system.
7. Foul and surface water to be drained separately from site.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor M.A. Reece

Agrees to determination under delegated powers.

Bagillt Community Council

The Council objects to this particular development. There needs to be an overall proposal for the future of all the former Church building.

Head of Assets & Transportation

Suggest that the railings be removed in order to maximise parking available, and a note to applicant on any permission, that the boundary fronting the highway shall not be greater than 1m above the nearside channel level.

Head of Public Protection

No objections to the development.

Natural Resources Wales

The betterment provided in the updated submitted Flood Consequences Assessment, although limited allows some mitigation and is not considered to be so onerous as to substantiate a refusal on flooding grounds, as such NRW raise no objection. The scheme is considered to be a development of like for like, in that that the church



use was a highly vulnerable use and the apartment falls within the same definition of highly vulnerable in the NRW's consideration, accordingly there is no added risk posed by this development.

#### Emergency Planning

At the request of NRW the emergency planning section have considered the proposal, the submitted documents and having visited the site, the officer raised no objection to the proposal. This is due to the site being with in a NRW flood warning area, and there being sufficient high ground adjacent to the site to provide a suitable evacuation route in the event of a flood.

#### Welsh Water/ Dwr Cymru

If minded to grant consent recommend conditions and advisory notes.

#### Housing Strategy Officer

Confirm that the applicant sought preliminary advice and that there was an identified need for local affordable housing, at an affordable rent of 80% of the market rent in the Bagillt area and any provision created by the development, will need to be for this rentable value.

The strategy officer has sent through revised figures for applicants registered for affordable /local housing register for Bagillt for which there are currently 40 applicants registered for 2 bed rental accommodation. The officer also confirmed the wording requirements for the 106 pertaining to affordable renting of the apartment to ensure that it is maintained for local people who require affordable rental housing.

### **4.00 PUBLICITY**

#### 4.01 Neighbour Notification

No objections received at time of writing.

### **5.00 SITE HISTORY**

5.01 **778/92** - Use of Land as car park and retention of existing access.  
Permit 25.11.92

**07/43645** - Erection of detached two storey dwelling. Permit 29.10.07

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

GEN1 - General Requirements for Development

HSG3 - Housing on Unallocated sites Within Settlement Boundaries

EWP17 - Flood Risk

### **7.00 PLANNING APPRAISAL**

7.01 This application seeks change of use of part of the former church to a

2 bed apartment. The rest of the building is to remain in the former use D1, which allows alternative uses in the same use class to be carried out without having to seek a change of use.

- 7.02 Whilst recognising the concerns of the community council, with regard to the application only applying for a partial use of the building, the local planning authority can only consider the application as submitted recognising that the remainder of the unit will remain in its current use unless a further planning application is submitted.
- 7.03 The proposed unit is to provide for an affordable rental housing provision, a 2 bedroom apartment unit. The applicant had carried out preliminary discussion with both the policy section and the housing strategy officer, with regard to the proposed developments compliance with the requirements of policy HSG3. There is a proven need for this type of accommodation in this area, and it has been confirmed that there are a number of people on the housing register that would comply and have a local connection to the area. As such the proposal is considered to be compliant with policy, subject to the applicant entering in to a Section 106 Obligation to ensure this affordable local housing provision is retained in the community. The applicant is aware of this requirement and has agreed to the provision of the required 106 Obligation.
- 7.04 The application site lies within an established mixed residential area, on a level site although the land to the rear rises steeply. A conifer hedge on the boundary with Sea Haze the property to the rear of the site and Grove House to the side affords privacy. There is a vacant piece of land to the side boundary with Grove House. The boundary with the Feathers public house has a small section of metal railings which are to be removed to comply with the Highways recommendation.
- 7.05 The conversion scheme proposed, leads to minimal external changes to the existing fabric of the building, with internal division of the building to create the accommodation unit. The external changes are minimal and amount to the insertion of a door to the rear of the building and the closing up of an existing side door. The building is not listed or a building of local interest, it does however lie within a C1 flood risk zone, Natural Resources Wales have considered the two Flood Consequences Assessment submitted by the applicant and have confirmed that they raise no objection to the proposal as it not considered to be any more onerous than the church use.

## **8.00 CONCLUSION**

- 8.01 Taking all of the above matters into consideration, it is considered that there is a need for affordable rental accommodation within Bagillt. The proposed scheme has been sympathetically designed in regard to the existing former church building and is not considered to adversely

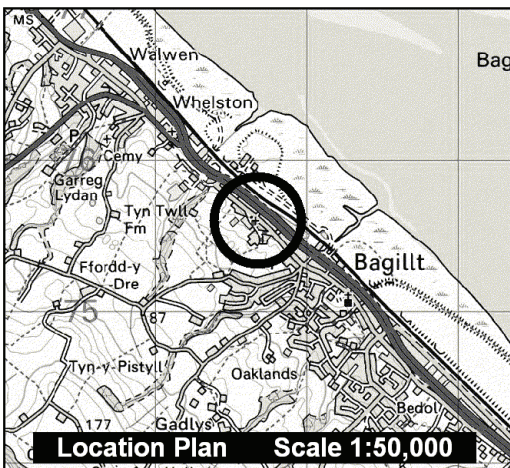
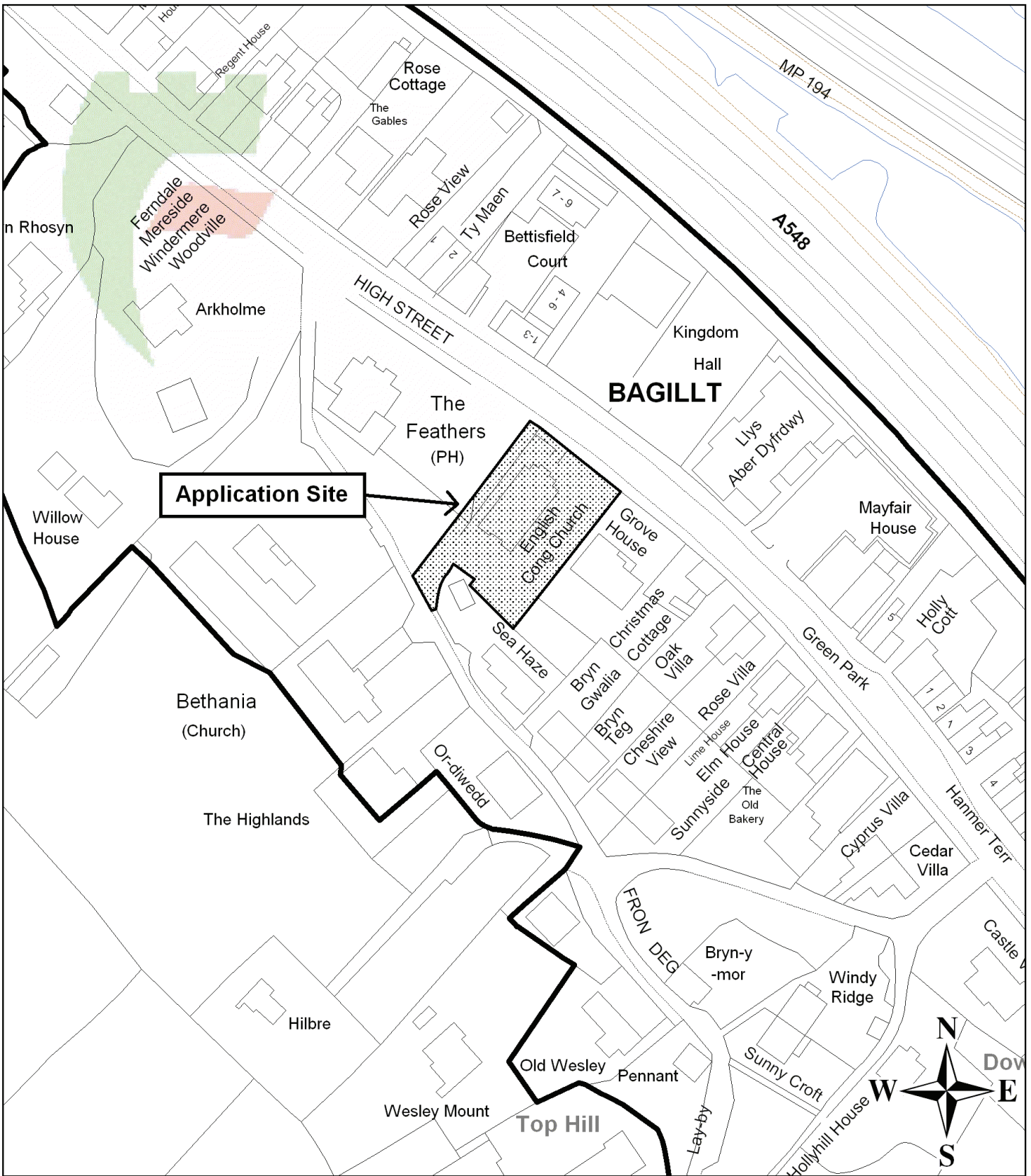
impact on the character or residential amenity of the area.

8.02 As such it is recommended that conditional approval be granted subject to the signing of a Section 106 Obligation to ensure the apartment are maintained for local people who require affordable rental housing.

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.

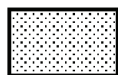
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Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
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Planning Application **51084**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **12<sup>TH</sup> MARCH 2014**

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

**SUBJECT:** **APPEAL BY MR. ANDREW LEWIS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A HAY BAY FOR STORAGE OF HAY PRODUCTS ON SITE AT FIELD ON SWAN LANE OPPOSITE THE CUPPINS, PENTRE-BACH, NERCWYS – ALLOWED.**

**1.00 APPLICATION NUMBER**

1.01 050657

**2.00 APPLICANT**

2.01 Mr. Andrew Lewis

**3.00 SITE**

3.01 Field on Swan Lane opposite The Cuppins,  
Pentre Bach,  
Nercwys, Mold. Flintshire.

**4.00 APPLICATION VALID DATE**

4.01 25<sup>th</sup> March 2013

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal of planning permission for the erection of a hay bay for the storage of hay products on site at field on Swan Lane opposite The Cuppins, Pentre Bach, Nercwys, Mold, Flintshire. The application was refused under delegated powers on 20<sup>th</sup> May 2013. The appeal was determined by way of written representations and a site visit. The appeal was ALLOWED with conditions.

**6.00 REPORT**

6.01 The application had been refused because the land was unrelated to

any farm holding in the vicinity and the consequent impact on the character of the area. The Inspector considered that the main issues in this case were the effect of the proposed development on the character and appearance of the open countryside particularly with regard to its purpose and its siting.

6.02 Agricultural Purpose

The appeal site is a field in a rural setting and the proposed development is a building for the storage of hay. The Council accepted, and the Inspector agreed, that the production of hay is an agricultural process; the proposed bay would thus be development related to agriculture. As such, and subject to having no unacceptable impacts, it would be permissible in this open countryside location under Policy GEN3 of the Flintshire Unitary Development Plan (UDP), adopted 2011.

6.03 The hay is harvested from the site and the proposed bay would be the minimum size to hold approximately 200 bales. It would be essential in order to keep the hay in a good, saleable condition. Whilst the appellant's hay-making activity is on a small scale it makes a contribution to his overall income. There is no definition of a farm unit in the policy but, as the appellant has no other field, farm or holding, the Inspector considered that it was reasonable to argue that the appeal field constitutes a farm unit for the purposes of Policy RE2. In being reasonably required for an agricultural purpose within the farm unit the proposed development would in the Inspector's opinion comply with UDP Policy RE2.

6.04 Character and Appearance

The proposed building would be a simple, open-sided structure with a shallow, pitched roof. At approximately 4.3m by 4.9m the floor area would be modest but the height to the ridge would be about 5.2m. Nonetheless, positioned at the bottom of the bank and hedge marking the field's western boundary, the proposed building would be well screened and not clearly visible from the lane or nearby dwellings.

6.05 There is a public footpath through the field which links to others crossing the open area of countryside to the east of the site. The land slopes away here such that the proposed building would be elevated and apparent from viewpoints in this area. The bank and hedge would provide a backdrop for it, however, and with its plain, agricultural appearance it would in his opinion harmonise with the site and surroundings, in line with UDP Policy GEN1. The minimal, functional nature of the proposed building and its modest proportions would amount to the good standard of design, form, scale and materials required by UDP Policy D2. Additionally, in protecting the character and amenity of the locality it would comply with the second criterion of that policy.

6.06 The Inspector commented on other matters such as the legitimacy of



other structures and activities on the appeal site, he stated that it was not for him to adjudicate and that he had given little weight to this in reaching his decision. He noted that there had been no objection on highway grounds from the Council's transportation department. Alternative locations within the appeal site have been suggested for the hay bay but he stated that he must make his decision on the proposal before him.

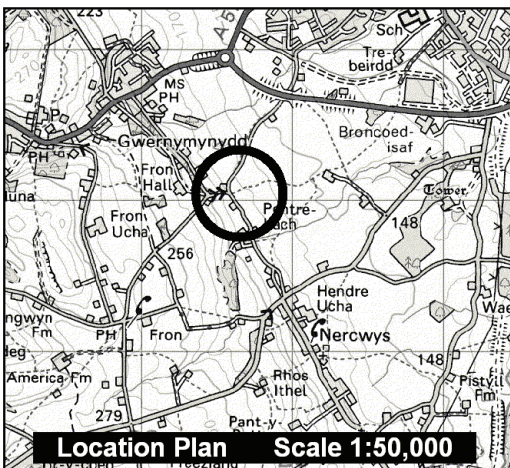
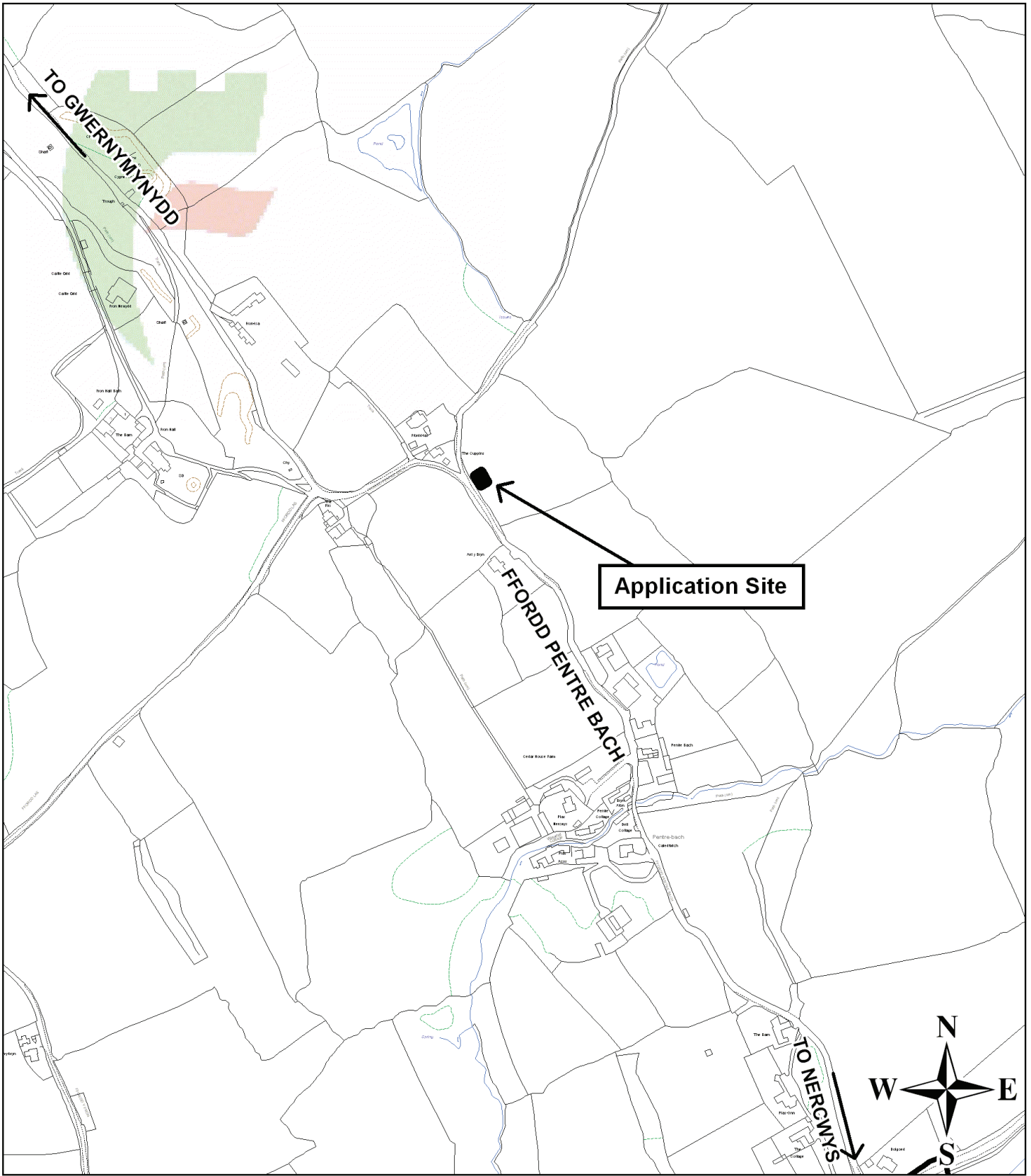
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## **7.00 CONCLUSION**

7.01 The Inspector found that the proposed development would be reasonably required for an agricultural purpose and would not harm the character and appearance of the open countryside. It was his view that, in this case, the appeal field constitutes a farm unit and that the proposed development was fully compliant with UDP Policy D2. Having taken all the matters raised into consideration the Inspector **ALLOWED** the appeal.

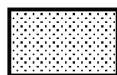
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Environment Directorate,  
 Flintshire County Council, County Hall,  
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 Director: Mr. Carl Longland

**Legend**



Planning Application Site



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Planning Application **50657**

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