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



To: Cllr David Wisinger (Chair)

CS/NG

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

26 August 2014

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

Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 3RD SEPTEMBER, 2014** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

A G E N D A

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 1 - 28)

To confirm as a correct record the minutes of the meeting held on 23rd July 2014.

- 5 **ITEMS TO BE DEFERRED**

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

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

6 **REPORTS OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

The report of the Chief Officer (Planning and Environment) is enclosed.

REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON
3RD SEPTEMBER 2014

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	052456 - R	052456 - R - Outline Application with All Matters Reserved for the Erection of Medical Centre, Council Contact Centre, Hotel (up to 80 Bedrooms), Public House/Restaurant and Four Class A3 Food and Drink Units, Together with Car Parking (up to 381 Spaces), Landscaping and Ancillary Works at Broughton Shopping Park, Broughton. (Pages 29 - 46)
6.2	051484 - R	051484 - R - General Matters - Appeal Against Non-Determination of Outline Application for the Erection of Medical Centre, Council Contact Centre, Hotel (upto 90 Bedrooms), Public House/Restaurant and Four Class A3 Food and Drink Units Together with Car Parking (upto 381 Spaces, Landscaping and Ancillary Works at Land to the North of Broughton Shopping Park, Broughton (Pages 47 - 66)
6.3	051810 - A	051810 - A - Full Application - Erection of a Stable and Agricultural Storage Building (Part Retrospective) at Fron Haul, Brynsannan, Brynford. (Pages 67 - 76)
6.4	051215 - A	051215 - A - Outline Application - Erection of 1 No. Dwelling at Avondale, Church Lane, Gwernaffield. (Pages 77 - 86)
6.5	052143 - A	052143 - A - Full Application - Erection of Two Storey Building with a Bakery and Cafe on the Ground Floor and Residential Accommodation on the First Floor at Bridge Inn, Hawarden Road, Hope. (Pages 87 - 98)
6.6	051988 - A	051988 - A - Full Application - Demolition of Existing Builders Yard Office and Storage Building and Erection of 8 No. New Dwellings at Roberts & Williams Ltd., Queen Street, Queensferry. (Pages 99 - 110)
6.7	051567 - A	051567 - A - Outline Application - Erection of 5 No. Dwellings at Withen Cottage, Alltami Road, Buckley (Pages 111 - 120)
6.8	052270 - A	052270 - A - Full Application - Erection of Eight Affordable Dwellings (Six 2 Bed Dwellings, One 3 Bed Dwelling and One 2 Bed Wheelchair Bungalow) at Mancot Library, Mancot Lane, Mancot. (Pages 121 - 130)
6.9	052337 - A	052337 - A - Full Application - Use of the Site as a Storage and Transhipment Depot, Refurbishment and Recladding of Existing Warehouse Building, Erection of Transhipment Facility and Canopy with Photovoltaic Panels on Roof, Erection of a Warehouse and Ancillary Offices with Associated Car Parking and Formation of a Vehicular Access onto Fourth Avenue at Fourth Avenue, Sealand. (Pages 131 - 138)
6.10	051482	051482 - General Matters - Erection of 35 No Class C3 Dwellings Including Associated Landscaping and Formation of New Access from Cymau Lane at Abermorddu CP School, Cymau Lane, Caergwrlle (Pages 139 - 142)
6.11	049096	049096 - General Matters - Erection of 9 No Houses at The Three Piece Suite Centre, Chester Road, Buckley. (Pages 143 - 146)

Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.12	050953	050953 - Appeal by Mr. Sultan Amari Against the Decision of Flintshire County Council to Refuse Planning Permission for the Subdivision of 1 No. Dwelling into 2 No. Flats (Retrospective) at 89 Chester Road, Oakenholt - ALLOWED (Pages 147 - 150)
6.13	050561	050561 - Appeal by Mr. Neil Thomas Against the Decision of Flintshire County Council to Refuse Planning Permission for the Outline - Erection of a Dwelling (All Matters Reserved) at Dee View, Rhewl, Mostyn - DISMISSED (Pages 151 - 156)

6.14	051036	051036 - Appeal by Mrs Elizabeth Joy-Camacho Against the Decision of Flintshire County Council to Refuse Planning Permission for Change of Use of Building to B1, Vehicle Repairs and B8 Storage (Retrospective) at Cow House, Chester Road, Dobshill - ALLOWED (Pages 157 - 160)
6.15	051266	051266 - Appeal by Mr. Phil Davies (M.J. Davies Northern Ltd) Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 37 No. Dwellings and Associated External/Drainage Works and Part Reconfiguration of Existing Road at Land Off Fair Oaks Drive, Connah's Quay - ALLOWED (Pages 161 - 166)

PLANNING AND DEVELOPMENT CONTROL COMMITTEE **23 JULY 2014**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 23 July 2014

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Ian Dunbar, Carol Ellis, David Evans, Christine Jones, Richard Jones, Billy Mullin, Mike Peers, Neville Phillips, Mike Reece, Gareth Roberts, Carolyn Thomas and Owen Thomas

SUBSTITUTIONS:

Councillor: Adele Davies-Cooke for Jim Falshaw and Veronica Gay for Richard Lloyd

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillor Robin Guest - agenda item 7.1. Councillor Stella Jones - agenda item 7.9.

The following Councillor attended as an observer:

Councillor: Haydn Bateman

APOLOGIES:

Councillors: Alison Halford and Ray Hughes

IN ATTENDANCE:

Chief Officer (Planning and Environment), Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Senior Minerals and Waste Officer, Planning Support Officer, Democracy & Governance Manager and Committee Officer

17. DECLARATIONS OF INTEREST

Councillors, Chris Bithell, Derek Butler, Billy Mullin and Carolyn Thomas declared a personal interest in the following application as they were members of the Co-op Group:-

Agenda item 7.6 – Full application – Retail extension to create new convenience store and back of house facilities at Gladstone House, Main Road, Broughton (052209)

In line with the Planning Code of Practice:-

Councillors Billy Mullin declared that he had been contacted on more than three occasions on the following application:-

Agenda item 7.6 – Full application – Retail extension to create new convenience store and back of house facilities at Gladstone House, Main Road, Broughton (052209)

18. LATE OBSERVATIONS

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

19. MINUTES

The draft minutes of the meeting of the Committee held on 18 June 2014 had been circulated to Members with the agenda.

Councillor Owen Thomas referred to page 4 on the Crematorium application for Northop and said that Councillor Neville Phillips had proposed that paragraph 6.02 of the report be removed, but it appeared to have been reinstated. Councillor O. Thomas also queried why the application had not been considered by the Committee even though Members had resolved to hold a Special meeting to consider the application.

The Democracy and Governance Manager said that the minutes accurately reflected his advice to Councillor Phillips that his proposal had not been valid. A letter had been issued to advise Members of a provisional date for the meeting but as officers had not been in a position to submit the application to Committee, a letter was subsequently sent out to cancel the provisional date.

The Chief Officer (Planning and Environment) said that a resolution to hold a special meeting had been sought at the previous meeting as at that time, only one application for a crematorium site had been received. A second application from a different applicant had now been submitted. The central point of the original application was that there were no suitable alternative sites available but an application for an alternative site had now been received. The second application had been validated and was being assessed.

Councillor Phillips felt that the resolution to hold a special meeting was nothing to do with an alternative application being submitted and that the report was for one application not two. He said that the Committee needed to know what was going on and asked when 'as soon as possible' would be.

The Democracy and Governance Manager said that it was taking longer to submit the application to committee because of the changed circumstances. The letter detailing the provisional date had indicated that the meeting may not happen. More work needed to be done on the new application and this was still ongoing. It was still intended to bring the Northop application to Committee 'as soon as possible'.

Councillor Richard Jones felt that it was not fair to the original applicant to continue to delay the determination of the Northop application because of other applications that had been received. The Democracy and Governance Manager reiterated his comments that officers were still working on bringing the Northop application to the Committee but advised that there was a need to evaluate whether there were any suitable alternative sites.

In response to a question from Councillor Mike Peers about why it had taken 12 months to process the application, the Chief Officer (Planning and Environment) said that the application had been delayed for a number of reasons and the information needed assessing. It had been deferred twice and late responses that needed to be considered had been received. He felt that the stance that had been taken was reasonable and reminded Members that the applicant could appeal on the grounds of non-determination.

Councillor Carol Ellis referred to page 10 of the minutes and asked what the next steps were for the Field Farm Road application and whether enforcement would be implemented. The Development Manager said that he understood that the applicant was appealing against the decision but was also considering submitting a further application in the next few weeks. If nothing happened in the longer term, then the expediency of enforcement action would need to be considered as the development was currently unauthorised. Councillor Ellis felt that the dwellings had not been built in accordance with the planning permission and therefore did not see why enforcement action could not be commenced immediately.

RESOLVED:

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

20. ITEMS TO BE DEFERRED

The Chief Officer (Planning and Environment) advised that none of the items on the agenda were recommended for deferral by officers.

21. TRANSFER OF GIFTED UNITS TO BE USED AS AFFORDABLE HOUSING

The Democracy and Governance Manager introduced a report to inform the Committee that as a result of a Cabinet decision in future, gifted units may be transferred to North East Wales Homes Ltd (the wholly owned subsidiary housing company) or may be retained by the Council where this best met housing needs. The report sought approval for the transfer of gifted units direct to New Homes Ltd (without coming into Council ownership) notwithstanding previous committee resolutions that they should be transferred to the Council.

Councillor Chris Bithell proposed the officer recommendation and on being put to the vote, it was CARRIED.

RESOLVED:

That the change in practice be noted and the transfer of the gifted units listed in paragraph 6.03 to North East Wales Homes Ltd be approved.

22. FULL APPLICATION – ERECTION OF 22 NO. DWELLINGS AND ASSOCIATED WORKS ON LAND (SIDE OF FFORDD HENGOED) UPPER BRYN COCH, MOLD (052208)

The Committee considered the report of the Chief Officer (Planning and Environment) 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 late observations where two corrections were reported. Planning permission was refused in May 2014 due to plots 20 to 23 having an overbearing effect on the existing properties of 2 to 8 Ffordd Hengoed. This application had been submitted to try and overcome this ground for refusal by deleting the proposed dwelling on plot 23.

Mr. L. Collymore spoke against the application and in highlighting policy GEN1 and Local Planning Guidance (LPG) note 2, said that the previous application had been refused due to the inadequate space around dwellings of plots 20 to 23 and the overbearing impact on neighbouring properties. He was grateful that plot 23 had been removed but felt that it made little difference to plots 20 to 22 or 2 to 8 Ffordd Hengoed. He felt that too many large houses had been shoehorned into the site and that the proposed dwellings were still overbearing and dominated the area. Mr. Collymore commented on Policy HSG8 and the number of four and five bedroomed homes proposed for the site and Policy GEN1 on the need for high quality designs without compromising space around dwellings guidelines. He felt that the applicant had failed to meet policy guidelines and that access from the other end of the site would be more acceptable and would increase road safety. He also commented on trees on the site which benefited from Tree Protection Orders.

Mr. S. Daintith spoke in support of the application and said that the applicant had addressed the concerns raised by removing plot 23 from the proposals. The gable separation distances for plots 20 to 22 had also been increased and as reported in paragraph 7.30, the separation distances between the rear of the proposed dwellings and the rear of the existing dwellings on Ffordd Hengoed complied with minimum separation distances in LPG note 2. He detailed the density of properties on neighbouring developments and said that the proposal for this site was in line with the surrounding area. The density of the development equated to approximately 20 dwellings per hectare which was below the UDP guidance of 30 dwellings per hectare and as the site was less than one hectare or 25 dwellings, a mix of 2, 3, 4 and 5 bedroomed properties was not required.

Mr. A. Parry from Mold Town Council spoke against the application and added that the Town Council had found the proposal to be unacceptable. The site had been allocated for 15 dwellings in the Unitary Development Plan (UDP) and this proposal for 22 properties would exceed the allocation by 50% and he felt that a layout for 15 houses related well to the existing development. The increase in traffic generated by vehicles from the proposed houses would put further pressure on Upper Bryn Coch Lane which was already busy at school start and end times and the proposed site access was on an acute section opposite a pedestrian access to the playing field. Mr. Parry said that Mold Town Council had indicated that the access at the opposite end of the site was more appropriate. It was also felt that the 30 mile per hour speed restriction could be extended to beyond the junction of Upper Bryn Coch Lane.

Councillor Mike Peers proposed refusal of the application against officer recommendation, which was duly seconded. In referring to the comments of Mr. Daintith, Councillor Peers said that the site needed to be considered against policy and not based on what was in the surrounding area. The proposal did not comply with density guidelines and there was not a mix of properties on the site. He felt that if the dwellings were smaller, then more than 25 houses could be accommodated on the site which would then allow for a mix of dwellings to comply with policy and would trigger the requirement for affordable housing. He felt that this was an underdevelopment of the site as a similar sized site had accommodated 33 dwellings and that a density closer to that suggested in the policy was required.

The Local Member, Councillor Robin Guest, spoke against the application and said that he had raised concern on the previous application about the overall density of the site and the four properties on the eastern boundary of the site. The proposal did not comply with space around dwellings policy and resulted in an overbearing impact on the residents of Ffordd Hengoed. The application before the Committee today showed the removal of plot 23 but did not show any realignment of the three remaining plots on that area of the site. He commented on the dangerous junction at Upper Bryn Coch Lane and the proposed access/egress of this site and referred to condition 29 about the submission of a detailed scheme for the rationalisation of the junction. Councillor Guest said that it was essential that it included an extension of pavement for pedestrians to St. Mary's Park open space area. He referred to road and drainage issues and spoke about a pond on the site which had been drained prior to the submission of the original application. He also highlighted condition 31 about the reprofiling of the watercourse to the south of the site which Councillor Guest said needed to be carefully considered. He reiterated the general concerns expressed on the original application which were:-

- i) the increase in units from 15 in the UDP to 22 in this proposal
- ii) the space around dwelling distances which were far from generous and which could be more acceptable with a different layout
- iii) the junction of Upper Bryn Coch Lane which would make the walk to school for children very dangerous

Councillor Chris Bithell said that the previous application had been refused on the grounds of density and close proximity to the dwellings on Ffordd Hengoed and because of this the applicant had removed plot 23. He queried whether the Committee could now discuss other reasons such as highways and density when these had not been advanced as a reason for refusal on the previous application. The Development Manager detailed the previous reason for refusal and said that the Committee had refused a very similar layout for that reason only and so by implication, all other issues such as density were considered to be deemed acceptable and therefore should not be revisited by the Committee. He advised Members that as plot 23 had now been removed, the consideration should now focus on the impact of plots 20 to 22 on the existing dwellings at Ffordd Hengoed.

Councillor Mike Peers referred to paragraph 1.03 where the main issues for consideration were reported. The Democracy & Governance Manager advised that the Committee could only safely discuss what they had been unhappy with on the previous application. At that time Members had commented on overdevelopment but were now considering underdevelopment on the site. He reminded the Committee that the applicant could appeal which could result in costs being awarded against the Council. The safest course of action was to consider whether plots 20 to 22 constituted overdevelopment.

Councillor Richard Jones raised concern that he had proposed refusal on the grounds of space around dwellings in connection with properties on Ffordd Hengoed but had not specifically mentioned any particular plots, as was referred to in the minute for that application. He had also made the point about indicative yield being an overdevelopment of the site. The Development Manager said that the reason for refusal reflected the debate around properties nearest Ffordd Hengoed. Councillor R. Jones also queried why the amount for educational contributions had reduced by such a large amount when only one plot had been removed from the proposal. The officer advised that he would speak to Education colleagues about this and the Development Manager suggested that delegated authority could be given to the Chief Officer (Planning and Environment) to amend the figure if necessary.

In raising concerns about highway issues, Councillor Marion Bateman asked whether she could take these into account when voting, even though the Committee had been advised to only discuss the reason for refusal. The Development Manager said that access arrangements were still the same so it was not appropriate for Members to introduce it now when it had been implied that it was acceptable on the previous application. On the comment raised by Councillor Guest about realigning the properties at plots 20 to 22, the Development Manager reminded Members that the separation distances had been met and exceeded and plot 23 had been removed; there were no planning grounds to further realign the plots.

Councillor Chris Bithell said that in the past he had made an issue of an access being considered through the site and the narrow part of the lane being restricted to cyclists and walkers but this had not been included in the reason for refusal. He commented on plots 20 to 22 and the distances to the properties on Ffordd Hengoed and queried whether these had been extended due to the removal of plot 23. In response, the officer said that the plots nearest Ffordd Hengoed met the minimum separation distances even with the difference in levels so had therefore not been adjusted following the removal of plot 23.

In summing up, Councillor Mike Peers said that the main issues were that the application was not in accordance with Policy HSG8 which indicated a minimum density of 30 dwellings per hectare and Policy HSG9 about a mix of property types.

On being put to the vote, the proposal to refuse the application was LOST. Councillor Marion Bateman indicated that she wished it to be recorded in the minutes that she had abstained from voting.

Councillor Derek Butler then proposed approval of the application, which was duly seconded and on being put to the vote, the proposal was CARRIED. Councillor Marion Bateman indicated that she wished it to be recorded in the minutes that she had abstained from voting.

RESOLVED:

(i) That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional conditions detailed in the late observations and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following:-

(a) Payment of £61,285 towards educational provision/improvements at Ysgol Glanrafon, Mold. The timing of such payment to be agreed with the Chief Officer (Education and Youth)

(b) Payment of £24,200 for the enhancement of existing public open space in the nearby community.

(ii) That delegated authority be given to the Chief Officer (Planning and Environment) to amend the educational contribution payment in the Section 106 Obligation if the figure above is found to be incorrect.

23. FULL APPLICATION FOR A COMBINED HEAT AND POWER BIOMASS PLANT, WARWICK INTERNATIONAL LIMITED, DOCK ROAD, MOSTYN, HOLYWELL (051924)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 21 July 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 and drawn to the Committee's attention by the officer.

The officer detailed the background to the report and explained that the applicant was seeking to build a new combined heat and power plant to replace the existing steam generating gas-fired boilers with a steam and electricity producing burning plant. She provided details of the size of the application site which would include a stack of 35 metres high. The proposed access would be from the Dock Road and lay within flood zone C1 of the Development Advice Map provided by Natural Resources Wales (NRW). Wirral View was located 100 metres to the south west of the site at an elevated level.

The main issues for consideration when determining the application were reported at paragraph 7.20 and included impact on air quality, flood risk and residential amenity. There had been no objections from statutory consultees but the objections and comments from Mostyn Community Council and the Residents Action Group were detailed in the report. Three petitions had also been received along with six letters of objection. Comments from the Port of Mostyn were reported in the late observations which indicated that they did not object to the proposed development but had concerns in relation to highways and the access/egress. It had been suggested that potential congestion on the Dock Road could be an issue but Highways had indicated that this would not be a problem as there was sufficient room for two HGVs to wait should the access gates be closed and that there was sufficient room in the site for vehicles to wait before reaching the weighbridge. The Port of Mostyn had also raised concern about inconsistencies in relation to proposed annual tonnage of both biomass fuel/waste and additional materials stated within the planning application and the environmental permit application. The initial figures provided in the environmental permit application were incorrect and subsequently amended. The tonnage of the 'additional materials' which were omitted from the details of the planning application had been calculated and considered and the increased vehicle movements per day were found to be acceptable and not material as it amounted to an extra vehicle per day.

The officer also commented on a letter received from local residents about lack of consultation and added that it had not been necessary to consult with interested parties in the Wirral across the Dee Estuary as emissions would disperse before reaching the other side of the Dee Estuary. She drew Members' attention to the biomass facility at Whitford Primary School which was on a much smaller scale than this proposal and also the Biomass Combined Heat and Power Plant at UPM Shotton which was a much larger facility which was operational and had caused no concern or complaints. It would be highly regulated and would require compliance with an industrial omissions directive as part of its environmental permit. Paragraph 7.07 detailed the waste which would not be permitted into the biomass boiler and the officer explained that the project would assist with carbon reduction targets in compliance with waste hierarchy. The project would allow Warwick International Limited to be more competitive to allow it to provide job security

for this and the whole project. Natural Resources Wales had concluded that mitigation would not have a significant effect on the Dee Estuary and even though the area was within a flood zone, it was not felt that the application should be refused.

Mr. P. Heesom spoke against the application. He said that in reality the project was a major biomass incinerator which would produce 8.5MW of power. It was a major plant which could not be compared with Whitford School and it was proposed that it would burn continuously for 25 years. He felt that there had been limited public consultation. Mr. Heesom said that the issue of harm and disamenity had been acknowledged but it had been reported that harmful emissions would dissipate; he did not feel that they would. He highlighted paragraph 7.61 where it was reported that the applicants had carried out the necessary assessments and created 'realistic' worst case estimates of risk on the health of residents, but Mr. Heesom felt that this was still a concern. He asked what safeguards were being put in place to guard against the high levels of carbon and such emissions as a result of the facility burning waste for 24 hours a day. He referred to the environment statement which had been submitted and asked that if the application was not refused, then it be deferred to allow for a proper independent assessment of the environmental impact.

Ms. B. Clark, agent for the applicant, spoke in support of the application. She said that the aim of the project was to provide heat for Warwick International from a renewable source of energy. Approval would allow the company to compete on a global scale and would create 17 permanent jobs. The proposal was in line with national and local policy and there had been no objections from statutory consultees. A public exhibition had been held which had received very positive feedback. There would be no significant impact from the process and regulation would be undertaken by Natural Resources Wales. The site was of an industrial nature and there was sufficient lorry parking on site.

Councillor D. Roney from Mostyn Community Council spoke against the application. He said that the Community Council had contacted Warwick International when they heard about the application and were advised that the facility was like a wood burning stove. He felt that this was not the case due to its significant size and it was intended that it would burn continuously for 25 years. The facility would be built below houses at Wirral View and Councillor Roney highlighted paragraph 7.76 where it was reported that the view from these properties was already compromised by the existing industrial development and was also blighted by considerable night time pollution. It was also reported that harmful emissions would not travel towards the south in the direction of Wirral View but Councillor Roney said that noise and pollution would harm the area for the length of the project. He commented on a letter which had been sent to Mostyn Community Council about the sounding of an annual alarm at the site and said that to his knowledge, this had not been undertaken.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He welcomed the comprehensive and detailed report which covered all of the issues raised. The site was in an industrial area and the proposal would secure renewable energy in line with national policy. There had been no objections from statutory consultees and the proposal would be monitored by NRW. He highlighted paragraph 7.61 where it was reported that the Head of Public Protection was satisfied that the applicants had demonstrated that the public would not be subject to a significant carcinogenic risk or non-carcinogenic hazard, arising from exposures via both inhalation and the ingestion of foods.

Councillor Owen Thomas spoke of the site visit which had been undertaken which included visiting Wirral View. He felt that the higher houses would look down on the chimney stack and that the smoke would blow towards the houses, which caused him concern. Councillor Carolyn Thomas commented on the boiler which would burn for 24 hours a day and the view of the chimney from Wirral View. She spoke of the biomass boiler in Whitford Primary School which was on a much smaller scale than this proposal. She felt that the impact of the proposal was unknown and that there was no guarantee for the health of the families living in the nearby houses. She concurred that the application should be deferred for consultation and further examination and to allow all of the issues to be resolved.

Councillor Mike Peers raised concern at the proposal and asked whether other alternatives had been explored. He sought an assurance that only the materials indicated as suitable in the report would be used. He was concerned that the boiler would burn for 24 hours a day and in noting the comments of the Head of Public Protection in paragraph 7.61, raised concern that an environmental impact assessment had not been undertaken. Councillor Peers said that there was a need to look at the storage facilities and whether the vehicles could continually supply fuel in inclement weather.

Councillor Richard Jones was in favour of deferring the application. He asked whether the fuel source was sustainable for the 25 year term and said that alternative sources might be suggested in the future. Councillor Gareth Roberts said that when compared to what was currently in place, then this proposal would appear to be less harmful and therefore preferable. He highlighted paragraph 7.61 in relation to impacts on humans and health and added that Wirral View overlooked the site and as it was in a north easterly direction, the prevailing south westerly winds should not have an impact on the properties.

In response to the comments made, the officer said:

- The levels of emissions would be regulated by NRW to ensure that they were not harmful.
- On the issue of climate change, this project would reduce Carbon dioxide emissions by 30,000 tonnes per annum
- The application has been independently assessed by the Council's internal and external consultees such as NRW who would also carry

- out regular monitoring to ensure that Warwick International were complying with the environmental permit
- It was in the best interest of the company to ensure that the fuel was clean and that any contracts with companies that did not supply clean fuels would be terminated
 - The current boilers would be retained as a back-up in the event of a problem with the biomass boiler to ensure continuous operation at the site
 - No complaints had been received about the similar facility at UPM Shotton Paper which was three times the size of this proposal
 - A landscaping scheme would be undertaken at the site
 - The prevailing winds and technologies in the facility would ensure that no harm was caused in the area
 - The boiler would have to comply with the Industrial Emissions Directive.
 - Pre-application discussions had taken place with the applicant and the level of consultation was in line with normal procedures, in accordance to the Regulations and a public exhibition event held by the applicant.
 - There was provision for storage of 600 tonnes of fuel which would be controlled by the permit and would be restricted by the storage capacity on the site. A condition would also be imposed that no waste or fuel material was to be stored outside the facility.
 - The use of any other fuels would require a new planning application and a new permit

In response to an earlier comment from Councillor R. Jones about whether the fuel source was sustainable for the term of the project, the Democracy & Governance Manager advised the Committee that this was not relevant in their determination of this application.

In summing up, Councillor Butler highlighted paragraph 7.05 where the grade of waste wood to be used was reported and said that paragraphs 7.48 and 7.49 addressed the concerns raised about the supply of materials. He felt that references to the facilities at Whitford and UPM Shotton Paper were pertinent as the process was the same as was proposed at this site, even though the sizes were different. He said that no other fuel could be used as the boiler was specifically designed to burn the types of fuel reported, so this provided an additional safeguard. Councillor Butler welcomed the comment in paragraph 7.142 that the applicant and operator were supportive of forming a Liaison Committee for the site, which would provide a formal forum for liaison with the local community which would seek to address concerns from residents about the proposal.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

24. **FULL APPLICATION – INSTALLATION OF GROUND MOUNTED PHOTOVOLTAIC (PV) SOLAR ARRAYS TO PROVIDE 45.7 MW GENERATION CAPACITY TOGETHER WITH TRANSFORMER STATIONS, INTERNAL ACCESS TRACK, ELECTRICITY SECURITY MEASURES, ACCESS GATE AND ANCILARY INFRASTRUCTURE AT LAND NORTH OF WEIGHBRIDGE ROAD, SEALAND (051772)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 21 July 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 drew Members attention to the late observations where two additional conditions were reported and explained that condition 25 had been repeated in error. The scheme was limited to a 25 year term and the land would be returned to agricultural land at the end of the period. The site extended to approximately 109 hectares. He referred Members to paragraph 8.01 where the matters which weighed in favour of the proposal and those against the proposal were reported and he added that this was a very finely balanced application. It was reported that the site was in the Green Barrier and was on Grade two agricultural land but the case for renewable energy and the economic benefits arising from the development had been considered a very special circumstance to justify the use of the site. The proposal was not a permanent development within the landscape and could be easily reversed and would allow grazing of sheep, which maintained an element of the original purpose of the land.

Mr. M. Redmond on behalf of Burton residents and Puddington Parish Council spoke against the application which he felt was a departure from the Unitary Development Plan (UDP) and objections had been received to the proposals. Mr. Redmond felt that the application did not comply with the policy to only use Grade 2 agricultural land in exceptional circumstances and he spoke of a recently announced project on the issue of food production. The application would only create 20 jobs and the agricultural land supported 160 jobs. The only reason given for solar on the land was due to close proximity to UPM otherwise it would be built on poorer quality land. He referred to the proposed Scottish Power connection for 2000MW which was due to commence in 2016 without detriment to the environment.

Mr. S. Gibbins spoke in support of the application. In addressing the objections received, he said that the visual impact of the site and the loss of agricultural land was temporary as the land would be returned after 25 years in a better condition. Other sites had been considered but this site scored the best for its suitability and it was felt that there would be a benefit of £40m to the local economy. Local contractors would be used in the construction of the project and 27 full or part time jobs would be created once the scheme had been completed. Mr. Gibbins felt that the scheme would provide significantly to the economy of the area and he commented on a £50,000 per annum

contribution to a North Wales Skills and Technology Centre. The scheme would also include the upgrade of an electricity substation and negotiations had been undertaken with UPM to purchase the electricity generated by the park.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He agreed that the application was finely balanced but said that the land would be improved by the end of the 25 year term. He said that there was a demand for cheaper electricity. Councillor Christine Jones, the local Member, concurred but spoke of the loss of grade two agricultural land, the site being in the green barrier and the impact on ecology and wildlife in the area. However, she felt that this was outweighed by the benefits to the economy of Flintshire and UPM and other businesses in the area. She said that there was a need for renewable energy and would secure sustainable energy which could encourage businesses to come to Deeside which would be a long term benefit for the area. Councillor C. Jones said that she hoped that approval of the application would not set a precedent for other agricultural land in the area to be used for solar panels in the future.

Councillor Chris Bithell spoke of the high grade agricultural land which was limited in the United Kingdom and highlighted the objection of Welsh Government Department for Natural Resources and Food because it was not in the long term national interest to lose 109 hectares of the best and most versatile agricultural land. He asked whether the applicant would be able to extend the term beyond 25 years. He also spoke of the application which had been submitted in 1997 which was called in by the Secretary of State for Wales and was refused because of lack of need; he felt that this application could also be called in.

Councillor Owen Thomas said that there were very few farms of this size in Flintshire and added that the only other grade 2 land was on the Dee Estuary. He felt that the solar panel would be in place for 30 years due to the time to be added on for the erection and removal of the arrays. He said that there were other areas where the solar farm could be located and added that nothing could outweigh the use of grade two land. He asked whether the site would become a brownfield site following the end of the term and stated that there would not be any grass under the panels for the sheep to graze on.

Councillor Mike Peers noted the objection from the WG department and said that 25 years was permanent, not temporary. He highlighted paragraph 7.16 and felt that a different site could have been chosen but agreed with the benefits of the proposal. He suggested that alternative sites could be on the roof of buildings, such as Toyota, which benefitted from long periods of sunshine. Councillor Peers referred to paragraph 7.26 where it was reported that the development would change the character of the field it was in but that there would be little change to the actual topography of the field. He said that he could not support the application and suggested that the Council surveyed the county to establish suitable sites for any future similar proposals which would not have too much of an impact on the area.

Councillor Marion Bateman said that she was fully in favour of renewable energy but not to the detriment of the green barrier. She asked why other sites had been discounted and suggested that applications such as this were premature and should be considered as part of the Local Development Plan (LDP). Councillor Billy Mullin supported the renewable energy policy but raised concern about the departure from the UDP which could result in other applications for solar panels on agricultural land being submitted. Councillor Richard Jones said that there was a need to consider the type of land used for such developments and suggested that a brownfield site would be more appropriate. Councillor Gareth Roberts concurred that an application on a brownfield site would be approved and that this proposal should be refused due to its location. He felt that there were suitable alternatives and suggested that the solar panels could be sited over a number of fields, not just one.

In response to the comments made, the officer said that a critical element to this proposal was the reversibility as the framework could be easily removed at the end of the term. There would be an agricultural element as there would be room for the sheep to graze and the proposal would be linked to UPM which would potentially reduce their electricity costs which could make a difference to the future long term strategy of the company. A previous scheme referred to in paragraph 5.01 was dismissed due to the lack of need for the development and the lack of an end user, however this was not the case for this application. The site had been chosen because of its closeness to UPM and other sites such as the roof of buildings could not be considered due to restrictions. Alternative sites were detailed in paragraph 7.22 along with criteria for choosing such sites and reasons why the other sites had been discounted.

The Planning Strategy Manager spoke of national and international employers and their significance in a Flintshire context. The 25 year term for the siting of the solar panels would be controlled by condition but he spoke of changing technologies which could result in the solar panels not being viable before the end of the 25 year period. He said that it was not appropriate to defer the application for the LDP as the plan may not be adopted for another four to five years and would not carry any weight in policy terms until then. The land would be the same quality at the end of the 25 years and therefore using green barrier land was justified for this application.

In summing up, Councillor Butler said that the debate reflected how finely balanced the application was but said that he agreed with the economic benefits of the proposal. He hoped that the application would not be called in and highlighted paragraph 7.22 which provided details of the end user for the scheme. Alternative sites had been considered but it was felt that this site was the most suitable.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and the additional

conditions detailed in the late observations and subject to the applicant entering into a Unilateral Undertaking in regards to securing the long term use of the generation of electricity to serve the needs of UPM Papermill with only the surplus supplied to the national grid.

25. FULL APPLICATION – SUBSTITUTION OF HOUSE TYPES FOR 13 NO. HOUSES PREVIOUSLY APPROVED UNDER RESERVED MATTERS APPLICATION REF: 050796 PURSUANT TO OUTLINE PLANNING PERMISSION REF: 038189 AT BROUGHTON PARK, BROUGHTON (052112)

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

The officer detailed the background to the report which was for a substitution of house types for 2.5 storey dwellings instead of 2 storey properties. It was not unusual for developers to request change of house types on developments as sites progressed and as a result of market changes. The Local Member and Broughton & Bretton Community Council had concerns but the officer explained that the 2.5 storey dwellings would be dispersed throughout the site and added that it would be difficult to resist such an application.

Councillor S. Stevens from Broughton & Bretton Community Council spoke against the application and said that there had been no mention of three storey dwellings in the original application for the site. There were no others in the villages of Broughton & Bretton. She added that the Community Council were dismayed to see the changes to three storey dwellings as this would mean that the site would no longer look like what had originally been approved and would not fit in with the rest of the village.

The Local Member, Councillor Derek Butler, proposed refusal of the application, against officer recommendation, which was duly seconded. He raised concern at the application for three storey properties as there were currently none in Broughton and Bretton. He felt that increasing the size of the properties would mean more people and he asked if the local schools would be receiving additional funding for any increased numbers of pupils.

Councillor Billy Mullin concurred with the comments of Councillor Butler and said that a precedent would be set if the application was approved. He spoke of the significant amount of development taking place in the area and said that the application should be refused.

Councillor Owen Thomas felt that a significant number of requests to vary house types were received and approved by Committee. Councillor Gareth Roberts said that Planning Policy stated that a mix of house types was favourable and this application would provide this. He said that it was not

unusual for a developer to amend house types during the delivery of a development and added that he had not heard anything to suggest that the proposal did not comply with policy or should be refused. Councillor Chris Bithell said that there was no such thing as a 2.5 storey dwelling and that the properties were 3 storey. He felt that more of this type of property would be seen in the future but he queried whether it was on the same footprint as the originally approved dwellings. Councillor Richard Jones noted that the reserved matters application had permitted 2.5 storey properties on the site and in referring to a similar development in Buckley said that it would be difficult to refuse.

In response to the comments made, the officer said that there had been some house type substitutions on the site from 2 storey to 2.5 storey and added that this was a common request on large sites. He confirmed that some of the house types had been approved at the reserved matters stage and asked what the harm in amending the dwelling types was. The proposed dwellings were half a metre higher than the other buildings and the application did not propose to increase the number of properties on the site. He added that the site had the ability to create its own style and character.

The Chief Officer (Planning and Environment) said that it was a requirement of policy to look for variety in a development and added that this application would ensure that a balanced and mixed development was created. The applicant was responding to changes in market conditions and approving the application would not set a precedent and would not create any harm. He added that there were no reasons to refuse the application.

In summing up, Councillor Derek Butler said that the application was for three storey buildings and he asked whether a Section 106 Obligation for educational contributions could be requested as the burden in schools was not catered for.

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

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and the additional highway condition reported in the late observations.

26. FULL APPLICATION – CHANGE OF USE TO FORM 2 FLATS IN EXISTING DWELLING AT 14 HOWARD STREET, CONNAH’S QUAY (052061)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 21 July 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.

Mrs. K. Wingate spoke against the application which she felt would increase local traffic as cars currently parked on both sides of the road, allowing only one additional vehicle to pass. She felt that if two families moved into the flats, then this could result in four additional cars which would enter onto the road where children played. She raised concern that children walked to school along the road and that it was already a dangerous area. Mrs. Wingate felt that the ground floor flat would have a reduced amount of light into the property and that the bedroom window would look out onto the street which would be three feet away. The upstairs flat would overlook the gardens of neighbouring properties. She said that she would prefer it if the dwelling remained as a family home rather than being split into flats.

Councillor Richard Jones proposed the recommendation for approval which was duly seconded. He felt that the application should not have been submitted to the Committee to determine and that there were no planning reasons to refuse the application, as the small number of parking spaces proposed was acceptable in a sustainable location. Councillor Gareth Roberts concurred with the comments made and said that a bus route nearby would reduce the need for residents in the properties to have cars.

Councillor Chris Bithell acknowledged the local opposition to the proposal but said that there were no external alterations to the property. On the issue of parking, the applicant had provided three parking spaces within the curtilage of the property. He felt that objections to the proposals on these grounds could not be sustained but suggested that the only improvement could be to provide the access for cars at the rear of the site.

Councillor Ian Dunbar spoke on behalf of the Local Members in congratulating Mrs. Wingate for addressing the Committee. He commented on the problem of parking in the busy area in which cars parked on both sides of the narrow road and said that the siting of the flats on a busy section of the road constituted a highway problem for the children who played there. He felt that approval of the application would set a precedent for other houses in the road to be turned into flats and raised concern that the upstairs flat would create an issue of overlooking into neighbouring properties.

In response to the comments made, the officer said that the plan had been amended to include three spaces and no objections had been received from Highways. The issue of light referred to by Mrs. Wingate was not a planning matter. It was reported that the existing separation distance between the building and the single storey properties to the rear at Green Park was approximately 20 metres but as the properties were not directly in line, the additional activity associated with changing a bedroom to a first floor living room for the upstairs flat would not have a material impact on residential amenity to the rear of the property.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

27. **PROPOSED EXTENSION TO CREATE NEW CONVENIENCE STORE AND BACK OF HOUSE FACILITIES AT GLADSTONE HOUSE, MAIN ROAD, BROUGHTON (052209)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 21 July 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 explained that the application was to extend the existing building. A letter of support was detailed in the late observations. Local Members and Broughton & Bretton Community Council had raised concerns regarding highway problems at the junction with Broughton Hall Road and had also raised objections. However, it should be noted that the Council's Highways officers had no objections to the application and it was recommended for approval.

Mr. S. Hughes spoke in support of the application. The proposal complied with local and national policy and would enable a greater range of products and groceries, including more fresh goods, to be available. The applicant had addressed concerns on the issue of parking and highway safety and no objections had been received from a highway safety perspective and no letters of objection had been received from residents. He explained that a similar size store in Kelsall had eight car parking spaces and operated at capacity and added that this store would have 16 spaces for customers. The store would not generate significant movements for deliveries and all except one of the employees at the existing store, which was to relocate to this area if approval was granted, walked to work.

Councillor S. Stevens from Broughton & Bretton Community Council spoke against the application. She felt that the main issue was the location which would result in increased traffic on a particularly busy road which was a main route to the retail park and Airbus factory. She said that the proposal would result in five accesses onto the small junction and she felt that many people would not park there or walk from the nearby car park. Councillor Stevens also raised concern about the use of the shop which would be vacated if the application was approved as she felt that it would be taken over by an 'express' store which the proposed Co-op store would not be able to compete with. She concluded that a new road system was required with either traffic lights or a roundabout to ease the congestion at the junction.

The Local Member, Councillor Billy Mullin, proposed refusal of the application, against officer recommendation, which was duly seconded. He welcomed the presence of the Co-op store in Broughton but reiterated the concerns about highways. He referred to the busy main road which took traffic heading for the retail park and which was a thoroughfare to Deeside and spoke of the campaign to get improvements to the junction. He referred to the daily battle of motorists to exit the junction which would increase if the application was approved. He added that he was not objecting to the Co-op

store moving to this location but it would require significant improvements to the junction to ease traffic congestion.

Councillor Derek Butler concurred that he had no objection to the relocation but said that the shop at the new site would cause major problems, particularly in the morning and evenings, at the junction which was the main access and egress into the community. It was reported that the maximum parking standards as set out in the Council's Local Planning Guidance Notes equated to 29 car parking spaces. However as there was additional parking available near to the site, it was reported that the proposed 16 spaces was sufficient. Councillor Butler queried this and whether the car parking area would allow for an adequate turning circle.

Councillor Mike Peers raised concern that the proposal did not show the nearby zebra crossing and spoke of the conflict that could occur with the crossing for traffic turning into the site. He suggested that the entrance be off the main road with the exit from the site being onto Broughton Hall Road and said that he could not support the application due to the traffic impact. Councillor Owen Thomas concurred that there should be one entrance in and one exit out of the site and commented on not having a slip road from the A55 to the retail park which he felt would have alleviated the traffic problems in the area.

Councillor Richard Jones welcomed the proposal. He referred to the site history and the application reference 051738 for an extension to the site and asked why it had been refused on 19 June 2014. The officer responded that the application had been refused due to lack of parking and visual impact.

The Senior Engineer - Highways Development Control said that there were no objections from Highways subject to conditions and added that the proposal met the standards for visibility. She felt that the suggestion for one entrance in and one exit out of the site would exacerbate the problem and added that there was no reason to refuse the application.

The Planning Strategy Manager felt that there was a need to look at the proposal in proportion and said that he had not heard any comments about any harm that the proposal might have on the area. On the issue that Councillor Owen Thomas referred to, he spoke of the major developments in the area which had not resulted in the delivery of a slip road from the A55.

The Democracy & Governance Manager reminded Members that they had heard from officers that there was no evidence to refuse the application on highway grounds.

On being put to the vote, the proposal to refuse the application due to the traffic associated with the development having a detrimental impact on highway safety, against officer recommendation, was CARRIED.

RESOLVED:

That planning permission be refused due to the traffic associated with the development having a detrimental impact on highway safety.

28. ERECTION OF STABLE AND AGRICULTURAL STORAGE BUILDING PART IN RETROSPECT AT FRON HAUL, BRYNSANNAN, BRYNFORD, HOLYWELL (051810)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the Local Member, Councillor Matt Wright, had concerns about the justification of the building. Natural Resources Wales had requested conditions if the application was approved and the objections which had been received were detailed in the report.

Mr. C. Davies, who lived next door to the application site, spoke against the application. He felt that the size of the site did not justify a building of the size proposed and that this application had been submitted following the refusal of an application to extend the garden, which had been refused on the grounds of the detrimental effect upon the character of the area. He could not understand why the application was reported for approval and that it appeared that a shed was being called an agricultural building and contained equipment to convert horse boxes. It was reported that the applicant would forego permission for a detached garage within the curtilage of the dwelling, which had not currently been built, if permission for an agricultural building was granted. Mr. Davies felt that the agricultural building would be used as a garage and that it was not suitable in a domestic area in the countryside and should therefore be refused.

The Democracy & Governance Manager indicated that the Local Member, Councillor Matt Wright, had been unable to attend the meeting but had asked that the following comments be passed on to Members. Councillor Wright had raised concern about the retrospective nature of the application and that enforcement lists were being cleared by granting permissions. The applicant had built large agricultural buildings in a row of residential houses which he also expressed significant concern about.

Councillor Gareth Roberts proposed that the application be deferred for a site visit, which was duly seconded and on being put to the vote was CARRIED.

RESOLVED:

That the application be deferred to allow a site visit to be undertaken.

29. **FULL APPLICATION – RESIDENTIAL DEVELOPMENT OF A TOTAL OF 45 ONE AND TWO STOREY DWELLINGS INCLUDING ANCILLARY PARKING, OPEN SPACE AND NEW ACCESS FROM HALKYN ROAD AT LAND ADJACENT TO BRIGNANT, HALKYN ROAD, HOLYWELL (052156)**

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

The officer detailed the background to the report and explained that the site had planning permission for 44 dwellings. The site had now been sold to a new developer and this application for 45 dwellings amended the layout and house types on the site to smaller properties. The site was allocated for residential dwellings in the UDP and all issues had been resolved during the consideration of the previous application. It was reported that 16 of the plots would be affordable dwellings and would be managed by Wales & West Housing Association with the remaining dwellings being sold on the open market. The officer explained that the issue of why an educational contribution had not been requested was detailed in paragraphs 7.23 to 7.26 of the report. She added that a Section 106 Obligation would be requested for provision of affordable homes, maintaining visibility and a commuted sum for open space if the application was approved.

Mr. D. Ellis spoke against the application. He spoke of the speed limit on the road and commented on Welsh Government guidance which asked Planning Authorities and Highways Departments to take the views of communities into account when considering planning applications. He said that consultation had not taken place on either application and added that the amount of traffic in the area was unacceptable. Mr. Ellis commented on the corner of the road which had not been altered and the failure to comply with the setting of local speed limits which he felt was not adequate. He also suggested that the vehicles from the proposal would increase traffic in the area by 25%.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He said that the application was for a change of house types following the sale of the site to a new developer. He spoke of the reduction in the speed limit on the road and the compliance by the applicant with the 90m visibility splay which he felt would make highway provision safer. He felt that the change of house type provided a greater variety of dwellings and agreed with the request of Holywell Town Football Club for a two metre high fence along the boundary of the proposed site to keep the football ground secure. The officer responded that this would be covered under condition 5 if the application was approved.

Councillor Richard Jones agreed that there was no reason to refuse the application and that the provision of a footway and the improvements to the

landscaped bank opposite the site to achieve the required highways visibility would be beneficial to the area.

RESOLVED:

That planning permission be granted subject to the conditions reported in the late observations, the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a Section 106 Obligation to provide the following:-

- a) the provision of 16 No. affordable homes in accordance with an agreed letting policy
- b) Maintaining visibility over area of land on southern side of Halkyn Road (if Section 278 Agreement not entered into)
- c) Commuted sum for maintenance of play area/open space for a period of 10 years, upon its adoption by the Authority

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 Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

30. FULL APPLICATION – ERECTION OF TWO STOREY BUILDING WITH A BAKERY AND CAFÉ ON THE GROUND FLOOR AND RESIDENTIAL ACCOMMODATION ON THE FIRST FLOOR AT BRIDGE INN, HAWARDEN ROAD, HOPE (052143)

The Committee considered the report of the Chief Officer (Planning and Environment) 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 late observations where three further objections were reported. The proposal would result in the loss of eight car parking spaces but as it anticipated that the bakery and café would not be opened at the same time as the existing public house, this was considered to be acceptable. Concerns had also been raised on the issue of access to the narrow entrance to the car park but it was felt that the wide area to the front of the pub would be a suitable waiting area for the short amount of time a car would have to wait. It was not considered that the proposal would have an impact on the residential amenity of the area. As the site was adjacent to a river, a Flood Consequences Assessment had accompanied the application and it was concluded that the site was at low risk of fluvial flooding but the comments of Natural Resources Wales (NRW) were awaited. The application was recommended for approval subject to no negative comments from NRW.

Miss H. Tou, the applicant, spoke in support of the application. She said that the proposal was for a small bakery and café which would make

traditional artisan products. The proposal would create new jobs and would benefit the local economy. The Bridge Inn public house had been running for nine years without any problems on access and vehicles waiting to turn into the site could see oncoming traffic and Highways did not have any objections to the proposal. The opening hours would not be the same as for the public house which would ensure that there was sufficient parking for both facilities. Miss Tou added that there was only one café in the area but no bakery and she asked the Committee to approve the application to bring specialities into the local community.

Councillor Richard Jones proposed the recommendation for approval which was duly seconded. Councillor David Cox proposed an amendment to defer the application for a site visit, which was also duly seconded. In response, Councillor R. Jones felt that a site visit was not required and added that there was sufficient space for cars to pass. Councillors Mike Peers and Gareth Roberts concurred and said that they had seen the plan and presentation of the application and that there would be no benefit to having a site visit.

The Local Member, Councillor Stella Jones, said that it was a valued business but that she did have concerns. She felt that a site visit was appropriate to allow the Committee to see the access to the site, which was narrow and at an angle, which they could not see from the presentation. The proposed building would take up a lot of space and would reduce the outside area and Councillor Jones queried whether delivery lorries would be able to access the bakery/café. She felt that the proposed new café would cause increased traffic problems between 8am to 9.30am and 3pm to 6pm.

In summing up, Councillor Richard Jones said that he respected the Local Member but said that as Highways had said that the access was viable, there was no reason to defer the application for a site visit.

On being put to the vote, the proposal to defer consideration of the application for a site visit was CARRIED.

RESOLVED:

That the application be deferred to allow a site visit to be undertaken.

31. FULL APPLICATION – ERECTION OF 6 NO. INDUSTRIAL/BUSINESS BUILDINGS WITH A TOTAL FLOOR SPACE OF 5,460 M² AT THE MERCHANT HOUSE LTD, PRINCE WILLIAM AVENUE, SANDYCROFT (051328)

The Committee considered the report of the Chief Officer (Planning and Environment) 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 said that the main issue was the development in an area of flood risk and whether the consequences of flooding could be acceptably managed. There had been ongoing discussions with Natural Resources Wales (NRW) and the applicant had provided information on a compensatory flood storage scheme but NRW had indicated that this was not acceptable and were therefore maintaining their objection to the development on flood risk grounds. The officer drew Members' attention to the late observations where comments from NRW and the applicant were reported. The Emergency Planning Section had considered the application and had no objection to the proposals. The site was in a flood warning area and would receive early alerts from NRW in the event of any potential flood threats. The application was recommended for approval subject to conditions and the floor levels being set as agreed.

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

Councillor Richard Jones proposed that the application should be deferred to allow the flood storage scheme to be considered, which was duly seconded but on being put to the vote, was LOST. The proposal to approve the application was voted on and was CARRIED.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the additional condition referred to in the late observations.

32. VARIATION IN ORDER OF BUSINESS

The Development Manager requested that there be a slight change in the order of business to consider agenda item 7.12 before agenda item 7.11. He explained that if Members were minded to approve the listed building application (agenda item 7.12), it would need to be referred to CADW and the application for the extension (agenda item 7.11) would then need to be held in abeyance pending a decision from CADW.

RESOLVED:

That agenda item 7.12 (Listed Building application – Hillside Cottage, Kinnerton Lane, Higher Kinnerton) be considered before agenda item 7.11 (Retrospective application for the retention of replacement porch and amended window above at Hillside Cottage, Kinnerton Lane, Higher Kinnerton).

33. LISTED BUILDING CONSENT – RETENTION OF A REPLACEMENT STRUCTURE TO SIDE FORMING A DINING AREA WITH REPLACEMENT WINDOW ABOVE AT HILLSIDE COTTAGE, KINNERTON LANE, HIGHER KINNERTON (051930)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 21 July 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 the application was reported for refusal based on the impact on the Listed Building. An application for the erection of a two storey extension was approved in 2011 and this work had been carried out. However, during construction, the applicant also undertook the demolition of a single storey part-glazed porch structure to the side of the property. He replaced this with a brick built single storey extension with a flat roof and glazed lantern light above and replaced an original first floor window with a differently proportioned one, without the necessary consent.

Mr. D. Fitzsimon, the agent for the applicant, spoke in support of the application. He felt that the replacement extension had been carried out sympathetically with the rest of the dwelling and the guttering had been replaced with cast iron guttering. It became apparent that the porch was beyond repair and it was replaced by an extension that the applicant thought was an improvement to the property. Officers raised concern about the three pane window which was replaced with a two pane window but this replicated what was already in place.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He said that the applicant had been through the process of what was acceptable on a listed building in his application for the erection of the two storey extension to the rear of the property and therefore had full knowledge of what needed to take place. The applicant had then replaced the single storey extension in a way which Councillor Bithell felt was unacceptable and was a flagrant abuse of the system as planning permission and listed building consent had not been sought. He felt that there was no alternative but to refuse the application.

Councillor Gareth Roberts concurred with the comments of Councillor Bithell and said that the owner of the listed building was aware of work that could or could not be carried out on such a building. He commented on the window but agreed that the application should be refused. Councillor Derek Butler said that full compliance with policy was required on applications for amendments to listed buildings which the applicant had not done. He felt that CADW should be made aware of the works that had been undertaken on the property.

Councillor Marion Bateman asked whether the design of the replacement was being considered and whether the previous single storey extension had listed building status. In response, the Development Manager said that on this application the main consideration was the impact of the work on the character and features of the listed building. When considering the planning application there was a need to consider the appropriateness of the extension in terms of its scale and character, in relation to the character of the

existing dwelling. It was an offence to carry out works on a listed building without permission and it was the recommendation of officers that the extension damaged the listed building. He advised that if this application was refused, Members should also consider refusing the next item on the agenda which was for the planning application.

The Planning Strategy Manager commented on the impact of the single storey extension on the listed building and reiterated earlier comments that it was not acceptable. The applicant had built the extension onto the back of the building without consent and he commented on the importance of retaining the original window which was part of the fabric of the building.

In summing up, Councillor Bithell said that the agent had indicated that the extension was an improvement to the property. However, on the advice of the Conservation Officer in the report, he reiterated his proposal of refusal of the application.

The Planning Strategy Manager advised that as the application had been refused, it would not need to be referred to CADW.

RESOLVED:

That Listed building consent be refused for the reason detailed in the report of the Chief Officer (Planning and Environment).

34. RETROSPECTIVE APPLICATION FOR THE RETENTION OF REPLACEMENT PORCH AND AMENDED WINDOW ABOVE AT HILLSIDE COTTAGE, KINNERTON LANE, HIGHER KINNERTON (051929)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 21 July 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report.

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

Councillor Owen Thomas felt that the applicant had tried to preserve the building and had tried to retain as much as possible and he felt that the porch was in character with the dwelling.

Councillor Mike Peers asked whether the applicant would be advised to submit an application that was more sympathetic to the character of the original building. In response, the Chief Officer (Planning and Environment) said that it was up to the applicant to decide what to do and added that he could appeal or submit a redesign. He gave a commitment that officers would work with the applicant if requested.

RESOLVED:

That planning permission be refused for the reason detailed in the report of the Chief Officer (Planning and Environment).

35. GENERAL MATTERS – DEMOLITION OF EXISTING HOTEL BUILDINGS AND THE ERECTION OF 21 NO. APARTMENTS AT BRYN AWEL HOTEL, DENBIGH ROAD, MOLD (045180)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application.

The officer detailed the background to the report and explained that planning permission had been granted in November 2008 subject to the applicant entering into a Section 106 Agreement. The Legal Department had been liaising with the applicant but no significant progress had been made and no response had been received to letters sent to the applicant. It was therefore recommended that the application be refused as the Section 106 Agreement had not been signed.

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

RESOLVED:

That planning permission be refused for the reason detailed in the report of the Chief Officer (Planning and Environment).

36. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 52 members of the public and two press in attendance.

(The meeting started at 1.00 pm and ended at 6.04 pm)

.....
Chairman

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 3 SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF MEDICAL CENTRE, COUNCIL CONTACT CENTRE, HOTEL (UP TO 80 BEDROOMS), PUBLIC HOUSE/RESTAURANT AND FOUR OTHER CLASS A3 FOOD AND DRINK UNITS, TOGETHER WITH CAR PARKING (UP TO 381 SPACES), LANDSCAPING AND ANCILLARY WORKS AT BROUGHTON SHOPPING PARK, BROUGHTON**

APPLICATION NUMBER: **052456**

APPLICANT: **DEVELOPMENT SECURITIES PLC**

SITE: **BROUGHTON SHOPPING PARK, BROUGHTON.**

APPLICATION VALID DATE: **30TH JULY 2014**

LOCAL MEMBERS: **COUNCILLOR W. MULLIN**

TOWN/COMMUNITY COUNCIL: **BROUGHTON & BRETTON COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT AND MEMBER REQUEST IN ORDER TO ADDRESS HIGHWAY ISSUES.**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This outline application submitted by Development Securities PLC proposes the erection of a medical centre, council contact centre, hotel, public house/restaurant and four other Class A3 food and drink units together with car parking, landscaping and ancillary works on

land to the north of Broughton Shopping Park, Broughton. All matters are reserved for subsequent approval.

- 1.02 For Members information this application is a re-submission of a previous application for the development of the site submitted under Code No. 051484 against which the applicants have lodged an appeal with the Planning Inspectorate on the grounds of non-determination. A report on that application is included as the next item on the agenda. This current application proposes an identical site layout to that forming part of the application 051484, but the supporting Planning Statement has been updated to respond to issues raised in consideration of the previous application.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01 The Local Planning Authority are of the view that without any realistic prospect for the provision of a medical centre, contact centre and hotel at this location that the proposal would essentially result in the provision of an A3 (Food and Drink Establishment) led and dominated form of development on the unallocated part of the application site which is 'white land' located outside of any development/settlement boundary in the adopted Flintshire UDP. The proposal does not realistically form the package of development which is of a wider community benefit which might allow the introduction of A3 uses at this location. Consequently the development is contrary to Policies STR1, STR5, GEN3 and S6 of the adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor W. Mullin

No response received at time of preparing report but previously requested site visit and planning committee determination as part of application 051484.

Broughton & Bretton Community Council

No response received at time of preparing report.

Welsh Government (Transport)

No response received.

Highways Development Control Manager

A supporting Transport Assessment has been evaluated and it is considered that development could be brought into operation without incurring significant impact on either the local highway or trunk road network. Recommend that any permission includes conditions in respect of vehicular, pedestrian and cycle access, street lighting,

parking and public transport provision.

Rights of Way

Public Footpath 69 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction and a Temporary Closure Order may be required during construction works.

Head of Public Protection

No response received at time of preparing report.

Dwr Cymru/Welsh Water

No response received at time of preparing report.

Natural Resources Wales

No response received at time of preparing report.

Airbus

No response received at time of preparing report.

Clwyd Powys Archaeological Trust

No archaeological implications for the proposed development.

Council Ecologist

Awaiting response at time of preparing report.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

No responses received at time of preparing report.

5.00 SITE HISTORY

5.01 The site has an extensive planning history since opening in 1999. It is considered that the most recent and relevant planning history is as follows:-

4/20425

Erection of a retail centre and associated works – Granted 18th October 1991.

4/20426

Erection of a retail centre and associated works – Granted 18th October 1991.

96/242

Retail Development (Variation to Design and Layout of previously consented and implanted development, to include A1, A3 and petrol filling station) – Permitted 14th January 1998.

037891

Outline – Extension to existing shopping park including 15,859 sq.m (170,000 sq.ft) of new retail floorspace, plus 2,500 sq.m (27,000 sq.ft) of mezzanine, additional and reconfigured car parking, on and off site highway improvements, enhanced bus, cyclist and pedestrian provision, landscape and ecological improvements – Granted 15th February 2007.

040534

Upgrading the existing interchange on the A55 at Broughton to a full grade separated junction – Granted 8th January 2007.

043751

Variation of Condition No. 34 attached to outline planning permission ref: 37891 (relating to controls over the subdivision of units) – Granted 23rd November 2007.

045215

Variation of Condition 3 & 4 of planning approval 043751 relating to controls over junction improvements – Permitted 31st December 2008.

045216

Variation of Conditions 3, 4 & 5 of planning permission 040534 relating to controls over junction improvements – Permitted 31st December 2008.

045911

Various of Condition Nos 3, 4, 9, 12, 33, 34 of planning permission ref: 045215 – Refused 26th November 2009.

045912

Variation of Condition Nos 3, 4 & 5 of planning permission ref: 045216 - Refused 26th November 2009.

049857

Proposed multiplex cinema, restaurants (5) and associated works – Permitted 29th April 2013.

049943

Outline – Erection of a cinema, hotel (upto 80 bedrooms) and Class A3 food and drink units together with car parking (upto 454 spaces) landscaping and ancillary works – Refused 23rd April 2013.

051484 – Outline – Erection of medical centre, council contact centre, hotel (up to 80 bedrooms), public house/restaurant and four class A3 food and drink units together with car parking (up to 381 spaces), landscaping and ancillary works. Appeal to The Planning Inspectorate on the grounds of non-determination.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.
Policy STR2 – Transport & Communications.
Policy STR5 – Shopping Centres & Commercial Development.
Policy STR6 – Tourism.
Policy STR11 – Sport Leisure & Recreation.
Policy GEN1 – General Requirements for Development.
Policy D1 – Design Quality, Location & Layout.
Policy D2 - Design.
Policy D3 – Landscaping.
Policy D4 – Outdoor Lighting.
Policy D5 – Crime Prevention.
Policy D6 – Public Art.
Policy TWH1 – Development Affecting Trees & Woodland.
Policy WB1 – Species Protection.
Policy AC2 – Pedestrian Provision & Public Rights of Way.
Policy AC3 – Cycling Provision.
Policy AC13 – Access & Traffic Impact.
Policy AC4 – Travel Plans for Major Traffic Generating Developments.
Policy AC18 – Parking Provision & New Development.
Policy S1(6) – Retail & Commercial Allocations (Broughton)
Policy S3 – Integrating New Commercial Development.
Policy S6 – Large Shopping Development.
Policy S8 – Hot Food Takeaways, Restaurants and Cafes
Policy S9 – Non Retail Commercial Development.
Policy SR1 – Sports, Recreation or Cultural Facilities.
Policy T2 – Serviced Tourist Accommodation.
Policy CF2 – Development of New Community Facilities.
Policy EWP17 – Flood Risk.

Additional Guidance

Planning Policy Wales 2014

Technical Advice Note 4 – Retailing and Town Centres.

Technical Advice Note 5 – Nature Conservation & Planning.

Technical Advice Note 18 – Transport.

7.00 PLANNING APPRAISAL

7.01 Introduction

The site the subject of this application amounts to approximately 3 hectares in area. It is located to the north-east of Broughton at the junction of Chester Road where it connects with the northern access from a roundabout into the Broughton Retail Park.

7.02 The site is currently unused and comprises a rough grassed area subdivided by lengths of mature hedgerow. The boundaries of the site are clearly defined, the eastern boundary by a mature hedgerow interspersed with trees whilst the southern boundary is defined by a

post and rail fence approximately 1.5 m in height and a grass verge approximately 5m wide. Beyond this is a service road for the adjacent Broughton Shopping Park which lies outside the application site and is not within the applicant's ownership/control.

7.03 To the north beyond Chester Road, there is a public house, two residential properties, commercial premises and a veterinary practice. BAE Airbus is located to the north east of the site. To the east of the site is a Great Crested Newt Reserve which was created as mitigation, for the loss of habitat associated with the development of the shopping park.

7.04 **Proposed Development**

The application is submitted in outline with all matters being reserved for subsequent approval (access, appearance, landscaping layout and scale of development). In summary, the application proposes development of the site for the following uses:-

- Medical Centre (Class D1).
- Council Contact Centre (Class A2)
- Hotel (Class C1)
- Restaurants including drive-thru restaurants (Class A3)
- Public House/Restaurant (Class A3)
- Car parking and landscaping.

7.05 Although submitted in outline, the planning application is accompanied by

- Two illustrative site layout plans.
- A Design & Access Statement.
- A Transport Assessment with Addendum.
- A Travel Plan Framework.
- An Arboricultural Impact Assessment.
- An Ecological Assessment.
- A Noise Assessment.
- An Environmental Site Assessment.
- A Flood Risk Assessment.
- A Drainage Strategy.
- An Energy & Sustainability Report.

7.06 In terms of the detailing of the proposed elements of the application, this can be summarised as follows:-

- A two storey Medical Centre of a maximum of 929 m² (10,000 ft²). The Medical Centre is proposed to be located to the north of the site.
- A County Council Contact Centre to be located to the south of the site close to the shopping park service road. The building is to be

single storey in height consisting of a maximum 93m² (1000 ft²). It is proposed that the Contact Centre will enable local residents to have access to a range of Council services without having to travel to County Hall, Mold.

- A hotel (up to 80 bedrooms) with a maximum floor area of 2,835 m² (30,500 ft²). The indicative site layout plans show the hotel located to the east of the site adjacent to the eastern and southern boundary. It is proposed that the hotel be a maximum of 3 storeys in height.
- A maximum of 1,905 m² (20,510 ft²) of floor space for uses falling within Class A3. The illustrative layouts show 4 No. A3 single storey units 2 No. of which are drive thru restaurants. One of the drive thru restaurants consists of 186m² (2,000 ft²) of floor space with the second unit consisting of a maximum of 241.5 m² (2,600 ft²) of floor space. The two standard A3 units consist of 395 m² (4,250 ft²) and 372 m² (4,000 ft²) of floor space respectively and are both single storey.
- The public house/restaurant will be part single and part two storey and will be located in a prominent location adjacent to the roundabout on the site's western boundary. It will comprise of up to 711 m² (7,660 ft²) of floor space.
- It is proposed that significant areas of landscaping will be provided both within and on the perimeter of the site. The indicative site layout plan shows possible location of landscaping along site boundaries, with potential within the car park areas to soften the impact of development.

7.07 **Background**

There is a very significant and relevant background of planning history at this location which is referred to in paragraph 5.00 of this report. In summary part of the site the subject of this planning application (approximately 1.3 hectares) or 44% of the site adjacent the roundabout) was included in an outline planning permission in 2006, for an expansion of Broughton Retail Park, commonly referred to as Phase II. This land was to be used to provide additional parking in connection with the Phase II expansion of Broughton Park.

- 7.08 The Phase II development was to comprise some 18,500 sq.m. of commercial floorspace (predominantly A1 comparison retail) which was linked by condition to the requirement for a new A55 interchange which would allow traffic from Broughton Retail Park to join the A55 westbound carriageway. These two planning applications (the retail park and the interchange) were granted permission and linked by phased planning conditions and a legal agreement. The original permissions (037891 & 040534) were later varied on two separate occasions to create new planning permissions, the most recent of

which were granted in outline in December 2008 (045215 & 045216). In the subsequent period, permission for phase II has lapsed given that there has been no proposal prior to December 2013 to extend the deadline for the submission of reserved matters. As the site is located outside any defined development/settlement boundary it effectively fails to be considered within an open countryside location for the application of planning policy.

7.09 For Members information part of the site the subject of this application is owned by Flintshire County Council and is subject to a restrictive covenant in favour of the applicant and the owner of the shopping park.

7.10 **Planning Policy**

The Planning and Compulsory Purchase Act 2004 states at S38(6) that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

7.11 The Development Plan is therefore the starting point for the consideration of this application and that the subject the duplicate application (051484) which is the following item on the agenda.

7.12 The site is located outside of any identified town or district centre and settlement boundary as defined in the adopted Flintshire Unitary Development Plan (UDP). Within the 2003 deposit draft of the UDP, a proposal was made for a non-retail commercial allocation to the North of Broughton Retail Park (S1(10)). At the time the UDP was placed on deposit Flintshire County Council were in discussions regarding the Phase II expansion of the park. It was anticipated that the proposed allocation (S1(10)) would make provision for future non-retail needs of the Park beyond the Phase II development.

7.13 The allocation (S1(10)) was the subject of representations of objection including those made by Development Securities and subsequently was the subject of consideration by the Planning Inspector at the UDP Public Inquiry in 2007-08. It was concluded by the Inspector in relation to allocation S1(10) that:-

- i. The allocation for non-retail commercial use represented planned growth and does not conflict with the UDP strategy to the detriment of town and district centres.
- ii. The principle of Phase II retail park expansion is accepted.
- iii. That the allocation S1(10) (later re-numbered to S1(6)) should be amended in light of the Phase II planning permission and amended in light of logical changes to the Greenspace designation (L3(5)) as uses accepted at the Public Inquiry. For clarification this allocation was amended and reduced in area from that initially proposed in the

deposit version of the UDP, given the proposal for a car park to serve the Phase II development.

- iv. That the UDP should make it clear within its glossary what constituted non-retail commercial development.

7.14 The UDP Inspector also considered whether Broughton Retail Park should be included within the Broughton settlement boundary. It was however concluded by the Inspector that the “Retail Park is a built up area in its own right and in my opinion it does not necessarily follow that it has to be included within the Broughton settlement boundary”. The Inspector’s rationale for this approach was that to include the Retail Park within the settlement boundary would in all likelihood encourage further development to the detriment of designated Flintshire Town and District Centres.

7.15 For Members information:-

- i. The western part of the application site is outside the S1(6) retail allocation being ‘white’ land within the UDP. It is proposed that the A3 uses and public house/restaurant are provided on this part of the site.
- ii. The central/eastern part of the site is within the S1(6) allocation. It is proposed that the medical centre, contact centre and hotel are provided on this part of the application site. The medical centre and contact centre are however proposed on land owned by Flintshire County Council within the middle of the wider parcel of development.
- iii. The application site is 3 hectares in size of which 1.7 hectares are allocated for non-retail commercial use within the UDP (56%) whilst a further 1.3 hectares (44%) are unallocated white land outside of any development/settlement boundary.

Given that 1.3 hectares of the application site equivalent to 44% of the application site lies outside the non-retail allocation, the proposed development has been advertised as a departure to the adopted Unitary Development Plan.

7.16 **Main Planning Issues**

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

- a. The principle of development having regard to current planning policy framework.
- b. Other relevant material factors including the importance of this locality to the County and Region Economy.
- c. Adequacy of access to serve the development.
- d. Impact on ecology.
- e. Potential for flooding of the site.

In commenting in detail in response to the above issues, I wish to advise as follows:-

7.17 **Principle of Development**

As outlined in paragraph 5.00 of this report there is a long and complex history to this site and the adjoining Out of Town Retail Park. Associated with this formal planning history there have been longstanding discussions and negotiations between the Council and the landowners regarding the land the subject of this application and adjoining land. Consistently over this long period Flintshire County Council have always recognised that Broughton has an important role to play within the economy of the County, within the Cheshire/North East Wales sub regional economy and of the North Wales Region. The Unitary Development Plan makes provision for almost 300 homes within Broughton; 36.5 hectares of high quality B1 employment land at neighbouring Warren Hall; and allows some limited scope for the expansion of the closely related Out of Town Retail Park for non-retail commercial use. Over the same period of time discussions with the development partnership (Development Securities and British Land) have led to the granting of permission for schemes such as Phase II Expansion of Broughton Retail Park (2006) and the more recent decision to grant permission for the Cinema led development within the Retail Park (2013).

7.18 Pre-application discussions with Development Securities identified in 2011 that the land to the North of Broughton Retail Park would potentially be suitable for complementary uses to the Out of Town Retail Park. Indeed discussions at the time identified a range of potential land uses which could service (in-part) the British Aerospace facility. Broughton is a key economic driver within the local and regional economy and officers have over a significant period been involved in detailed negotiations regarding the development of the land to the North of Broughton Retail Park. The approach of the developer has been to maximise development potential of the land to the North of Broughton Retail Park including land beyond the allocation S1(6) North of Broughton Retail Park. The approach of the developer has generally been supported subject to the developer being able to demonstrate that there exist a range of beneficial end uses; demand for the development; and a mechanism to deliver the development. This approach is reflective of the need to maintain the vibrancy of the local economy at a time of severe economic challenges in the national economy.

7.19 Officers have over the intervening period discussed a range of potential uses that could be included within a wider scheme and whose inclusion would be beneficial in securing a successful development. It was from these discussions that Development Securities were advised that a master planning exercise or at the least a development brief for this area should be undertaken to provide clarity to the public and to adjoining land users of what development

may take place here in the future. Such a process would also assist in creating a planning context for the unallocated portion of the site (1.3 hectares) and to assess whether the development proposal was complementary to the existing Unitary Development Plan policies for Broughton. In this context it was very important to the Local Planning Authority that further A1 retail development at Broughton be minimised and that development to the North of the Retail Park should complement and not duplicate existing provision whilst also expanding the range of services and facilities available here that could service the community and promote further economic growth in this key strategic location.

7.20 Members may recall that the site was recently the subject of an application submitted under Code No. 04993 for the erection of a cinema, hotel, Class A3 food and drink units together with car parking, landscaping and ancillary works. This application was refused following consideration by the Planning & Development Control Committee on 17th April 2013 on the grounds that there was an alternative proposal (049857) for a multi-plex cinema within the retail park itself, which in locational terms provides for a more integrated and sustainable form of development. Following this refusal, there were extensive discussions with the applicant/agent setting out the parameters for any potential future development of the site and advising that the A3 elements of the scheme could only be supported on the 'white land' if part of a wider package of development for community benefit.

7.21 The proposed development as submitted comprises a mix and wide range of uses including five Class A3 uses which include a public house/restaurant and four food and drink establishments, a medical centre, council contact centre and hotel. The supporting Design & Access Statement forming part of the application recognises that in planning policy terms only part of the application site (approximately 56%) is allocated for non-retail commercial development within the adopted Flintshire Unitary Development Plan by virtue of Planning Policy S1(6) – Commercial Allocations. The remainder of the site is shown as white land reflecting the fact following consideration at the UDP inquiry that it was proposed as additional car parking to serve the phase II expansion.

7.22 The development plan within which part of the site is allocated (56%) for non-retail commercial development, is an up-to-date document having only been adopted in September 2011. Within the glossary of the UDP there is a definition of what constitutes non-retail commercial development this being:-

“development related to the buying and selling of goods and services, including all forms of commercial development (see glossary definition below) apart from A1 uses, as defined in the Use Classes Order 1987 as amended).

- 7.23 For Members information Commercial Development is defined as:-
- “development related to buying and selling of goods and services, including the following uses: shops (A1); financial and professional services (A2); sale of food and drink (A3); offices (B1); hotels, boarding or guest houses and hostels (C1); assembly and leisure i.e., cinema, concert hall, bingo hall, or casino and dance hall (D2); other sui generis leisure uses i.e., theatre, amusement arcade or centre or a funfair; other sui generis retail uses e.g., launderette, dry cleaners, petrol filling station, sale of motor vehicles, taxi business, or business for hire of motor vehicles, markets and builders merchants”.
- 7.24 What was therefore envisaged for the development of the site includes e.g., for a cinema, car sales showroom or leisure related development. It is acknowledged that the application seeks consent for a mixed use development and that the provision within the scheme for a medical centre, council contact centre and hotel have been introduced as a result of:-
- a. Planning policy advice which indicated that a larger proposal that extended beyond the allocation S1(6) should be supported by a masterplan or development brief to supplement and complement the existing planning policy framework for this area and for the unallocated portion of the development site (1.3 hectares).
 - b. Feedback from sectors of the local community requesting the provision of a medical centre and contacts centre at this location.
- 7.25 The proposal for an (A3) Food and Drink development of this scale having regard to Planning Policy Wales and TAN4 Town Centres reveals that there is little specific guidance on such developments. Officers have taken a cautious view to this type of development which involves the creation of several A3 outlets and drive through restaurants and has offered the view that such a development would normally be accommodated within a town centre rather than an out of town location on part of an allocation that envisaged a scale of growth half of that proposed by Development Securities.
- 7.26 The applicant has therefore taken the approach of presenting the planning application as a package of associated complementary uses to the existing retail park specifically the inclusion of a hotel, medical centre and contact centre. Without these additional elements the proposal essentially constitutes an A3 led and dominated form of development on the site. It should also be noted that should permission be obtained for the range of A3 uses advanced, that permission would not be required for their subsequent change of use to A1 retail uses. This is a key concern for the Council given the

pressure for new A1 retail development at Broughton as evidenced for example by the current pressure on the Local Authority to release allocated housing land in Broughton (at the Compound Site) for a new Aldi Foodstore.

- 7.27 Whilst supporting documentary evidence of interest by potential operators of the A3 uses has been advanced by the applicant's agents, there is no evidence to confirm any potential interest or commitment from operators of the hotel, medical centre or contacts centre. These elements of the development at this stage are therefore purely speculative. To this effect approaches have been made by officers to the existing medical practice in Broughton (The Marches) and Betsi Cadwalader University Health Board to seek to ascertain whether there is any interest in relocation to or proposals by the Health Board for the future provision of a new medical practice within Broughton. In addition there have been discussions undertaken to clarify the current approach by the Council to the delivery of its services by way of the provision of contact centres across the County.
- 7.28 For Members information The Marches Medical Practice have advised that they wish to remain in their current location and consider that they could meet future expansion needs without having to relocate. Betsi Cadwaladar University Health Board have also confirmed (albeit verbally) that they have no plans for the provision of a new facility within Broughton. Whilst there may be other private medical practices who may wish to supplement health provision within the community, there is no evidence of any interest at this stage. In addition to the above there are no plans advanced or decisions by the Council for the introduction of a contract centre facility not only in Broughton but the County as a whole. These type of facilities would normally be located within town centres which are easily accessible to the public on foot. The pedestrian/vehicular linkages between the application site and retail park in general must however be questioned, in light of the ownership of the service road and rights of access across it.
- 7.29 The approach by the developer, contrary to the pre-application advice, is to submit this planning application for what is in effect an (A3) Food and Drink Outlet Park in an out of town location and on 1.3 hectares of unallocated white land within the development plan. The development proposal does include reference to a hotel, health facility, and even a FCC one-stop-shop however no evidence has been submitted by the developer to demonstrate that these uses can be delivered. Indeed in discussions with local service providers such as Betswi Cadwaladr; The Marches Doctors Survey; and Flintshire County Council's Housing Service it would appear that there is no demand at this time for either the health centre or the one-stop-shop.
- 7.30 The available evidence therefore suggests that the proposal presented to planning committee for determination will not be delivered as proposed and neither are there any proposed

mechanisms or phasing timetables to indicate future delivery of the scheme. Indeed the developer in proposing this development has made it clear that the delivery of those aspects of the scheme outside of their control is not of their concern and they have no plans/mechanisms to ensure the development of these aspects; rather this will be a matter for other landowners and service delivery bodies to resolve.

7.31 Without any substantive evidence of need or commitment to the provision of associated facilities such as hotel, health facility and one-stop-shop it would appear that this development when realised would be an (A3) Food and Drink Outlet Park with the potential for some as yet unknown associated facilities if end users can be found. The scale of the development at 3.05 ha is significantly larger than the planned growth for associated non-retail commercial uses at Broughton Retail Park within the UDP (1.8 ha). The application as a result has been advertised as a departure from the plan. Indeed it is important to note that were an application to be submitted solely for the introduction of A3 uses only on the unallocated western part of the site, there would be no policy context for this proposal to be supported. In conclusion the material considerations beyond those within the UDP, not least the economic importance of this location and the potential economic and community value of this scheme, are on balance insufficient to justify a departure from the development plan. Specifically it is considered that the development proposal presented to the authority is sufficiently lacking in certainty to question the release of unallocated white land outside of any defined development boundary.

7.32 **Adequacy of Access**

Although submitted in outline, two indicative site layout plans have been produced one showing access to the site being obtained from the A5104 Chester Road, the second plan proposing access from the existing service road which is located to the rear of the existing Tesco Store. It is understood however, that there are a number of legal issues over the interpretation of certain access rights from the service road, which would not allow this option to be confirmed at this stage.

7.33 Notwithstanding the above a full and detailed Transport Assessment has been submitted by the applicant's highway consultants. For Members information, this has been reviewed by Welsh Government (Transport) and the Council's Highways Development Control Manager in respect of application 051484. As a result it has been concluded that the proposed development would not lead to any adverse impact on the existing transport network and that the principle of development is acceptable subject to the imposition of planning conditions.

7.34 **Ecology**

An Ecological Assessment of the site has been submitted both as part

of the initial application (051484) and this re-submitted application. Whilst a terrestrial survey of the site did not confirm the presence of Great Crested Newts on the site, there are records of them from the adjacent newt reserve. Although amphibian fencing was erected around this reserve, it is recognised that this is no longer intact and the great crested newts have the potential to occur within the application site.

7.35 For Members information the adjacent reserve was created as mitigation for the development of the shopping park in the 1990's and has deteriorated as a GCN habitat since that time. Subsequently a newt reserve south of the site has been created as a strategic mitigation site for Broughton, this now being managed by North East Wales Wildlife Trust. Consultation on the details submitted has been undertaken with Natural Resources for Wales and the Council's Ecologist. No objections have been raised to the principle of development subject to the imposition of conditions requiring details of Reasonable Avoidance Measures (RAM) e.g., erection and maintenance of exclusion fencing and licensed translocation of any protected species for the application site to existing dedicated nature conservation areas.

7.36 **Flooding**

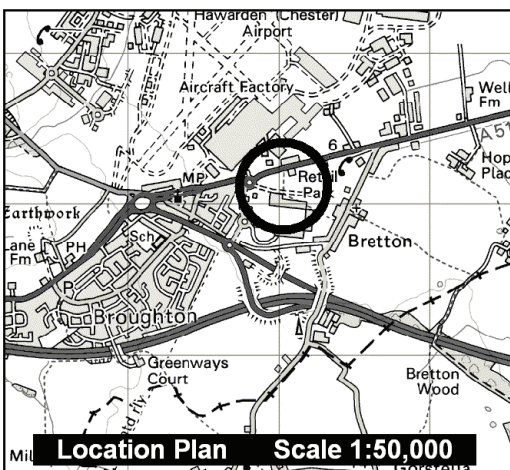
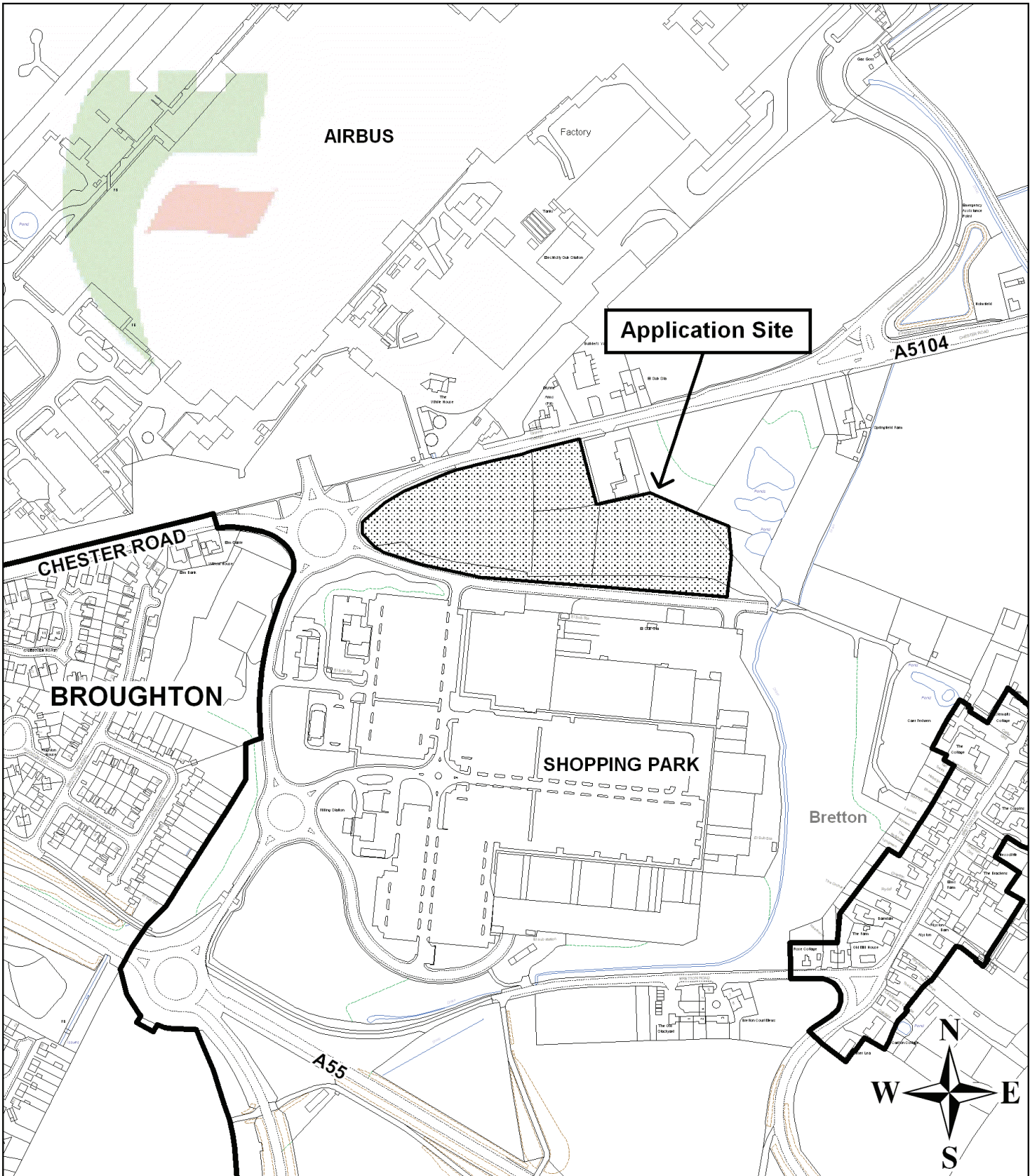
The concerns received in respect of the potential of flooding on the site are duly noted. A Flood Consequences Assessment (FCA) submitted as part of the application has been assessed by Natural Resources Wales who have raised no objections subject to the imposition of conditions in respect of surface water drainage and the setting of the finished floor levels of the proposed buildings no lower than 7.06 m AOD.

8.00 CONCLUSION

8.01 In conclusion, it is my view that in the absence of any documentary evidence of need or commitment to the provision of a hotel, medical centre and Council contact centre at this location that the proposal would essentially involve the provision of 5 No, A3 units comprising a public house/restaurant and fast food outlets on an unallocated part of the application site which is 'white land' located outside any defined development/settlement boundary in the adopted Flintshire Unitary Development Plan. This would not provide a scheme which would lead to wider community benefits and it is therefore considered that the development as proposed is contrary to the specified policies.

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: mark.harris@flintshire.gov.uk



Planning & Environment,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:5000

OS Map ref SJ 3564

Planning Application **52456**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 3 SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **GENERAL MATTERS - APPEAL AGAINST NON-DETERMINATION OF OUTLINE APPLICATION FOR THE ERECTION OF MEDICAL CENTRE, COUNCIL CONTACT CENTRE, HOTEL (UPTO 90 BEDROOMS), PUBLIC HOUSE/RESTAURANT AND FOUR CLASS A3 FOOD AND DRINK UNITS TOGETHER WITH CAR PARKING (UPTO 381 SPACES, LANDSCAPING AND ANCILLARY WORKS AT LAND TO THE NORTH OF BROUGHTON SHOPPING PARK, BROUGHTON.**

APPLICATION NUMBER: **051484**

APPLICANT: **DEVELOPMENT SECURITIES PLC**

SITE: **LAND TO THE NORTH OF BROUGHTON SHOPPING PARK, BROUGHTON**

APPLICATION VALID DATE: **14TH SEPTEMBER 2013**

LOCAL MEMBERS: **COUNCILLOR W. MULLIN**

TOWN/COMMUNITY COUNCIL: **BROUGHTON & BRETTON COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ADDRESS SCALE OF DEVELOPMENT AND HIGHWAY ISSUES.**

SITE VISIT: **YES**

For Members information, this application is the subject of an appeal lodged with the Planning Inspectorate on the grounds of non-determination. The purpose of the report is to obtain Planning Committee resolution in respect of the approach to be adopted in respect of the appeal (which is to be considered at a Public Inquiry anticipated to last for three days). A duplicate application reference No. 052456 for the proposed development is reported for decision as the

preceding item on the agenda. My recommendation is that the Council objects to the proposal for the reasons referred to in paragraph 2.00 of this report.

1.00 SUMMARY

- 1.01 This outline application submitted by Development Securities PLC proposes the erection of a medical centre, council contact centre, hotel, public house/restaurant and four Class A3 food and drink units together with car parking, landscaping and ancillary works on land to the north of Broughton Shopping Park, Broughton. All matters are reserved for subsequent approval.
- 1.02 The application has been submitted following the refusal of a previous outline planning application under Code No. 049943 which was considered by the Planning & Development Control Committee on 17th April 2013 for the erection of a cinema, hotel, Class A3 food and drink units together with car parking, landscaping and other ancillary works at this location.
- 1.03 This previous application was refused on the grounds that the proposal had to be considered in conjunction with an alternative and competing proposal for the erection of a multi-plex cinema within the retail park itself where in locational terms it is considered that the erection of a multi-plex cinema within the shopping park provides for a more integrated and sustainable form of development.

2.00 RECOMMENDATION: THAT THE COUNCIL APPEAR AT THE PUBLIC INQUIRY AND CHALLENGE THE APPEAL ON THE FOLLOWING GROUNDS

- 2.01 The Local Planning Authority are of the view that without any realistic prospect for the provision of a medical centre, contact centre and hotel at this location that the proposal would essentially result in the provision of an A3 (Food and Drink Establishment) led and dominated form of development on the unallocated part of the application site which is 'white land' located outside of any development/settlement boundary in the adopted Flintshire UDP. The proposal does not realistically form the package of development which is of a wider community benefit which might allow the introduction of A3 uses at this location. Consequently the development is contrary to Policies STR1, STR5, GEN3 and S6 of the adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor W. Mullin
Request site visit and planning committee determination in order to assess the scale/form of the proposed development and acceptability

of highways/access to the site.

Broughton & Bretton Community Council

The Council objects to this application on the following grounds:-
Prematurity as there have been no meaningful discussion with the relevant authorities in connection with either the Contact Centre or Medical Centre and no assurance that either will be realised.

Access – The proposed option 1 will lead to an exacerbation of existing traffic problems on Chester Road at peak times. With regard to Option 2 the developer does not have certainly of a legal right to access from this side of the site.

Public House/Restaurant – There are already such facilities each within 100m of the proposed one and a further one cannot be justified.

Welsh Government (Transport)

The Welsh Government as highway authority for the A55 Trunk Road does not issue a direction in respect of this application.

Highways Development Control Manager

A supporting Transport Assessment has been evaluated and it is considered that development could be brought into operation without incurring significant impact on either the local highway or trunk road network. Recommend that any permission includes conditions in respect of vehicular, pedestrian and cycle access, street lighting, parking and public transport provision.

Rights of Way

Public Footpath 69 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction and a Temporary Closure Order may be required during construction works.

Head of Public Protection

No response received at time of preparing report.

Dwr Cymru Welsh Water

Recommend that any permission be subject to the imposition of a Grampian condition to prevent the bringing into use any building prior to 1st October 2016, unless upgrading of the Waste Water Treatment Works into which the development shall drain has been completed. In addition request the imposition of conditions in respect of surface, land and foul water drainage.

Natural Resources Wales

No objection to the principle of development and request that if permission is granted that conditions be imposed in respect of drainage, site/building levels, land contamination and appropriate

mitigation to safeguard the Great Crested Newt habitat.

Airbus

The proposed development does not conflict with aerodrome safeguarding criteria providing:-

- i. During construction phase the developer obtains a crane permit.
- ii. Landscaping or water features shall be undertaken in consultation with Airbus to avoid large concentration of birds.
- iii. Any floodlighting faces downwards to avoid potential glare.

Clwyd-Powys Archaeological Trust

No archaeological implications for the proposed development.

Council Ecologist

Consider that an ecological assessment submitted as part of the application represents an acceptable assessment of the site. No objection to the proposal subject to conditions as a result of the creation of an adjacent Great Crested Newt Reserve managed by North East Wales Wildlife Trust.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

Letter received from Bretton Residents Action Group the main concerns expressed being summarised as follows:-

- i. Site is at risk from flooding.
- ii. The proposed location of a medical centre and Council contact point would not be accessible for those people without transport. A more beneficial location would be centre of larger village.
- iii. Increase in litter from further food outlets.
- iv. Hotel should be located nearer to proposed airport terminal.
- v. Inadequacy of access/infrastructure to serve further development.

One letter of objection received which expresses concern about the impact of development on Great Crested Newt habitats.

5.00 SITE HISTORY

5.01 The site has an extensive planning history since opening in 1999. It is considered that the most recent and relevant planning history is as follows:-

4/20425

Erection of a retail centre and associated works – Granted 18th

October 1991.

4/20426

Erection of a retail centre and associated works – Granted 18th October 1991.

96/242

Retail Development (Variation to Design and Layout of previously consented and implanted development, to include A1, A3 and petrol filling station) – Permitted 14th January 1998.

037891

Outline – Extension to existing shopping park including 15,859 sq.m (170,000 sq.ft) of new retail floorspace, plus 2,500 sq.m (27,000 sq.ft) of mezzanine, additional and reconfigured car parking, on and off site highway improvements, enhanced bus, cyclist and pedestrian provision, landscape and ecological improvements – Granted 15th February 2007.

040534

Upgrading the existing interchange on the A55 at Broughton to a full grade separated junction – Granted 8th January 2007.

043751

Variation of Condition No. 34 attached to outline planning permission ref: 37891 (relating to controls over the subdivision of units) – Granted 23rd November 2007.

045215

Variation of Condition 3 & 4 of planning approval 043751 relating to controls over junction improvements – Permitted 31st December 2008.

045216

Variation of Conditions 3, 4 & 5 of planning permission 040534 relating to controls over junction improvements – Permitted 31st December 2008.

045911

Various of Condition Nos 3, 4, 9, 12, 33, 34 of planning permission ref: 045215 – Refused 26th November 2009.

045912

Variation of Condition Nos 3, 4 & 5 of planning permission ref: 045216 - Refused 26th November 2009.

049857

Proposed multiplex cinema, restaurants (5) and associated works – Permitted 29th April 2013.

049943

Outline – Erection of a cinema, hotel (upto 80 bedrooms) and Class A3 food and drink units together with car parking (upto 454 spaces) landscaping and ancillary works – Refused 23rd April 2013.

051484 – Outline – Erection of medical centre, council contact centre, hotel (up to 80 bedrooms), public house/restaurant and four class A3 food and drink units together with car parking (up to 381 spaces), landscaping and ancillary works. Appeal to The Planning Inspectorate on the grounds of non-determination.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR2 – Transport & Communications.

Policy STR5 – Shopping Centres & Commercial Development.

Policy STR6 – Tourism.

Policy STR11 – Sport Leisure & Recreation.

Policy GEN1 – General Requirements for Development.

Policy D1 – Design Quality, Location & Layout.

Policy D2 - Design.

Policy D3 – Landscaping.

Policy D4 – Outdoor Lighting.

Policy D5 – Crime Prevention.

Policy D6 – Public Art.

Policy TWH1 – Development Affecting Trees & Woodland.

Policy WB1 – Species Protection.

Policy AC2 – Pedestrian Provision & Public Rights of Way.

Policy AC3 – Cycling Provision.

Policy AC13 – Access & Traffic Impact.

Policy AC4 – Travel Plans for Major Traffic Generating Developments.

Policy AC18 – Parking Provision & New Development.

Policy S1(6) – Retail & Commercial Allocations (Broughton)

Policy S3 – Integrating New Commercial Development.

Policy S6 – Large Shopping Development.

Policy S8 – Hot Food Takeaways, Restaurants and Cafes

Policy S9 – Non Retail Commercial Development.

Policy SR1 – Sports, Recreation or Cultural Facilities.

Policy T2 – Serviced Tourist Accommodation.

Policy CF2 – Development of New Community Facilities.

Policy EWP17 – Flood Risk.

Additional Guidance

Planning Policy Wales 2014

Technical Advice Note 4 – Retailing and Town Centres.

Technical Advice Note 5 – Nature Conservation & Planning.

Technical Advice Note 18 – Transport.

7.00 PLANNING APPRAISAL

7.01 **Introduction**

The site the subject of this application amounts to approximately 3 hectares in area. It is located to the north-east of Broughton at the junction of Chester Road where it connects with the northern access from a roundabout into the Broughton Retail Park.

7.02 The site is currently unused and comprises a rough grassed area subdivided by lengths of mature hedgerow. The boundaries of the site are clearly defined, the eastern boundary by a mature hedgerow interspersed with trees whilst the southern boundary is defined by a post and rail fence approximately 1.5 m in height and a grass verge approximately 5m wide. Beyond this is a service road for the adjacent Broughton Shopping Park which lies outside the application site and is not within the applicant's ownership/control.

7.03 To the north beyond Chester Road, there is a public house, two residential properties, commercial premises and a veterinary practice. BAE Airbus is located to the north east of the site. To the east of the site is a Great Crested Newt Reserve which was created as mitigation, for the loss of habitat associated with the development of the shopping park.

7.04 **Proposed Development**

The application is submitted in outline with all matters being reserved for subsequent approval (access, appearance, landscaping layout and scale of development). In summary, the application proposes development of the site for the following uses:-

- Medical Centre (Class D1).
- Council Contact Centre (Class A2)
- Hotel (Class C1)
- Restaurants including drive-thru restaurants (Class A3)
- Public House/Restaurant (Class A3)
- Car parking and landscaping.

7.05 Although submitted in outline, the planning application is accompanied by

- Two illustrative site layout plans.
- A Design & Access Statement.
- A Transport Assessment with Addendum.
- A Travel Plan Framework.
- An Arboricultural Impact Assessment.
- An Ecological Assessment.
- A Noise Assessment.
- An Environmental Site Assessment.
- A Flood Risk Assessment.
- A Drainage Strategy.

- An Energy & Sustainability Report.

7.06 In terms of the detailing of the proposed elements of the application, this can be summarised as follows:-

- A two storey Medical Centre of a maximum of 929 m² (10,000 ft²). The Medical Centre is proposed to be located to the north of the site.
- A County Council Contact Centre to be located to the south of the site close to the shopping park service road. The building is to be single storey in height consisting of a maximum 93m² (1000 ft²). It is proposed that the Contact Centre will enable local residents to have access to a range of Council services without having to travel to County Hall, Mold.
- A hotel (up to 80 bedrooms) with a maximum floor area of 2,835 m² (30,500 ft²). The indicative site layout plans show the hotel located to the east of the site adjacent to the eastern and southern boundary. It is proposed that the hotel be a maximum of 3 storeys in height.
- A maximum of 1,905 m² (20,510 ft²) of floor space for uses falling within Class A3. The illustrative layouts show 4 No. A3 single storey units 2 No. of which are drive thru restaurants. One of the drive thru restaurants consists of 186m² (2,000 ft²) of floor space with the second unit consisting of a maximum of 241.5 m² (2,600 ft²) of floor space. The two standard A3 units consist of 395 m² (4,250 ft²) and 372 m² (4,000 ft²) of floor space respectively and are both single storey.
- The public house/restaurant will be part single and part two storey and will be located in a prominent location adjacent to the roundabout on the site's western boundary. It will comprise of up to 711 m² (7,660 ft²) of floor space.
- It is proposed that significant areas of landscaping will be provided both within and on the perimeter of the site. The indicative site layout plan shows possible location of landscaping along site boundaries, with potential within the car park areas to soften the impact of development.

7.07 **Background**

There is a very significant and relevant background of planning history at this location which is referred to in paragraph 5.00 of this report. In summary part of the site the subject of this planning application (approximately 1.3 hectares) or 44% of the site adjacent the roundabout) was included in an outline planning permission in 2006, for an expansion of Broughton Retail Park, commonly referred to as Phase II. This land was to be used to provide additional parking in

connection with the Phase II expansion of Broughton Park.

7.08 The Phase II development was to comprise some 18,500 sq.m. of commercial floorspace (predominantly A1 comparison retail) which was linked by condition to the requirement for a new A55 interchange which would allow traffic from Broughton Retail Park to join the A55 westbound carriageway. These two planning applications (the retail park and the interchange) were granted permission and linked by phased planning conditions and a legal agreement. The original permissions (037891 & 040534) were later varied on two separate occasions to create new planning permissions, the most recent of which were granted in outline in December 2008 (045215 & 045216). In the subsequent period, permission for phase II has lapsed given that there has been no proposal prior to December 2013 to extend the deadline for the submission of reserved matters. As the site is located outside any defined development/settlement boundary it effectively fails to be considered within an open countryside location for the application of planning policy.

7.09 For Members information part of the site the subject of this application is owned by Flintshire County Council and is subject to a restrictive covenant in favour of the applicant and the owner of the shopping park.

7.10 **Planning Policy**

The Planning and Compulsory Purchase Act 2004 states at S38(6) that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

7.11 The Development Plan is therefore the starting point for the consideration of this application and that the subject the duplicate application (051484) which is the following item on the agenda.

7.12 The site is located outside of any identified town or district centre and settlement boundary as defined in the adopted Flintshire Unitary Development Plan (UDP). Within the 2003 deposit draft of the UDP, a proposal was made for a non-retail commercial allocation to the North of Broughton Retail Park (S1(10)). At the time the UDP was placed on deposit Flintshire County Council were in discussions regarding the Phase II expansion of the park. It was anticipated that the proposed allocation (S1(10)) would make provision for future non-retail needs of the Park beyond the Phase II development.

7.13 The allocation (S1(10)) was the subject of representations of objection including those made by Development Securities and subsequently was the subject of consideration by the Planning Inspector at the UDP Public Inquiry in 2007-08. It was concluded by the Inspector in relation to allocation S1(10) that:-

- i. The allocation for non-retail commercial use represented planned growth and does not conflict with the UDP strategy to the detriment of town and district centres.
- ii. The principle of Phase II retail park expansion is accepted.
- iii. That the allocation S1(10) (later re-numbered to S1(6)) should be amended in light of the Phase II planning permission and amended in light of logical changes to the Greenspace designation (L3(5)) as uses accepted at the Public Inquiry. For clarification this allocation was amended and reduced in area from that initially proposed in the deposit version of the UDP, given the proposal for a car park to serve the Phase II development.
- iv. That the UDP should make it clear within its glossary what constituted non-retail commercial development.

7.14 The UDP Inspector also considered whether Broughton Retail Park should be included within the Broughton settlement boundary. It was however concluded by the Inspector that the “Retail Park is a built up area in its own right and in my opinion it does not necessarily follow that it has to be included within the Broughton settlement boundary”. The Inspector’s rationale for this approach was that to include the Retail Park within the settlement boundary would in all likelihood encourage further development to the detriment of designated Flintshire Town and District Centres.

7.15 For Members information:-

- i. The western part of the application site is outside the S1(6) retail allocation being ‘white’ land within the UDP. It is proposed that the A3 uses and public house/restaurant are provided on this part of the site.
- ii. The central/eastern part of the site is within the S1(6) allocation. It is proposed that the medical centre, contact centre and hotel are provided on this part of the application site. The medical centre and contact centre are however proposed on land owned by Flintshire County Council within the middle of the wider parcel of development.
- iii. The application site is 3 hectares in size of which 1.7 hectares are allocated for non-retail commercial use within the UDP (56%) whilst a further 1.3 hectares (44%) are unallocated white land outside of any development/settlement boundary.

Given that 1.3 hectares of the application site equivalent to 44% of the application site lies outside the non-retail allocation, the proposed development has been advertised as a departure to the adopted Unitary Development Plan.

7.16 **Main Planning Issues**

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

- a. The principle of development having regard to current planning policy framework.
- b. Other relevant material factors including the importance of this locality to the County and Region Economy.
- c. Adequacy of access to serve the development.
- d. Impact on ecology.
- e. Potential for flooding of the site.

In commenting in detail in response to the above issues, I wish to advise as follows:-

7.17 **Principle of Development**

As outlined in paragraph 5.00 of this report there is a long and complex history to this site and the adjoining Out of Town Retail Park. Associated with this formal planning history there have been longstanding discussions and negotiations between the Council and the landowners regarding the land the subject of this application and adjoining land. Consistently over this long period Flintshire County Council have always recognised that Broughton has an important role to play within the economy of the County, within the Cheshire/North East Wales sub regional economy and of the North Wales Region. The Unitary Development Plan makes provision for almost 300 homes within Broughton; 36.5 hectares of high quality B1 employment land at neighbouring Warren Hall; and allows some limited scope for the expansion of the closely related Out of Town Retail Park for non-retail commercial use. Over the same period of time discussions with the development partnership (Development Securities and British Land) have led to the granting of permission for schemes such as Phase II Expansion of Broughton Retail Park (2006) and the more recent decision to grant permission for the Cinema led development within the Retail Park (2013).

- 7.18 Pre-application discussions with Development Securities identified in 2011 that the land to the North of Broughton Retail Park would potentially be suitable for complementary uses to the Out of Town Retail Park. Indeed discussions at the time identified a range of potential land uses which could service (in-part) the British Aerospace facility. Broughton is a key economic driver within the local and regional economy and officers have over a significant period been involved in detailed negotiations regarding the development of the land to the North of Broughton Retail Park. The approach of the developer has been to maximise development potential of the land to the North of Broughton Retail Park including land beyond the allocation S1(6) North of Broughton Retail Park. The approach of the developer has generally been supported subject to the developer being able to demonstrate that there exist a range of beneficial end uses; demand for the development; and a mechanism to deliver the

development. This approach is reflective of the need to maintain the vibrancy of the local economy at a time of severe economic challenges in the national economy.

- 7.19 Officers have over the intervening period discussed a range of potential uses that could be included within a wider scheme and whose inclusion would be beneficial in securing a successful development. It was from these discussions that Development Securities were advised that a master planning exercise or at the least a development brief for this area should be undertaken to provide clarity to the public and to adjoining land users of what development may take place here in the future. Such a process would also assist in creating a planning context for the unallocated portion of the site (1.3 hectares) and to assess whether the development proposal was complementary to the existing Unitary Development Plan policies for Broughton. In this context it was very important to the Local Planning Authority that further A1 retail development at Broughton be minimised and that development to the North of the Retail Park should complement and not duplicate existing provision whilst also expanding the range of services and facilities available here that could service the community and promote further economic growth in this key strategic location.
- 7.20 Members may recall that the site was recently the subject of an application submitted under Code No. 04993 for the erection of a cinema, hotel, Class A3 food and drink units together with car parking, landscaping and ancillary works. This application was refused following consideration by the Planning & Development Control Committee on 17th April 2013 on the grounds that there was an alternative proposal (049857) for a multi-plex cinema within the retail park itself, which in locational terms provides for a more integrated and sustainable form of development. Following this refusal, there were extensive discussions with the applicant/agent setting out the parameters for any potential future development of the site and advising that the A3 elements of the scheme could only be supported on the 'white land' if part of a wider package of development for community benefit.
- 7.21 The proposed development as submitted comprises a mix and wide range of uses including five Class A3 uses which include a public house/restaurant and four food and drink establishments, a medical centre, council contact centre and hotel. The supporting Design & Access Statement forming part of the application recognises that in planning policy terms only part of the application site (approximately 56%) is allocated for non-retail commercial development within the adopted Flintshire Unitary Development Plan by virtue of Planning Policy S1(6) – Commercial Allocations. The remainder of the site is shown as white land reflecting the fact following consideration at the UDP inquiry that it was proposed as additional car parking to serve the phase II expansion.

7.22 The development plan within which part of the site is allocated (56%) for non-retail commercial development, is an up-to-date document having only been adopted in September 2011. Within the glossary of the UDP there is a definition of what constitutes non-retail commercial development this being:-

“development related to the buying and selling of goods and services, including all forms of commercial development (see glossary definition below) apart from A1 uses, as defined in the Use Classes Order 1987 as amended).

7.23 For Members information Commercial Development is defined as:-

“development related to buying and selling of goods and services, including the following uses: shops (A1); financial and professional services (A2); sale of food and drink (A3); offices (B1); hotels, boarding or guest houses and hostels (C1); assembly and leisure i.e., cinema, concert hall, bingo hall, or casino and dance hall (D2); other sui generis leisure uses i.e., theatre, amusement arcade or centre or a funfair; other sui generis retail uses e.g., launderette, dry cleaners, petrol filling station, sale of motor vehicles, taxi business, or business for hire of motor vehicles, markets and builders merchants”.

7.24 What was therefore envisaged for the development of the site includes e.g., for a cinema, car sales showroom or leisure related development. It is acknowledged that the application seeks consent for a mixed use development and that the provision within the scheme for a medical centre, council contact centre and hotel have been introduced as a result of:-

- a. Planning policy advice which indicated that a larger proposal that extended beyond the allocation S1(6) should be supported by a masterplan or development brief to supplement and complement the existing planning policy framework for this area and for the unallocated portion of the development site (1.3 hectares).
- b. Feedback from sectors of the local community requesting the provision of a medical centre and contacts centre at this location.

7.25 The proposal for an (A3) Food and Drink development of this scale having regard to Planning Policy Wales and TAN4 Town Centres reveals that there is little specific guidance on such developments. Officers have taken a cautious view to this type of development which involves the creation of several A3 outlets and drive through restaurants and has offered the view that such a development would normally be accommodated within a town centre rather than an out of town location on part of an allocation that envisaged a scale of growth

half of that proposed by Development Securities.

- 7.26 The applicant has therefore taken the approach of presenting the planning application as a package of associated complementary uses to the existing retail park specifically the inclusion of a hotel, medical centre and contact centre. Without these additional elements the proposal essentially constitutes an A3 led and dominated form of development on the site. It should also be noted that should permission be obtained for the range of A3 uses advanced, that permission would not be required for their subsequent change of use to A1 retail uses. This is a key concern for the Council given the pressure for new A1 retail development at Broughton as evidenced for example by the current pressure on the Local Authority to release allocated housing land in Broughton (at the Compound Site) for a new Aldi Foodstore.
- 7.27 Whilst supporting documentary evidence of interest by potential operators of the A3 uses has been advanced by the applicant's agents, there is no evidence to confirm any potential interest or commitment from operators of the hotel, medical centre or contacts centre. These elements of the development at this stage are therefore purely speculative. To this effect approaches have been made by officers to the existing medical practice in Broughton (The Marches) and Betsi Cadwalader University Health Board to seek to ascertain whether there is any interest in relocation to or proposals by the Health Board for the future provision of a new medical practice within Broughton. In addition there have been discussions undertaken to clarify the current approach by the Council to the delivery of its services by way of the provision of contact centres across the County.
- 7.28 For Members information The Marches Medical Practice have advised that they wish to remain in their current location and consider that they could meet future expansion needs without having to relocate. Betsi Cadwaladar University Health Board have also confirmed (albeit verbally) that they have no plans for the provision of a new facility within Broughton. Whilst there may be other private medical practices who may wish to supplement health provision within the community, there is no evidence of any interest at this stage. In addition to the above there are no plans advanced or decisions by the Council for the introduction of a contract centre facility not only in Broughton but the County as a whole. These type of facilities would normally be located within town centres which are easily accessible to the public on foot. The pedestrian/vehicular linkages between the application site and retail park in general must however be questioned, in light of the ownership of the service road and rights of access across it.
- 7.29 The approach by the developer, contrary to the pre-application advice, is to submit this planning application for what is in effect an (A3) Food and Drink Outlet Park in an out of town location and on 1.3 hectares of unallocated white land within the development plan. The development

proposal does include reference to a hotel, health facility, and even a FCC one-stop-shop however no evidence has been submitted by the developer to demonstrate that these uses can be delivered. Indeed in discussions with local service providers such as Betswi Cadwaladr; The Marches Doctors Survey; and Flintshire County Council's Housing Service it would appear that there is no demand at this time for either the health centre or the one-stop-shop.

7.30 The available evidence therefore suggests that the proposal presented to planning committee for determination will not be delivered as proposed and neither are there any proposed mechanisms or phasing timetables to indicate future delivery of the scheme. Indeed the developer in proposing this development has made it clear that the delivery of those aspects of the scheme outside of their control is not of their concern and they have no plans/mechanisms to ensure the development of these aspects; rather this will be a matter for other landowners and service delivery bodies to resolve.

7.31 Without any substantive evidence of need or commitment to the provision of associated facilities such as hotel, health facility and one-stop-shop it would appear that this development when realised would be an (A3) Food and Drink Outlet Park with the potential for some as yet unknown associated facilities if end users can be found. The scale of the development at 3.05 ha is significantly larger than the planned growth for associated non-retail commercial uses at Broughton Retail Park within the UDP (1.8 ha). The application as a result has been advertised as a departure from the plan. Indeed it is important to note that were an application to be submitted solely for the introduction of A3 uses only on the unallocated western part of the site, there would be no policy context for this proposal to be supported. In conclusion the material considerations beyond those within the UDP, not least the economic importance of this location and the potential economic and community value of this scheme, are on balance insufficient to justify a departure from the development plan. Specifically it is considered that the development proposal presented to the authority is sufficiently lacking in certainty to question the release of unallocated white land outside of any defined development boundary.

7.32 **Adequacy of Access**

Although submitted in outline, two indicative site layout plans have been produced one showing access to the site being obtained from the A5104 Chester Road, the second plan proposing access from the existing service road which is located to the rear of the existing Tesco Store. It is understood however, that there are a number of legal issues over the interpretation of certain access rights from the service road, which would not allow this option to be confirmed at this stage.

7.33 Notwithstanding the above a full and detailed Transport Assessment

has been submitted by the applicant's highway consultants. For Members information, this has been reviewed by Welsh Government (Transport) and the Council's Highways Development Control Manager in respect of application 051484. As a result it has been concluded that the proposed development would not lead to any adverse impact on the existing transport network and that the principle of development is acceptable subject to the imposition of planning conditions.

7.34 **Ecology**

An Ecological Assessment of the site has been submitted both as part of the initial application (051484) and this re-submitted application. Whilst a terrestrial survey of the site did not confirm the presence of Great Crested Newts on the site, there are records of them from the adjacent newt reserve. Although amphibian fencing was erected around this reserve, it is recognised that this is no longer intact and the great crested newts have the potential to occur within the application site.

7.35 For Members information the adjacent reserve was created as mitigation for the development of the shopping park in the 1990's and has deteriorated as a GCN habitat since that time. Subsequently a newt reserve south of the site has been created as a strategic mitigation site for Broughton, this now being managed by North East Wales Wildlife Trust. Consultation on the details submitted has been undertaken with Natural Resources for Wales and the Council's Ecologist. No objections have been raised to the principle of development subject to the imposition of conditions requiring details of Reasonable Avoidance Measures (RAM) e.g., erection and maintenance of exclusion fencing and licensed translocation of any protected species for the application site to existing dedicated nature conservation areas.

8.00 CONCLUSION

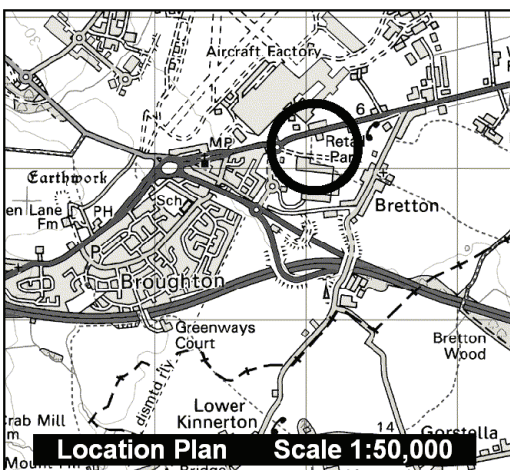
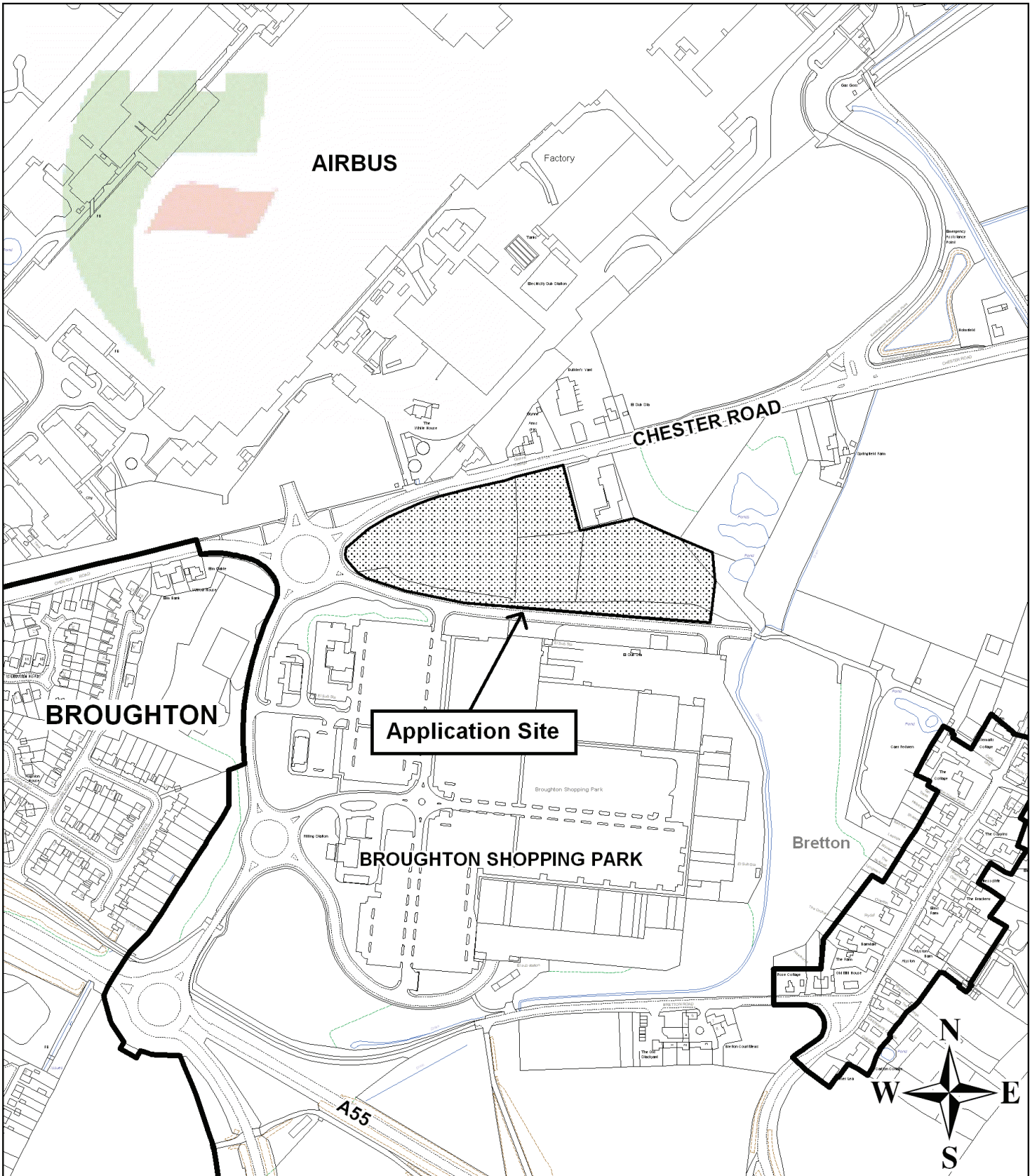
8.01 In conclusion, it is my view that in the absence of any documentary evidence of need or commitment to the provision of a hotel, medical centre and Council contact centre at this location that the proposal would essentially involve the provision of 4 No, A3 units, 2 drive thru-restaurants and public house/restaurant and a hotel. It is considered that this would lead to an imbalance in the range of uses that the allocation of the site for non-retail commercial use seeks to achieve and would not provide a scheme which would lead to wider community benefits. It is therefore considered that the proposal as submitted should therefore be resisted.

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.m.harris@flintshire.gov.uk

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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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OS Map ref SJ 3564

Planning Application **51484**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **3RD SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **ERECTION OF STABLE AND AGRICULTURAL STORAGE BUILDING PART IN RETROSPECT AT FRON HAUL, BRYNSANNAN, BRYNFORD, HOLYWELL**

APPLICATION NUMBER: **051810**

APPLICANT: **MR A EVANS**

SITE: **FRON HAUL, BRYNSANNAN, BRYNFORD, HOLYWELL**

APPLICATION VALID DATE: **19 FEBRUARY 2014**

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

TOWN/COMMUNITY COUNCIL: **BRYNFORD**

REASON FOR COMMITTEE: **REQUEST FOR REFERRAL OF APPLICATION TO COMMITTEE BY COUNCILLOR M.G. WRIGHT**

SITE VISIT: **YES**

Members may recall that this application was deferred from the meeting on the 23 July 2014 to allow a site visit by Members, which is to be held on 1st September

1.00 SUMMARY

1.01 This application seeks consent for the stables and agricultural storage building (part in retrospect). The main issues to consider are the justification for the buildings / building design, use and appropriateness of the development in the open countryside. It is considered that the proposal is in compliant with policies GEN 1, D2, WB1 and RE2 of the adopted Flintshire Unitary Development Plan.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,

SUBJECT TO THE FOLLOWING:-

2.01 That conditional planning permission be granted subject to conditions

1. In accordance with approved plans
2. No commercial use of the buildings
3. Amphibian Reasonable Avoidance Measures (RAM's)

3.00 CONSULTATIONS

3.01 Local Member
Councillor M.G. Wright

Requested referral of the application to Planning committee due to his objections with regards to the agricultural storage building.

He considers that this building is unjustified, as the property is a residential property with no grazing rights associated with the paddock, as it is his understanding, that when the paddock area was sold, it was done so with out the common grazing rights.

He also believes that the building is being used for the repair of horse boxes, which is not suitable within a row of residential properties.

Brynford Community Council

The Community Council strongly objects to the development, noting that it is partly retrospective and questions why enforcement action has not been taken.

The Council believes that the scale and location of the development will have a detrimental impact on residential dwellings and has been advised that the building is being used for commercial / business use for the building and refurbishment of trailer boxes which is not in keeping with a residential area.

Highways

The highways officers have considered the application and have raised no objection to the proposal providing that the agricultural building/stables are not to be used in connection with any commercial business, to ensure that there will be no increased use of the existing residential access of the existing site and the land to the rear.

Rights of Way

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

Head of Public Protection

Have no adverse comments to make regarding this proposal.

Natural Resources Wales

NRW do not object to the principle of the proposal, providing any

consent is subject to a condition in respect of amphibian reasonable avoidance measures (RAM's).

4.00 PUBLICITY

4.01 Neighbour Notification

Objection received on the following grounds;

- Fron Haul is a domestic property set in a residential area
- The application site is not an agricultural unit
- The erection of an agricultural building adjacent to a domestic property is inappropriate
- Previous application for change of use of land to residential refused, if this was refused then surely this proposal should be.
- Design and access statement makes reference to the building being required for the storage of hay grown on site, questions if this could be stored in polythene, eliminating the need for the building.
- Double garage which has consent could be used for the store, rather than the proposed building.
- Location of the proposed building has a detrimental effect on privacy and amenity on the use of neighbours conservatory and garden.
- Building out of character
- Concern over retrospective nature of the development
- Stables have attracted rats and the agricultural building would exacerbate this.

5.00 SITE HISTORY

5.01 **08/044766** - Erection of Replacement Dwelling and Garage - Permit 11 June 2008

050823 - Change of Use to Garden Area Refused 1 July 2013.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN 1 - General Requirements for Development

D2 - Design

RE2 - New Agricultural and Forestry Buildings

WB1 - Species Protection

7.00 PLANNING APPRAISAL

Introduction

7.01 This application is partly in retrospect and concerns the stables and the agricultural building erected on site. The stable block has been built partly within the residential curtilage of the replacement property

and partly out side, in an area designated as open countryside. The partly erected agricultural building, which adjoins the stable, lies outside the curtilage of the dwelling on an open paddock area, within the open countryside.

7.02 Site History

Consent was granted for a replacement dwelling in 2008 under planning ref 044766, with the residential curtilage being determined at this stage to coincide with the rear boundaries of the plots on either side. This planning permission also allowed the erection of a large (8m. x 6m x 4.4m. to ridge.) detached garage within the curtilage of the dwelling and adjacent to its boundary with the Gables, which has not been built. The applicant has indicated that he is prepared to forego this if permission is granted for the agricultural building.

7.03 Stable Block

Horses have been stabled on site since 2007 and the current wooden stable block measures 12.8 m. x 4.85 m. (approximately 61 square metres) in its footprint and 3.4m high to the apex roof. The stable block is constructed of timber with a corrugated sheeted roof and is used for the housing of the applicant's three horses. Part of the stable block is within in the residential curtilage, with a section which projects outside the curtilage. If the whole of the stable had been within the curtilage then it would be permitted development.

7.04 Agricultural Store

The part erected agricultural store measures 11.8 m. x 6.8 m. (approximately 80 square metres) in its footprint and 3.8m in height to its apex. It is proposed that the steel frame will be clad with profiled steel cladding and a profiled steel sheet roof.

7.05 Works on the part erected steel framed agricultural store were started with out the benefit of planning consent, the applicant was subsequently advised by the enforcement section to cease works and submit a retrospective application for the proposal, which is the subject of this application. As part of the stable block was erected on land out side the residential curtilage, the applicants were advised to amend the application to include this building.

7.06 The agricultural store building has been erected on land which forms part of the grassed paddock area, used for grazing in connection with the keeping of the horses for recreational purposes. This land is designated as open countryside, as such the erection of a justified agricultural building, such as this would be considered to be appropriate and compliant with Policies GEN1 and RE2.

Justification

7.07 The applicant has justified the requirement for the agricultural store building in connection with the keeping of the horses, the production of hay (for feed) from the paddock area and the storage of the

necessary machinery and feed in connection with this use.

- 7.08 In addition to the 3 acre paddock area to the rear of the site, the applicant retains further land of approx. 1 acre in Lloc for the same purposes. The applicant also has grazing rights for 15 sheep on the adjacent common. Whereas this right has been questioned by other parties there is no evidence to suggest that this is not the case. .
- 7.09 In addition to the use of the building in connection with the horses it is also proposed to provide for storage of feed for the sheep and to provide emergency lambing facilities and welfare provision for the sheep and horses, as such it is considered that the building is reasonably required and forms a justified development in the open countryside.
- 7.10 Retrospective Nature of Development
Concerns have been raised with regard to the retrospective nature of the development and whilst this is noted, the application has to be considered on its own merits and its compliance with the above adopted Flintshire Unitary Development Plan policies.
- 7.11 Design and Use of the Buildings
Both the stable block and agricultural store are considered to be constructed of appropriate materials for their prescribed uses. The scale of the buildings is also considered appropriate for their proposed uses.
- 7.12 The location of the buildings to the rear of the site limit any visual impact when viewed from the front of the site and the surrounding street scene. The buildings are visible from the rear of the site and objections have been raised on this aspect, in that the buildings are visible from adjoining gardens and from the objector's conservatory. In this respect it should be noted that the approved but unbuilt garage building would be closer to the objector's property.
- 7.13 Buildings such as these are not uncommon or alien in a semi rural setting such as the application site, whilst they may be in view they are separated by approx. 20m from the adjoining properties as such it is considered that the development should not be detrimental to the amenity of surrounding occupants if used for their stated purposes.
- 7.14 Business use
Objections have been received from other parties, including the Local Member and the Community Council that the applicant is operating a commercial business from the premises for the repair/ building of horse trailers/boxes. This has been investigated by enforcement officers and whereas there is some evidence of the sale of a horse box and work on another, the scale of any business involved is not likely to amount to a change of use. The application must be considered on the basis of the agricultural need presented in its

support but I do recommend that a condition be imposed to limit the use of both buildings to the stated purpose, stipulating that no commercial use shall be carried out from the site. This is in the interests of residential amenity and will allow a stronger control than exists at present.

7.15 Other Matters

Highway officers have considered the application and have raised no objection to the proposal providing that the agricultural building/stables are not to be used in connection with any commercial business, to ensure that there will be no increased use of the existing residential access of the existing site and the land to the rear.

7.16 Natural Resources Wales have advised that the site is located 60m. away from Halkyn common and Holywell Grass lands Site of Special Scientific Interest (SSSI) and the Halkyn Mountains Special Area of Conservation where a population of great crested newt and an assemblage of amphibian species comprising of common frog, common toad, palmate newt, common and great crested newt, form a feature of the SSSI. Great crested newts are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Due to proximity of the site to these sites it is possible that Great crested newts or amphibians may cross/use the development site. To ensure that the development has no detrimental impact on the favourable conservation status, NRW request that an Amphibian Reasonable Avoidance Measures Strategy (RAM's) is agreed with the local planning authority prior to commencement of any further development on the site. This recommendation has been covered in this report by the suggested imposition of such a condition.

7.17 Concerns have been raised with regard to rats being evident and the concern that the agricultural building will exacerbate this, however this issue is not a material planning consideration considering that the keeping of horses and livestock is a legitimate use of the land. Environmental Health officers have raised no objection to the proposal in this respect.

7.18 The paddock area to the rear of the site was the subject of a previous application for the change of use of this land to residential under application 050823, this was refused, as the extension of the residential use into open countryside represented an unacceptable form of development. In this case the proposed development connected with the keeping of horses and livestock is considered appropriate development in the open countryside, compliant with the above policies.

8.00 CONCLUSION

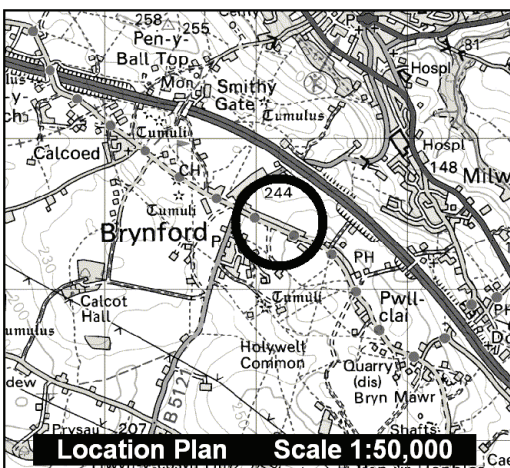
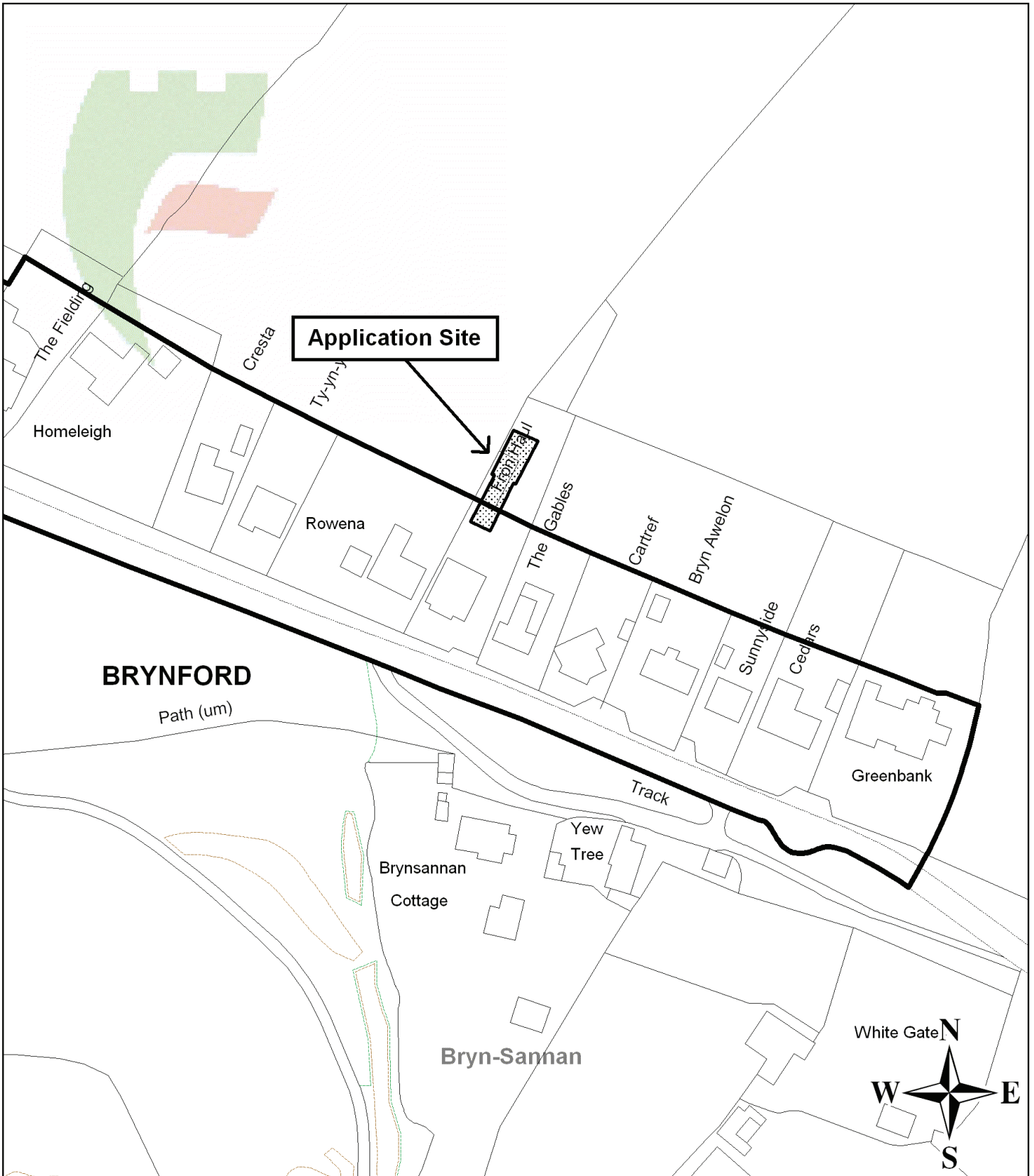
8.01 The proposal is compliant with the above policies. The form, scale,

design and use of the buildings are considered appropriate to the stated need and the open countryside location and the application is therefore recommended for approval subject to appropriate conditions

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



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

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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

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

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Planning Application	51810

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **3RD SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **OUTLINE APPLICATION – ERECTION OF 1 NO. DWELLING AT AVONDALE, CHURCH LANE, GWERNAFFIELD.**

APPLICATION NUMBER: **051215**

APPLICANT: **MISS L. BENSON & MR. T. HOLT**

SITE: **CHURCH LANE, GWERNAFFIELD.**

APPLICATION VALID DATE: **9TH OCTOBER 2013**

LOCAL MEMBERS: **COUNCILLOR A. DAVIES-COOKE**

TOWN/COMMUNITY COUNCIL: **GWERNAFFIELD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SECTION 106 OBLIGATION**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This outline application (all matters of detail reserved for further approval) proposes the erection of a detached dwelling on a 0.0323 Ha. plot to the south of the existing dwelling Avondale, which currently provides access to the agricultural land to the rear. The main part of the site lies within the settlement boundary for Gwernaffield in the Flintshire UDP.

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

2.01 The completion of a Section 106 obligation to secure the payment of a

sum of £4,000 to the Council in lieu of the dwelling being 'affordable' as defined in the Council's policies and subject to the following conditions:

1. Submission of reserved matters
2. Time limit on submission and commencement of development
3. Ridge height of dwelling to be restricted to 7 m.
4. Removal of p.d. rights re. curtilage development
5. Access to be in accordance with standard detail
6. Front boundary not to exceed 1 m. height
7. No obstruction to visibility for 2 m. back from front boundary
8. No land drainage into public sewerage system
9. No surface water to public sewerage system unless approved
10. Foul and surface water to be discharged separately

3.00 CONSULTATIONS

3.01 Local Member
Councillor A.J. Davies-Cooke
No response received

Gwernaffield Community Council
Object to the development on the grounds:

- outside settlement boundary and on entrance to green belt land
- four bedroomed house out of keeping with bungalows
- increased traffic on narrow lane close to children's play area
- query the accuracy of some of the submitted information

Head of Assets and Transportation
Recommend conditions re. access in accordance with standard detail and reduction of boundary wall

Head of Public Protection
No adverse comments

Dwr Cymru/ Welsh Water
Request conditions re. disposal of foul/surface water and land drainage

Natural Resources Wales
Standard advice applies

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification
Four letters of objection received from local residents on the main grounds of:

- existing volume of traffic on Church lane and dangerous junction with Rhydymwyn Road
- Church lane narrow with parked cars and no continuous footpath to children's play area
- visitors to chapel and church hall park on the road
- outside development plan area and part of agricultural field
- no proven need with numerous vacant properties
- set precedent for further development in village and land to the rear
- plot too small and narrow for dwelling proposed
- out of character with surrounding properties and the area
- effects on amenity / loss of privacy

5.00 SITE HISTORY

- 5.01 **820/88** - Outline application for erection of six dwellings (on larger piece of land) – Refused 22.11.88

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy HSG 3 – Housing on unallocated sites within settlement boundaries

Policy GEN 1 – General requirements for development

Policy GEN 2 - Development inside settlement boundaries

Subject to the conditions and legal obligation set out in the recommendation it is considered that the proposal generally complies with policy

7.00 PLANNING APPRAISAL

- 7.01 The outline application seeks to establish the principle of erecting a detached dwelling (with all matters of detail reserved for further approval) on a plot of land which mostly lies within the settlement of Gwernaffield. The 0.0323 Ha. plot lies south of the existing property Avondale and fronts the eastern side of the unclassified Church Lane, off which access must be gained. To the south again, beyond an existing stone wall lies an area of open land which is identified as a green space under Policy L3 of the UDP and an existing gateway on the site frontage gives access to an open field to the west of the site, which lies outside the settlement boundary.

- 7.02 Policy GEN 2 of the UDP allows development within settlement boundaries subject to other key policies, in this case policy HSG 3. Policy GEN 1, in listing the general requirements for development, states that there should be no significant adverse impact on the safety and amenity of nearby residents and it is this along with the principle of the development under Policy HSG 3 which are considered to be the main issues in the determination of the application.

7.03 Policy HSG 3 of the UDP (Housing on Unallocated Sites within Settlement Boundaries) allows development in Category C settlements if it is the renovation or replacement of an existing dwelling(s) or it is to meet proven local needs and cumulatively does not result in over 10% growth since 2000. In terms of HSG3 growth Gwernaffield has not reached that level and at April 2013 stood at 3.8%. Other requirements associated with HSG3 are that new housing development does not conflict with the UDP housing provision for the County or result in tandem or overdevelopment of the site.

7.04 Because the proposal would result in growth under the 10% indicative growth rate it complies with this element of the policy but it would need to meet proven local housing needs. In such cases the policy is permissive of development but the applicant is required to specify what housing need it is that is being addressed (for example essential worker or affordable housing).

7.05 The proposed dwelling is to be a self-build project to be occupied by a local person, although no specific local need has been identified. The application is accompanied by a Design and Access Statement which addresses compliance with Policy HSG 3 and here as in further correspondence with the applicant's agent he recognises the growth ceilings and the need to meet proven local need but makes the case that the envisaged growth level for Gwernaffield will not be achieved unless a more flexible approach is adopted (in the following terms):

The data collected as part of the yearly Joint Housing Land Availability process sets out the position as at April 2013 in terms of growth for each settlement. The schedule notes that growth in Gwernaffield at April 2013 stood only at 3.8% - well below the threshold set within Policy HSG 3. This allows for a further 22 houses in the settlement up to the end of the plan period (2016). Given that only 13 houses have been delivered within the settlement since 2000 it is clear that the 10% growth rate is unlikely to be met. As such it follows that the housing needs of the village as envisaged by the UDP strategy will not be satisfied. [paraphrased rather than directly quoted].

7.06 It might be argued that the low rate of new housing in Gwernaffield is a direct result of the constraints imposed by Policy HSG 3 but it is significant that this policy only really came into force in 2009, following modifications by the UDP Inspector that were accepted by us as local planning authority prior to the adoption of the plan. Whereas this approach may be considered to challenge the robustness of Policy HSG 3 it has always been our position as officers that there is room for a degree of flexibility in its application. In the case of this proposal, following discussions with the Council's Housing Strategy officer, it was suggested that the affordability element required by Policy HSG 3 could be provided by means of a commuted sum (equating to the 30% discounted open market value of the dwelling) to be paid to the

Council upon commencement of the development, which would then be used to help finance other affordable housing initiatives in the locality.

- 7.07 Again citing the case re. the lack of new dwellings in Gwernaffield (para 7.05 above) the applicant's agent states that Policy HSG 3 does not specifically preclude the development of open market housing within Category C settlements and as this dwelling is proposed as a self-build project to be occupied by a local person the only means by which it would be viable would be through it being an unrestricted open market dwelling.
- 7.08 Whereas we would have no means of controlling the future occupation of the dwelling in these circumstances the payment of a commuted sum would satisfy the requirement of Policy HSG 3 and would then release the property to the open market. In rejecting this as a solution the applicant has provided information regarding the development costs in order to establish a lack of residual value and to support his case over viability.
- 7.09 In order to seek to resolve the ensuing deadlock in negotiations we have engaged an independent consultant to report both on the principle of applying a viability argument to a single dwelling under HSG 3 within a category C settlement and on the robustness of the applicant's viability case if applicable.
- 7.10 The consultant has called upon his experience of working with other North Wales authorities and has advised as follows :

"The issue of viability on affordable housing proposals is a matter which Inspectors seem to be placing increased emphasis on at appeal. The approach taken by the applicant is understandable but, as written, there is little flexibility if any within Policy HSG3. The approach towards the provision of affordable housing within Wales seems over recent years to have been informed also by the need for flexibility and innovation as a means of delivering affordable housing. This has manifested itself in reduced proportion of affordable housing delivered on larger sites, having taken account of viability. However, for single dwelling proposals this approach cannot be applied. However, it may be possible to apply a more flexible approach as has been done elsewhere. In Conwy, for example, prior to the adoption of its LDP, the LPA assessed each and every application for housing, including single dwelling applications, against a development appraisal and affordable housing viability assessment. Where it was viable single dwellings would make a commuted sum towards affordable housing. Similarly in more recent adopted plans such as the Snowdonia National Park LDP there is some flexibility built in to policies which require housing proposals to be 100% affordable to be permitted as open market dwellings with contributions made in-lieu of affordable housing in those cases.

- 7.11 *Given the emphasis on meeting housing needs, the recently introduced presumption in favour of sustainable development, the increased emphasis nationally on addressing viability; and, the way policy has evolved in Local Authority Areas where there has been recent adoption of a new LDP, it is clear to me that there should be some element of flexibility. This might be particularly so in this case given the low level of growth in Gwernaffield against the limit of 10% set by the UDP and to some extent the housing land availability position in Flintshire which I understand to be short of the 5 year supply.”*
- 7.12 Having accepted the principle of the commuted sum and the application of a viability test the consultant then goes on to address the figures regarding development costs and value presented on behalf of the applicant. Overall he believes that the viability assessment carried out by the applicant [and ratified by our Housing Strategy officer] produces a fairly robust assessment for working out a financial contribution, despite the fact that the land value seems high. However, he has run an appraisal using the generally accepted ‘Development Toolkit’ reducing the land value but also reducing the sale price. His figures show a final surplus against the existing use value of £4,000.
- 7.13 Having considered the applicant’s submissions and the findings of the independent consultant’s report I support the principle of the development in the terms set out in my recommendation.
- 7.14 Turning to matters of detail, it will be noted that there are a number of objections to the proposal on various grounds. It is significant that the application is in outline, with all matters of detail reserved for further approval, nevertheless an outline application is accompanied by certain indicative details, which in this case propose a two storey dwelling. The neighbouring dwelling is a small scale single storey dwelling which has a side window close to the boundary with the application site. It is believed that the side window is a bedroom window, not serving one of the principal habitable rooms. The window is already affected in terms of daylight by the large boundary hedge which lies within a metre of the window and it is considered that there would be no significant detriment to the amenity of the adjoining property in this respect.
- 7.15 In terms the proposed dwelling’s impact on the character and appearance of the street scene there is some legitimate concern in relation to the height of the proposed dwelling in comparison to its immediate neighbour. There is however, a mix of dwelling heights and scale in the immediate vicinity including two storey houses, albeit on a modest scale on the opposite side of the road, a small dormer bungalow next to the neighbouring house, a two storey chapel almost directly opposite and a two storey, relatively new built house next to

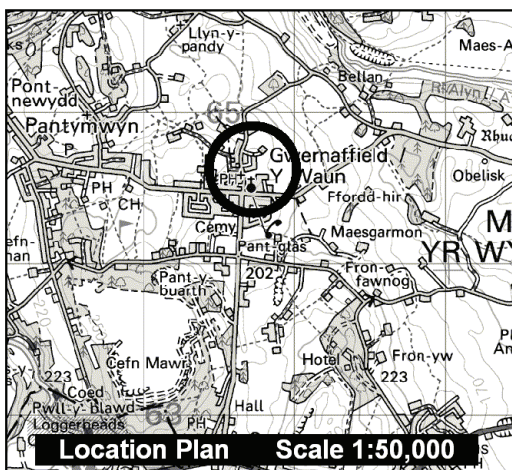
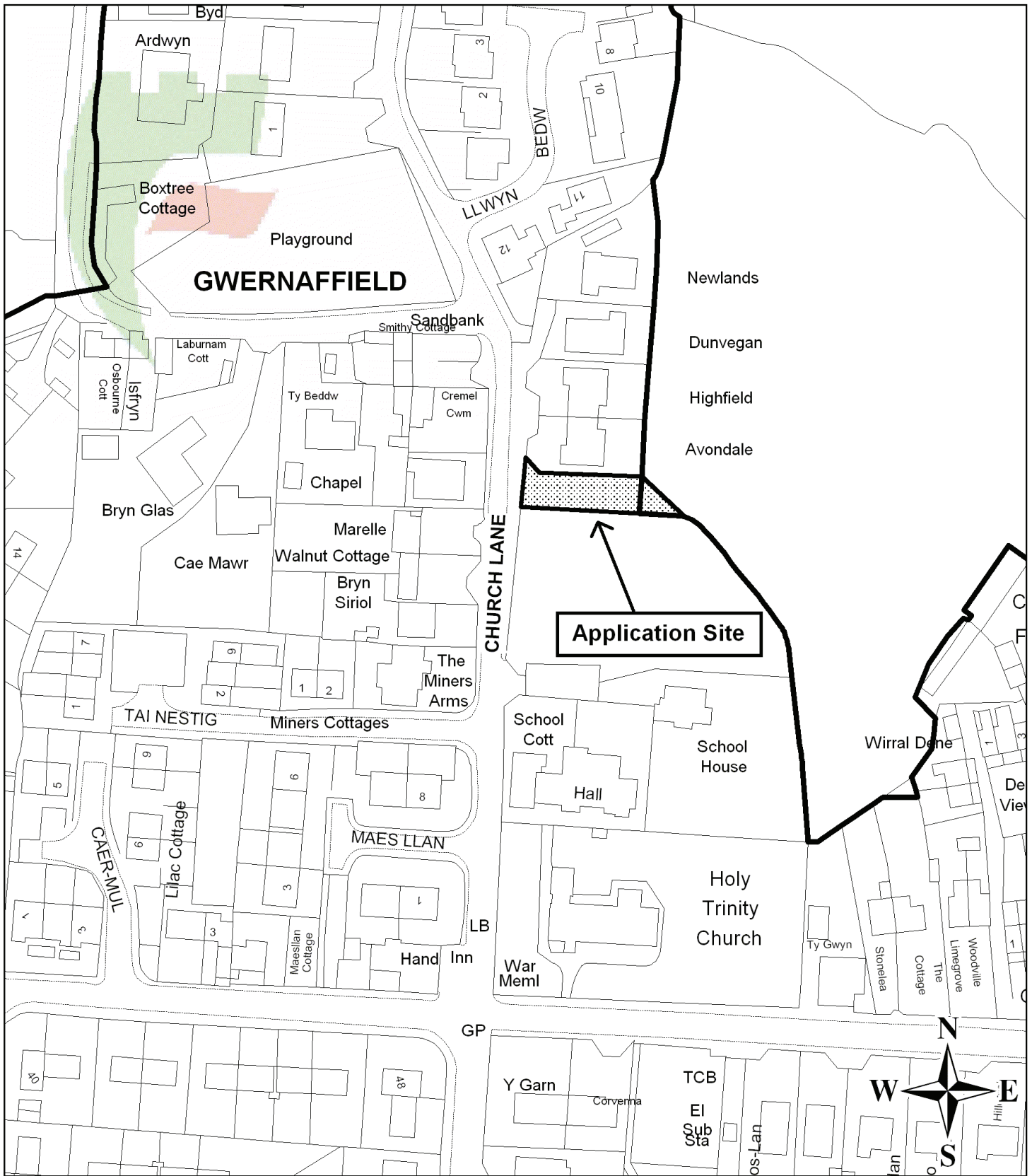
single storey dwellings further to the west. Within this context I do not think that a two storey house would be discordant with the street scene or the character of the area in general. However, I think there should, on a detailed submission be some reduction in height of the proposed new dwelling, such that the first floor accommodation is partially within the roofspace. Alternatively perhaps the roof form could be amended so that a hipped roof faces the single storey neighbouring house to soften the change in height between the two dwellings and/or the orientation of the house changed so that a gable faces the road as per the chapel opposite. This might be difficult considering the narrowness of the plot but I consider it reasonable to impose a maximum height to ridge of 7 metres.

- 7.16 A number of the objections are concerned with the additional traffic in relation to the perceived difficulties and dangers which are experienced at present. However, this single dwelling needs to be considered in the context of existing traffic movements and provided that sufficient off-road parking is provided and that the access is constructed in accordance with our standards it would be difficult to resist the development on grounds of highway safety.

8.00 CONCLUSION

- 8.01 In conclusion I acknowledge that the proposed development does not strictly comply with the terms of Policy HSG 3 but I also acknowledge the fact that there is need to facilitate development and that a more pragmatic, if not flexible, approach is sometimes appropriate. Subject to the safeguards and the commuted sum provision contained within the recommendation I consider that the principle of the development can be supported.
- 8.02 Turning to matters of detail, notwithstanding the outline nature of the application, I believe that the height of the dwelling (and consequently its scale) needs to be controlled but subject to this and other conditions I recommend that planning permission be granted
- 8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

Contact Officer: Andrew Farrow,
Chief Officer (Planning & Environment)
Telephone: (01352) 703201
Email: Andrew.farrow@flintshire.gov.uk

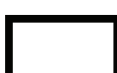


Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2064

Planning Application **51215**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **3RD SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **FULL APPLICATION – ERECTION OF TWO STOREY BUILDING WITH A BAKERY AND CAFÉ ON THE GROUND FLOOR AND RESIDENTIAL ACCOMMODATION ON THE FIRST FLOOR AT BRIDGE INN, HAWARDEN ROAD, HOPE**

APPLICATION NUMBER: **052143**

APPLICANT: **MR P D METCALFE**

SITE: **BRIDGE INN, HAWARDEN ROAD, HOPE**

APPLICATION VALID DATE: **12.06.14**

LOCAL MEMBERS: **COUNCILLOR STELLA JONES**

TOWN/COMMUNITY COUNCIL: **HOPE**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO ACCESS**

SITE VISIT: **YES**

This application was deferred from Planning and Development Control Committee on 23rd July 2014 in order for members to visit the site. The report and conditions have been updated with consultation responses received since the last Committee and previously reported as late observations.

1.00 SUMMARY

1.01 This is a full planning application for the erection of a two storey building to contain a bakery and cafe with living accommodation above on part of the car park associated with the Bridge Inn, Caergwrle. The main issues are access, parking, impact on residential amenity and the conservation area. It is considered that the proposed bakery/café use is acceptable in principle subject to

conditions restricting the operations of the proposed use and the existing public house/restaurant to ensure they are not open at the same time to ensure that there is sufficient parking for both uses.

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

- 2.01
1. Time commencement
 2. In accordance with plans
 3. Materials
 4. Public Hours of opening 8.30am-5pm Monday to Saturday. No opening on Sundays or Bank Holidays.
 5. No deliveries before 8am
 6. Café and public house not to be open to the public at the same time.
 7. Details of decked area, levels and landscaping with details of retaining structures if required
 8. That prior to any work being carried out a suitable system for the extraction, filtration and ventilation of any process odours and fumes (including acoustic silencing if deemed necessary) should be installed in accordance with a scheme to be first submitted to and agreed in writing by the LPA.
 9. Living accommodation to be occupied by an employee of the cafe business
 10. Finished floor levels 150mm above surrounding ground levels
 11. Parking facilities to be provided.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Stella Jones

Is generally supportive of the application but raises concerns with regards to the access.

Hope Community Council

Concerns over the access to and from the site given it is a single width access and whether the parking arrangements would be adequate in the event of the pub and bakery being operated independently of each other.

Highway Development Control Manager

No objections subject to a condition ensuring facilities are provided and retained within the site parking and turning and loading and unloading of vehicles.

Pollution Control Officer

No objections in principle to this application, however, it is suggested that the times indicated by the applicant for the A3 use are attached as conditions. It is expected that a suitable system for the extraction, filtration and ventilation of any process odours and fumes (including

acoustic silencing if deemed necessary) should be installed.

Welsh Water/Dwr Cymru

No response received at time of writing.

Natural Resources Wales

The site is in Zone C2 as defined in TAN15 Development and Flood Risk and shown on the Welsh Government's Development Advice Maps. Part of the site is shown to be at risk in Natural Resource's Wales 01.% AEP and 1% AEP modelled flood outlines. NRW have had extensive discussions with the applicant's consultant Waterco regarding the flood risk modelling which has been produced to support this application. NRW are satisfied that the modelled outputs on which the FCA is based are acceptable. The outputs show that the site will remain flood free in the 1% AEP plus climate change and 0.1% event. The development therefore complies with TAN15 Development and Flood Risk and we have no objection to the proposal subject to the applicants compiling with the recommendations of the FCA in relation to finished floor levels.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

6 objections on the grounds of;

- Pre application works – areas has been cleared of trees and severe trimming over the past year with the waste being burnt in a bonfire causing a nuisance to local residents
- No community consultation has been undertaken
- Current parking issues with public house with overspill parking at the front of the pub causing access issues to the 3 properties accessed by the stone track at the front of the pub. The loss of parking spaces would increase this problem.
- Unsatisfactory access
- Delivery vehicles cannot access the rear of the pub as the access way is too narrow leaving lorries to block the footpath when making deliveries. This would increase if this development goes ahead.
- Noise associated with deliveries etc with a bakery operation and general activity early in the morning. Intensification of noise throughout the day with increase in activity and use of car park all day.
- More traffic using the access would lead to dangerous manoeuvres at a difficult junction
- Overlooking and impact on daylight to part of the filed adjacent to the property
- Smells and vermin associated with refuse
- The living accommodation will overlook residential property Morville and impact upon privacy
- Signs to advertise business would be out of keeping with area

and impact upon Conservation area

- Development is not in heart of village but on the edge of Caergwrle and Hope both of which have cafes
- Site is not near other attractions such as castle and the spa does not have public access
- Amount of passengers that use the station is very small and does not warrant such a venture and signs would be needed
- Proposed number of staff 3 full time and 1 part time suggests a big and busy venture.
- There are two existing cafes within a few minute's walk of this proposal
- The pub is big enough to accommodate this venture without a new build and opening hours of two are staggered to facilitate this.
- Could become a residential property if the business venture fails.
- If permission is granted a restrictive covenant should be placed on it to ensure; the ownership of the building remains with the public house; the use of the building can only be commercial not residential; the building can only be used during times when the pub is closed.
- Staggering car parking would not work as the pub and café could be under different ownership and the pub could open 24 hours.
- Proposal leaves insufficient parking for the pub and cafe and the residents of both.
- The site is close to a dental practice at Bridge End which only has two parking spaces, so this leads to patients parking on the road during weekdays.
- The parking spaces at the front of the Bridge Inn have been converted into a patio area
- Refuse lorries cannot reverse into the Bridge Inn car park to access the bakery waste, which could block access to garages to the rear of two of the properties
- Overlooking and privacy to garden across the river particularly by outside seating area
- Should be no development in the Conservation Area
- Stone wall which borders the River Alyn and supports the Bridge Inn Car park is in disrepair and have concerns regarding stability of the parking area near the riverside
- Impact on boundary trees
- Business could be located within the existing pub/restaurant building as different opening hours
- Increase in litter from use and refuse areas
- Impact on the environment and livestock

5.00 SITE HISTORY

5.01 None.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR3 – Employment

Policy STR6 – Tourism

Policy STR7 – Natural Environment

Policy STR8 – Built Environment

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development inside settlement boundaries

Policy D1 - Design Quality

Policy D2 - Location and Layout

Policy D3 - Building design

Policy D4 - Landscaping policy

Policy HE1 – Development Affecting Conservation Areas

Policy AC13 - Access and Traffic Impacts

Policy AC18 - Parking Provision and New Development

Policy EWP2 – Energy Efficiency in New Development

Policy EWP16 - Water Resources

Policy EWP17 – Flood Resources

Policy S8 – Hot Food Takeaways, Restaurants and Cafes

Policy HSG3 - Housing on unallocated sites outside settlement boundaries

The application site is located within the settlement boundary within the Unitary Development Plan. The application is in accordance with the above relevant policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of a two storey building to contain a bakery and cafe with living accommodation above on part of the car park associated with the Bridge Inn, Caergwrle.

7.02 Site Description

The application site is part of the car park of the existing Bridge Inn public house and restaurant. The car park is accessed from the A550 through an existing access between the Bridge Inn and a terrace of 3 residential properties. The car park is bounded to the north west by the Bridge Inn, to the north east by the residential properties of 1 – 3 Bridge End and their rear gardens. To the east of the car park is the River Alyn, which is at a lower level to the application site. To the south is an area of open land and to the west is a pumping station. To the south west of the Bridge Inn is an electricity substation. Further to the south west are 3 residential properties which are accessed by a track which passes in front of the Bridge Inn to its west. The railway

line is beyond this to the west. There is existing landscaping around the boundaries of the car park in form of hedges and trees.

7.03 Proposed Development

It is proposed to erect a two storey building to accommodate a bakery and cafe unit on the ground floor with a two bedroom flat on the first floor as manager's accommodation and an outdoor terraced dining area. The unit is 83m² with 40m² of public space and an outdoor dining area. The unit would remain in the same ownership as the Bridge Inn. The business would be a small scale bakery to serve the café which will sell breads, cakes and coffees with speciality Chinese bakery products and traditional artisan bread and cake.

7.04 The Bridge Inn is only open in the evenings and it is considered by the applicants does not provide suitable atmosphere and ambience for daytime dining. The applicants consider the proposed bakery and café would complement the existing restaurant by providing a daytime dining experience. The proposed opening hours of the bakery/café would be 8.30am-5pm Monday to Saturday, closed on Sundays. The Bridge Inn public house/restaurant operates 5pm-10pm Monday-Thursday, 5pm – 11pm Friday and Saturdays and 1pm – 9.30pm on Sundays.

7.05 The applicants consider its proximity to the railway station would enhance the experience for users of the station which has no passenger facilities and for visitors and walkers in the area. It is stated the bakery would create 3 full time jobs and 1 part time job.

7.06 The building is proposed to be white/cream render with a slate roof. The residential unit would comply with Code for Sustainable Homes Level 3 and a pre-assessment was submitted with the application.

7.07 The proposal would use the same access as the public house/restaurant car park and would use the car park when the public house/ restaurant is not open. The application was accompanied by a Flood Consequences Assessment.

7.08 Issues

Principle of development

The application site is within the settlement boundary of Hope, Caergwrlle, Abermorddu and Cefn-y-Bedd which is a Category B settlement within the Adopted Flintshire Unitary Development Plan. The site is also within the Caergwrlle Conservation Area.

7.09 The public house operates as a Chinese restaurant and bar and offers a take away and delivery service along with dining areas. The proposed use for a café/bakery is assessed against policy S8 'Hot Food Takeaways, Restaurants and Cafes'. This policy states "Proposals for new establishments or for the change of use of existing establishments to sell hot food for the consumption both on or off the

premises will be permitted where they meet the following criteria:

a) the amenity of local residents, including residents living above the property is not unduly harmed

The site is bounded by the rear gardens of residential properties and separated from rear gardens of the residential properties by the River Alyn to the east. The kitchen is situated to the side of the building which bounds the pumping station to the west and agricultural land to the south. The kitchen would be fitted with an appropriate ventilation system which would be agreed with environmental health by condition. The noise impacts of this would also be considered as part of this approval. The accommodation above the bakery would be occupied by an employee/manager of the business and therefore would not be affected by the operations. A condition can be imposed to ensure this is the case.

b) onsite provision is made of the disposal of causal litter and wastes;

The plans show a waste storage and recycling area to the rear of the building.

c) the use will not result in traffic hazards or disturbance arising from street parking.

The proposed use has on site parking which is deemed to be in accordance with the Council's standards and therefore would not lead to on street parking.

7.10 In terms of the residential use this is intended to be used in association with the café business but even if this was a separate residential unit growth in the settlement of Hope, Caergwrle, Abermorddu and Cefn-y-Bedd is below the 15% threshold. There is therefore no objection in principle to either of the proposed uses.

7.11 Flood Risk

The application lies within Zone C2 as defined by TAN 15 Development and Flood Risk and shown on the Welsh Government's Advice Map. A Flood Consequences Assessment (FCA) accompanied the application. The bakery use is defined as 'less vulnerable' in Technical Advice Note 15: Development and Flood Risk while the residential use of deemed 'highly vulnerable'.

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

- i. its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- ii. its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and

- other key partners, to sustain an existing settlement or region;
and,
- iii. it concurs with the aims of Planning Policy Wales (PPW) and meets the definition of previously developed land (PPW fig 4.3);and
 - iv. the potential consequence of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 (vulnerability of development) and 7 and Appendix 1 (Assessing the consequences of flooding) of the TAN are found to be acceptable.
- 7.12 NRW have had extensive discussions with the applicant's consultant Waterco regarding the flood risk modelling which has been produced to support this application. NRW are satisfied that the modelled outputs on which the FCA is based show that the site will remain flood free in the 1% AEP plus climate change and 0.1% event. The development therefore complies with TAN15 Development and Flood Risk and we have no objection to the proposal subject to the applicants compiling with the recommendations of the FCA in relation to finished floor levels.
- 7.13 In terms of justifying the development, the site is located within the settlement boundary of Hope, Caergwrle, Abermorddu and Cefn y Bedd in the Flintshire Unitary Development Plan. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (i) and (ii) above.
- 7.14 The development provides a new business with employment opportunities in an existing settlement close to public transport meeting the aims of PPW. It is considered that the site does fall within the definition of previously developed land as it is an existing car park. This therefore meets with criteria (iii).
- 7.15 A Flood Consequences assessment has been submitted with the application to address point (iv) undertaken by WaterCo. They have undertaken hydraulic modelling which shows that the site is flood free and should be considered therefore as Category A.
- 7.16 The nearest watercourse to the application site is the River Alyn directly to the east. Flooding could occur if the river overtops its banks during or following an extreme rainfall event. There are no records of flooding affecting the site, but the River Alyn did flood in Caergwrle in 2000 and 2012. The modelling undertaken shows that and the existing site levels at 72.1m AOD are above estimated maximum flood levels of 71.24AOD in all events up to and including the extreme 0.1% Annual Exceedance Probability Event. It is concluded that the site is at low risk of fluvial flooding. The comments of NRW are awaited.
- 7.17 The FCA has also considered the risk from other sources of flooding,

including tidal flood, pluvial flooding, groundwater flooding and sewer flooding. It concludes that the site is at low risk of all sources of flooding.

7.18 Parking and Access

The application site is part of the car park of the existing public house/restaurant. It is therefore relevant to consider if the existing public house/restaurant and both the proposed use will have sufficient car parking. Policy AC18 and Local Planning Guidance Note 11 ; Parking Standards and New Development set out the Council's maximum parking standards for developments. There are 28 car parking spaces in the existing car park. The new development will lead to the loss of 8 spaces, with 20 remaining.

7.19 The proposed opening hours of the bakery/café would be 8.30am-5pm Monday to Saturday. The Bridge Inn public house/restaurant operates 5pm-10pm Monday-Thursday, 5pm – 11pm Friday and Saturdays and 1pm – 9.30pm on Sundays.

7.20 The existing public house has public dining areas of 67m². This equates to 17 car parking spaces using the Councils requirement of 1 car parking space per 4m² of public floor area. An additional 2 spaces would be required for the residential use associated with the public house. The existing use therefore requires 19 spaces. The proposed bakery/café use has a public area of 43m² and would require 11 car parking spaces, using the same formula for an A3 use of one car parking space per 4m². The residential element would require 1.5 spaces for the new unit, therefore 12.5 spaces in total. There is therefore sufficient parking for each use to operate separately but there is a shortfall in the number of parking spaces available to meet both uses. The opening hours of the two uses are proposed to be staggered to ensure that there is no conflict. As the businesses are both within the same ownership and within the red line for the planning application a condition can be imposed to control this along with conditioning the opening hours of the new use. Highways development control is satisfied with the parking provision subject to the uses being controlled through a condition.

7.21 Concerns have been raised regarding access to the application site. The access off the highway narrows as you enter the car park and is restricted in width by the existing public house building and the boundary of the adjacent residential property. Highways development control are satisfied with the existing access arrangements as there is sufficient room for 2 cars to in opposite directions to pass off the highway before the access narrows.

7.22 Impact on residential amenity

Concerns have been raised by local residents in relation to overlooking of gardens from the seating area and noise from the increased activity from the proposed use in general. The application

site is the car park of a commercial premises which would already have an element of activity associated with it. The external seating area is across the river from the adjacent residential gardens and it is not considered that this would have a significant impact on residential amenity. While there may be some increase in activity from the proposed use given the proximity to and relationship with the adjacent residential properties it is not considered that the proposed use would have a detrimental impact on amenity.

7.23 Conservation Area

The application site is situated within the Conservation Area of Caergwrle. The proposed new building is behind the existing public house and therefore public views of the building would be limited to customers entering the site. The proposed building is of simple design and construction with proposed render walls and a slate roof. Details of the materials would be conditioned.

7.24 Residents are concerned that the proposed use would lead to a proliferation of signage in the Conservation Area which would detract from the area. Any signage over and above what is allowed under deemed Advertisement Consent would require separate Advertisement Consent which would be considered and assessed on its own merits.

7.25 Other issues

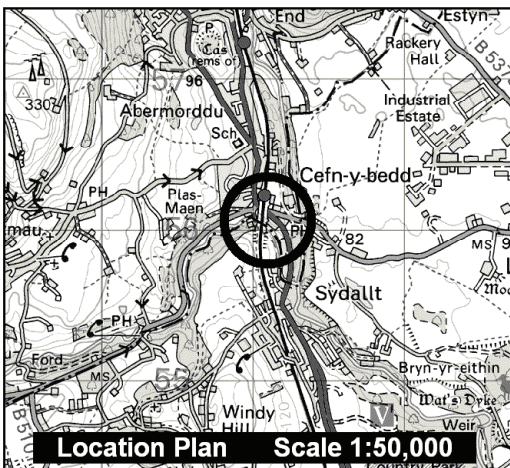
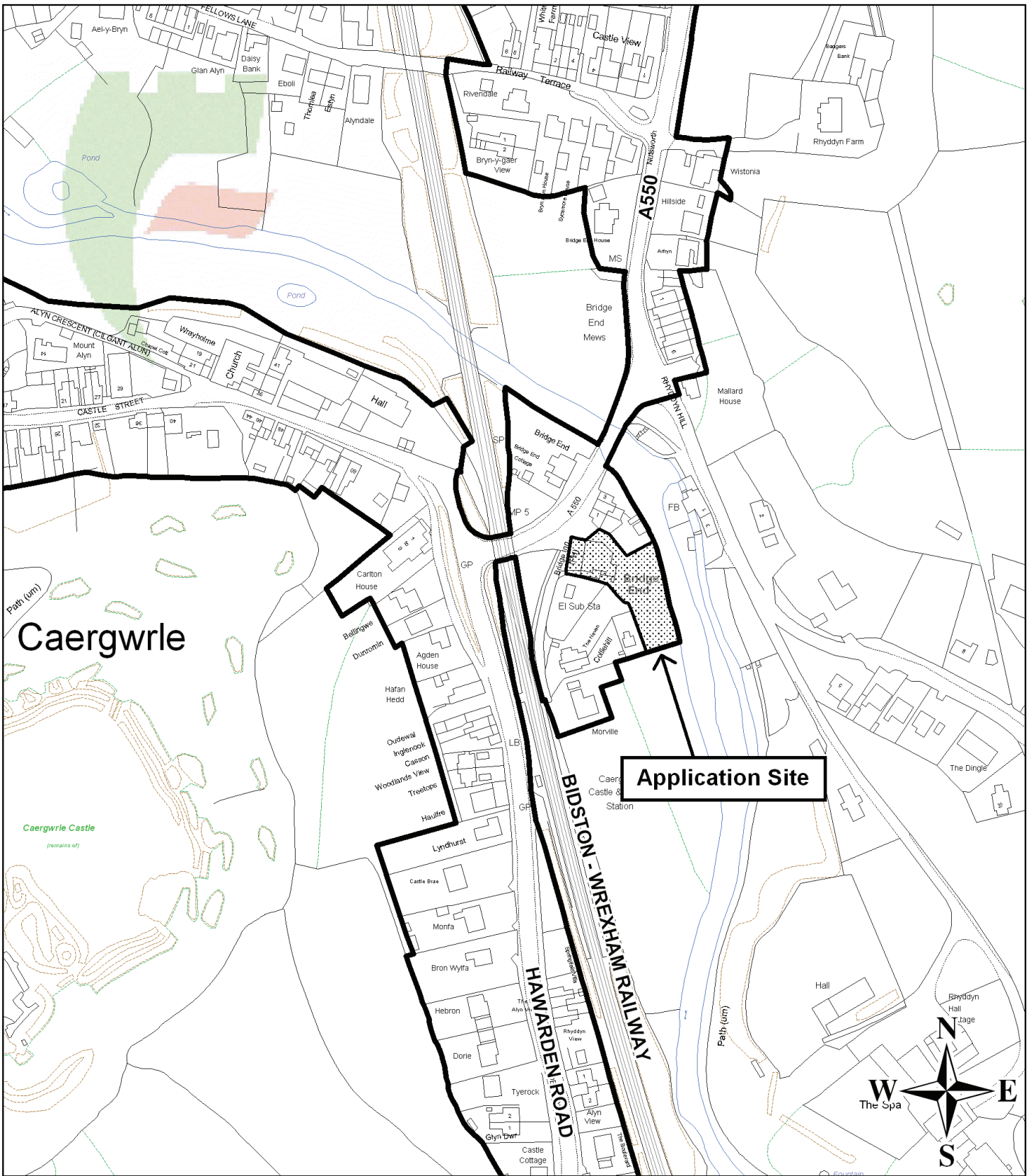
Residents have raised issues over the siting of the external seating area and the stability of the wall in this location adjacent to the river. A condition can be imposed that details of the external seating area and the supporting structure including the need for any retaining structures are submitted to the Local Planning Authority for consideration.

8.00 CONCLUSION

8.01 It is considered that the proposed bakery/café use is acceptable in principle subject to conditions restricting the operations of the proposed use and the existing public house/restaurant to ensure they are not open at the same time to ensure that there is sufficient parking for both uses.

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



Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

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

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OS Map ref	SJ 3057
Planning Application	52143

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **3rd SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **DEMOLITION OF EXISTING BUILDERS YARD OFFICE AND STORAGE BUILDING AND ERECTION OF 8NO. NEW DWELLINGS AT ROBERTS & WILLIAMS LTD, QUEEN STREET, QUEENSFERRY**

APPLICATION NUMBER: **051988**

APPLICANT: **ROBERTS AND WILLIAMS LTD**

SITE: **ROBERTS AND WILLIAMS LTD, QUEEN STREET, QUEENSFERRY**

APPLICATION VALID DATE: **28.04.14**

LOCAL MEMBERS: **COUNCILLOR D WISINGER**

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY**

REASON FOR COMMITTEE: **S106 AGREEMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection of 8 two bedroom dwellings on the existing builders yard at Queen Street, Queensferry. A Flood Consequences Assessment has been submitted with the application that demonstrates that the consequences of flood can be effectively managed. A Noise Assessment has been undertaken which demonstrates that measures can be put in place to mitigate the noise impacts from the adjacent road. The application is therefore recommended for approval subject to conditions and S106 agreement covering the relevant issues.

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

The proposal is recommended for approval subject to the following:-
Subject to entering into a S106 agreement for the following contributions;

- £1,100 per unit for recreation enhancements in lieu of on-site provision
- funding to the sum of £2500 to provide for the case of a Traffic Regulation Order for the provision of double yellow lines across the frontage of the application site (along Queen Street) on the development side only.

2.01 Conditions

1. Time commencement
2. Plans
3. Code for sustainable homes certificates
4. Removal of permitted development rights for extensions
5. Restriction to ensure ground floor cannot be used as living accommodation
6. Land contamination investigation
7. Implementation of scheme of acoustic mitigation
8. Foul drainage and surface water to be drained separately from the site
9. No direct connect of surface water drainage without approval in writing
10. No land drainage run-off into the public sewerage system
11. Detailed design and implementation of double yellow lines along Queen Street
12. Positive means to prevent the run-off of surface water onto the highway
13. Construction Traffic Management Plan
14. Materials
15. Finished floor levels at first floor (living accommodation) to be set at 7.70m above Ordnance Datum

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 Wisinger

Agrees to the determination of the application under delegate powers.

Queensferry Community Council

No response received at time of writing.

Welsh Government Department for Economy, Science and Transport
Directs an acoustic report is undertaken pending consideration of the application.

Report submitted and comments awaited on this at the time of writing.

Highways Development Control Manager

It is a highway requirement that the developer enters into a Section 106 agreement with the Authority in order to secure funding to the sum of £2500 to provide for the case of a Traffic Regulation Order for the provision of double yellow lines across the frontage of the application site (along Queen Street) on the development side only. No objection subject to conditions covering;

- Detailed design and implementation of the double yellow lines along Queen Street
- Positive means to prevent the run-off of surface water onto the highway
- Construction Traffic Management Plan

Head of Public Protection

No objections in principle to this application, however, the site is a former builders yard therefore there is some justification that contamination could be present in all or part of the site. Additionally the proposed development which includes residential accommodation and gardens could be particularly vulnerable to the presence of contamination. Therefore, it is recommended that a Contaminated Land site investigation condition is attached to any approval you may grant.

In addition the site is immediately adjacent to the Queensferry junction and slip road onto the A494 Trunk Road. This is an extremely busy main road. The development proposes that the buildings have three floors with the living accommodation being on the first and second floors. The building layout also shows that there will be both living rooms and bedrooms overlooking the dual carriageway. A close boarded acoustic fence will not provide sufficient attenuation to protect the amenity of these living rooms. In light of these observations it is recommended that the applicant's undertake a noise survey to establish the noise climate and to advise on a suitable scheme of appropriate acoustic measures to be built into the design to prevent noise affecting the amenity of the future residents.

Comments awaited on the noise survey at the time of writing.

Welsh Water/Dwr Cymru

No objections subject to standard conditions relating to standard conditions relating to foul and surface water drainage.

Natural Resources Wales

The application site lies entirely within zone C1, as defined by the Development Advice Map referred to under TAN 15 Development and Flood Risk (July 2004). NRW's Flood Map information confirms the site to be within the extreme flood outline.

NRW have reviewed the contents of the submitted Flood Consequences Assessment (FCA) (Waterco Consultants, w1537-140314-FCA, 14/03/2014) and advise that in order to ensure that the residential part of the development complies with section A1.14 of TAN15 i.e. not flooded during the 0.5% probability flood event, with an allowance for climate change, that a condition is imposed setting the first floor residential accommodation to be set at a minimum level of 7.70m above Ordnance Datum.

Public Open Spaces Manager

In accordance with Planning Guidance Note No13 seeks a contribution of £1,100 per dwelling as a contribution to enhance play provision in the community.

Chief Officer (Education and Youth)

No education contribution is required as both the Primary and Secondary Schools have surplus places.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

3 objections on the grounds of;

- Flooding; weather has become unpredictable
- Has been incidences of overflowing manholes in Queen Street
- Previous applications have been refused on flood risk grounds for less houses
- Would set a precedent for developing in flood risk areas
- Design is not in keeping with the scale, character or appearance of the street scene. The rest of the street is two storey and these are three storey
- Overlooking and loss of privacy across the road
- Loss of light
- Existing on-street parking problem will prevent vehicles turning into the new development
- Submitted photos do not show current levels of on street parking in the area
- Detrimental impact on inadequate drainage system
- Concern the properties will be let as HMO's which leads to loss of sense of community and added traffic and waste problems
- Will the residents be able to reverse out of the spaces provided if vehicles are parked on the road

Comments from 1 resident that;

- The houses will improve the overall look of the street
- The development of the site will improve the level of noise experienced from the dual carriageway

5.00 SITE HISTORY

5.01 **037471** - Erection of 5 No. two storey terraced houses - Refused 18.04.05

4/7/12608 - 2 Non- illuminated signs - Consent 01.11.83

4/7/4702 - Erection of 4 no precast concrete storage units - Consent 23.02.78

4/7/4603 - Extension to form new office accommodation and conversion of existing building to workshop - Consent 24.11.77

4/7/4094 - Change of use from builders storage yard and garaging to joiners shop, sawmill and office - Consent 22.09.77

275/69 - Proposed replacement of store building with office building and reconstruction of highway boundary fence - Consent.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 – Housing on Unallocated Sites within Settlement Boundaries

HSG8 - Density of Development

SR5 - Outdoor Playing Space and New Residential Development

EWP3 - Renewable energy in New Development

EWP14 - Derelict and Contaminated Lane

EWP17 - Flood Risk

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

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of 8 two bedroom

dwellings on the existing builders yard at Queen Street, Queensferry.

7.02 Site Description

The application site is currently in use as a builders yard with office and storage buildings of two storeys in height. The site accommodates a number of buildings and sheds with some on site storage of materials and vehicles. The site is located in a predominately residential area and is bounded to the north west by Queen Street, with traditional two storey terraced properties of varying styles to the north west and east. To the south of the site is the A494.

7.03 Proposed Development

This is a full planning application for 8 two bedroom houses in two blocks of 4 dwellings in each block. The dwellings are three storey with a single garage and entrance on the ground floor, living accommodation on the first floor and 2 bedrooms on the second floor. Each dwelling would have a parking area in front of the property off Queen Street with space for two cars in addition to the garage and private rear garden areas ranging from 50m² to 98m². There is a rear pedestrian access to the gardens which will be treated with a 1.8 metre high close boarded fence with gated access to each property.

7.04 Principle of development

Queensferry is a Category A settlement with a growth rate of 1.8% as of April 2013. The UDP strategy through policy STR4 directs housing development to Category A settlements. The application is therefore considered acceptable in principle subject to meeting the other requirements of Policy HSG3 in relation to impact on the character of the site the surrounding area and Policy GEN1.

7.05 Flood risk

The application site lies entirely within zone C1, as defined by the Development Advice Map referred to under TAN 15 Development and Flood Risk (July 2004). NRW's Flood Map information confirms the site to be within the extreme flood outline.

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

- i. its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- ii. its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii. it concurs with the aims of Planning Policy Wales (PPW) and meets the definition of previously developed land (PPW fig

- 4.3);and
- iv. the potential consequence of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 (vulnerability of development) and 7 and Appendix 1 (Assessing the consequences of flooding) of the TAN are found to be acceptable.
- 7.07 In terms of justifying the development, the site is located within the settlement boundary of Queensferry in the Flintshire Unitary Development Plan. Queensferry is a main settlement for development as defined in the UDP strategy. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (i) above.
- 7.08 In terms of meeting with the aims of PPW, the site is brownfield land. It is considered that the site does fall within the definition of previously developed land, as the site is occupied by a number of buildings and has a previous industrial use. This therefore meets with criteria (iii).
- 7.09 The development proposals put forward involves the use of the ground floor as domestic garages, with all habitable accommodation set at first floor level and above. This proposes a "less vulnerable" use of the site at the ground floor level.
- 7.10 NRW have reviewed the contents of the submitted Flood Consequences Assessment (FCA) (Waterco Consultants, w1537-140314-FCA, 14/03/2014) and advise that in order to ensure that the residential part of the development complies with section A1.14 of TAN15 i.e. not flooded during the 0.5% probability flood event, with an allowance for climate change, that a condition is imposed setting the first floor residential accommodation to be set at a minimum level of 7.70m above Ordnance Datum.
- 7.11 Emergency Planning have been consulted on the proposed access and egress routes for evacuation in the event of a flood and are satisfied with the information submitted with regard to the proposed routes and the likely depth and velocity of flood water in a 1 in 200 year tidal event (including 100 years of climate change).
- 7.12 Residents refer to previous applications on the site being refused on the grounds of flood risk. The previous submissions were not accompanied by a Flood Consequences Assessment and the design of the dwellings did not account for flood risk. This application has addressed these issues to the satisfaction of NRW and emergency planning.
- 7.13 Residents have raised issues relating to drainage. Welsh Water have not raised any concerns in this regard.
- 7.14 Impact on residential amenity

The site has historically had a commercial use which would have had an impact on the residential amenity of the adjacent residents from the sites activities and associated vehicles movements along with its visual impact. The proposed scheme of residential units would therefore reduce the impact on what is a predominately a residential area.

- 7.15 Residents are concerned about the highway and parking implications of the development given the current on street parking due to the nature of the existing traditional terraced properties which have no driveways. The proposed dwellings would each have a garage and sufficient room to park at least one car on the driveway. This meets the Council's standards for 2 bedroom dwellings. The highway Development Control Manager is satisfied that there is sufficient room for the residents of the proposed dwellings to reverse out of these spaces onto the road, accounting for on-street parking. A S106 agreement would be entered into to provide for double yellow lines along the development side of the site to ensure that the driveways and garages are permanently accessible.
- 7.16 Residents have raised concerns that the residential units would be used as House's of Multiple Occupation (HMO) and would lead to the loss of community in the area. The proposed dwellings are two bedroom houses and any use as a HMO would require a change of use.
- 7.17 Residents have raised concerns in respect of overlooking from the proposed properties into existing dwellings, loss of light and impact on privacy. The proposed dwellings are set back 5.5 metres form the footway, so including the road and front yards of the existing properties there is a separation distance of 16 metres between the proposed and existing properties across the road. This is more than the separation distances between the existing properties further along Queen Street as these properties are only set back 3 metres from the footway. It is considered that the separation distances are adequate across a highway.
- 7.18 Concerns have been raised that the design and height of the properties are out of character with the street scene. The majority of the properties in the street are two storey in height and the proposed dwellings are three storey in height. The dwellings have been designed in this way as a flood mitigation measure with no living accommodation on ground floor.
- 7.19 The submitted street scene shows that the existing properties are 13.3 metres in height and the proposed dwellings are 14.24 metres in height. It is therefore not considered that the difference in height is significant or would look out of character in the street scene. The existing properties in the street are not all of the same style or design and there is a variety of housing types and styles with a mixture of

brick and render with slate roofs. The proposed dwellings are brick with off white render feature panels on the gables with a tiled roof. It is considered that the proposed dwellings would add to the character of the street scene.

7.20 Ecology

There are a number of buildings on the site which would be demolished as part of the application. Given the sites urban location and proximity to a major road the site has low potential for bats however the site may be used for nesting birds and a precautionary approach should be taken in this regard.

7.21 Noise

Welsh Government requested that an Acoustic report was undertaken prior to the consideration of the application. This was undertaken by SRL Technical Services Ltd and submitted for consideration.

7.22 Technical Advice Note 11 (TAN 11) sets the Noise Exposure Categories (NEC's) for assessing sites for proposed residential development. For sites falling into Category A, noise is unlikely to be an issue when determining whether or not planning permission will be granted. Categories B and C deal with situations where noise mitigation measures would be needed to make a development acceptable. Category D "should normally be refused" permission. TAN 11 sets noise levels for each Noise Exposure Category for different noise sources.

7.23 For this site the primary source of noise affecting the site is road traffic on the A494 to the south. Measurements were taken throughout the day and night to account for peak traffic flows. The survey found that the external noise levels at the south elevations would fall within NEC Categories D during the day and night. The external walls of the development will be of brick and block construction which will provide sufficient sound insulation against external noise. The windows and ventilation units are the critical elements to ensure internal noise levels are acceptable. The noise report sets out minimum glazing and ventilation requirements required to adequately reduce internal noise levels for habitable rooms of the house. This reduces the noise levels internally to within NEC Category A. While the garden areas will be screened from the road the noise levels will still be within Category D. This level of amenity will be no different to that of the existing dwellings on Queen Street.

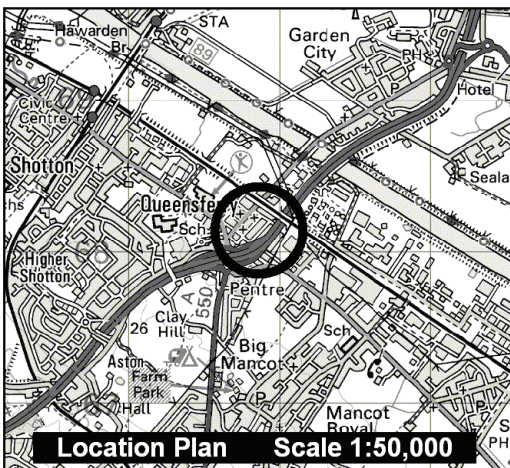
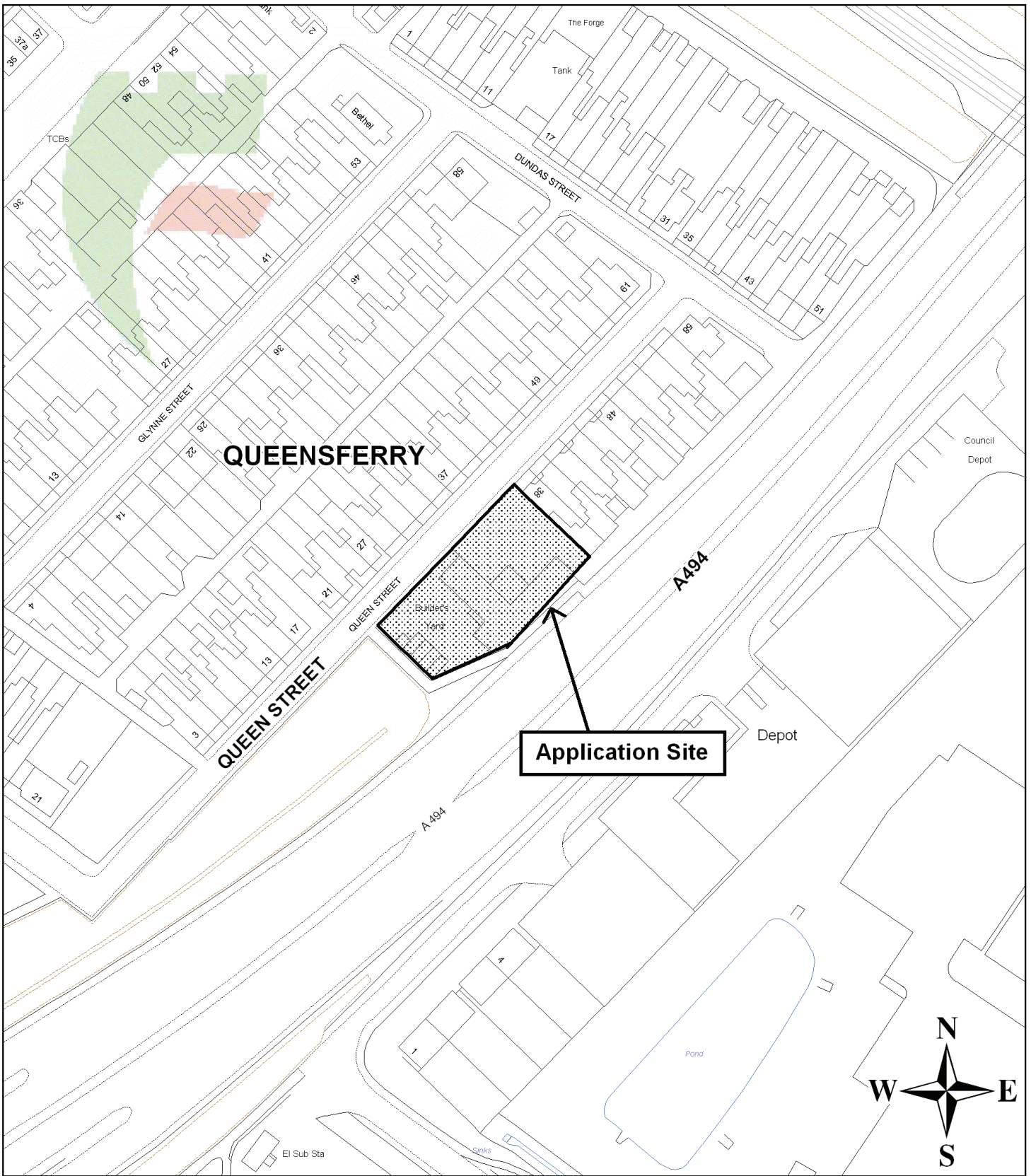
8.00 CONCLUSION

8.01 It is considered that the form of development is acceptable in this location and the consequences of flooding have been addressed in the form of the design. A noise assessment has been submitted and mitigation can be undertaken to minimise the impacts of noise from the road. The application is therefore recommended for approval

subject to conditions and S106 agreement covering the relevant issues.

- 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



Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 3168

Planning Application **51988**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **3RD SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **OUTLINE APPLICATION – ERECTION OF 5 NO. DWELLINGS AT LAND ADJACENT TO WITHEN COTTAGE, ALLTAMI ROAD, BUCKLEY.**

APPLICATION NUMBER: **051567**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **AT LAND ADJACENT TO WITHEN COTTAGE, ALLTAMI ROAD, BUCKLEY.**

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

LOCAL MEMBERS: **COUNCILLOR C ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST & S106 AGREEMENT FOR EDUCATION CONTRIBUTION**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is an outline application for the erection of 5 dwellings. All matters are reserved for future consideration. The main issues are access over Common land, ecological impacts, mining legacy of the site and the archaeological implications. It has been demonstrated that these matters can be overcome subject to the imposition of suitable conditions and through the S106 agreement. The details of the siting and design of the dwellings will be determined at reserved matters stage.

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

- 2.01 The applicant entering into a S106 or unilateral undertaking covering;
- £12,257 to Mountain Lane School
 - £1,100 off site recreational provision
 - £2,500 indirect impacts due to recreational pressures on SAC

Conditions

1. Time commencement – outline
2. Submission of reserved matters
3. Land drainage run-off
4. Surface water connection
5. Foul and surface water to be drained separately
6. Visibility of 2.4 x 43m
7. Access to standard detail for residential
8. Parking facilities to be provided
9. Reserved matters siting to account for conclusions of mining report
10. Reasonable Avoidance measures GCN
11. Recommendations of ecological report Retention of hedge along southern boundary as part of reserved matters
12. Translocation of devil's bit scabious

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 C Ellis

Requests Committee determination and site visit due to impacts on common land.

Buckley Town Council

Should be refused on grounds of;

- Impact on wildlife
- Impact on Common land
- Noise nuisance
- Additional vehicle movements across Common land
- Adverse impact on surrounding properties

Highways Development Control

No objections subject to conditions covering;

- Visibility of 2.4 x 43m
- Access to standard detail for residential
- Parking facilities to be provided

Environmental Protection Manager

No adverse comments to make.

Welsh Water/Dwr Cymru

No objections subject to standard conditions relating to connections to surface and foul water drainage.

Natural Resources Wales

No objections. The proposal is not likely to significantly affect any of the listed interests;

- Deeside and Buckley Newt Sites Special Area of Conservation (SAC)
- Buckley Claypits and Commons Site of Special Scientific Interest (SSSI)
- Great crested newts

Chief Officer (Education and Youth)

The proposed development would generate 1 Secondary School pupil and 1 Primary School pupil. There is sufficient capacity at Elfed High school which would be the Secondary School which would serve the development. Mountain Lane Primary School has only 2.2% surplus places and therefore a contribution of £12, 257 is requested.

Clwyd Powys Archaeological Trust

The development will be located immediately east of the former Charles Price Pottery. While the main buildings and kiln lie just outside the development area to the west, the plot for the westernmost dwelling will potentially overlie an area containing waste material from the kiln which would be of high archaeological value in terms of dating the period of use of the pottery and the variety of products it made. A pre-determination assessment of this area was therefore requested.

The Coal Authority

Records show within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this application. A Coal Mining Risk Assessment was required and an objection is raised to the application.

The Mining Investigation Report subsequently submitted concludes that shallow mine working do not affect the proposed development. The recorded mine entry within the site was fully treated to NCB specification in 1975. The report recommends that the area over the shaft plug should not be built on. The Coal Authority is pleased to note that the indicative revised layout plan submitted in support of this application acknowledges the recorded position of the mine entry and seeks to avoid locating any of the new dwellings too close to this feature. Incorporating an appropriate 'no build zone' around the mine entry in the finalised layout to accord with our adopted policy.

The Coal Authority considers that the content and conclusions of the mining Investigation Report are sufficient for the purposes of the planning system and the requirements of PPW in demonstrating that the application site is, or can be made safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development, however more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

4 objections on the grounds of;

- Environmental impact on common land, loss of flora
- Land is a haven for wild animals such as foxes, bats, badgers, polecats, field mice, squirrels, goshawks, moorhens, water rail, sparrow hawk, magpies, garden birds, toads and newts.
- Putting an access road across the Common will cause problems with flooding in the area as the site is wet.
- Potential of overlooking
- Plan inaccurately shows our boundary
- Common land should be protected from any development even an access
- Alltami Road is already overdeveloped
- Increase in traffic particularly in view of the health centre which is being built
- Who would want to live next to an all weather pitch

Support on the grounds that;

- The new development might provide opportunity for rear access to my property

5.00 SITE HISTORY

5.01 None

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR 4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development
HSG3 - Housing on Unallocated Sites within Settlement Boundaries
HSG8 - Density of Development
SR5 - Outdoor Playing Space and New Residential Development
EWP3 - Renewable energy in New Development
EWP14 - Derelict and Contaminated Lane
EWP17 - Flood Risk

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

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline application for the erection of 5 dwellings. All matters are reserved for future consideration.

7.02 Site description

The site is an area of undeveloped land off Alltami Road, Buckley. The site is surrounded by residential properties to the west and east. To the north is an area of Common land and to the south is the playing pitches associated with Elfed High School. The site is relatively flat and is made up of scrub vegetation and small trees.

7.03 Proposal

This is an outline application for 5 dwellings. All matters are reserved for future consideration. The indicative layout submitted with the application shows 5 dwellings with internal access and parking.

7.04 Principle of development

The application site is within the settlement boundary of Buckley which is a Category A settlement and focus for development within the Adopted Unitary Development Plan. The indicative layout shows that the site can accommodate 5 dwellings. The details of these will be agreed at the reserved matters stage.

7.05 Ground conditions

Following consultation with The Coal Authority, their records show within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this application. The Coal Authority advised that 'A Coal Mining Risk Assessment' was required.

7.06 The Mining Investigation Report subsequently submitted concludes that shallow mine workings do not affect the proposed development. The recorded mine entry within the site was fully treated to NCB specification in 1975. The report recommends that the area over the shaft plug should not be built on. The indicative layout plan was revised to take account of the recorded position of the mine entry and seeks to avoid locating any of the new dwellings too close to this

feature. The Coal Authority recommends incorporating an appropriate 'no build zone' around the mine entry in the finalised layout.

7.07 The Coal Authority considers that the content and conclusions of the Mining Investigation Report are sufficient for the purposes of the planning system and the requirements of PPW in demonstrating that the application site is, or can be made safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development, however more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application. The principle of development is therefore acceptable subject to suitable conditions.

7.08 Access

The proposed access to the site would be a single track hardcore access track as the access crosses Common Land. This therefore limits the number of dwellings to 5 as this will be a private drive and not to adoptable standard. The ecological impacts of the access across the Common land have been considered and mitigation measures will be put in place secured by condition.

7.09 Ecology

The application site is located adjacent and partly within the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI). The Deeside and Buckley Newt Sites Special Area of Conservation (SAC) is located 300m away and the site is 400m away from ponds containing great crested newts. These sites support a nationally important population of great crested newt and in the case of the SSSI an assemblage of amphibian species. The great crested newt has previously been recorded in the vicinity of the application site. This species is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

7.10 The Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) is designated for the mosaic of acid, neutral and marshy grassland, wet heath and scrub on common land as well as the amphibian population.

7.11 The development of the 5 dwellings would have no direct impact on the SAC but the access does have a direct impact on the SSSI. There is also the potential for impacts on the great crested newt population through the loss of terrestrial habitat and effect on dispersal routes if hedgerows are lost and indirect effects due to potential increase in recreational pressures within the SAC when considered in conjunction with other developments.

7.12 The terrestrial habitat to be lost for housing is heavily grazed grassland and poor GCN habitat but the existing hedgerows provide a

useful wildlife corridor. The ecology assessment recommends the retention and long term protection of the hedgerow on the southern boundary to provide a minimum 5 m wide corridor securely fence along both sides.

7.13 The access track will cross the SSSI. It is proposed to translocate the Devil's bit scabious within the route of the new access to adjacent areas with lower botanical interest. This will benefit the area in the long term combine with long term management of the SSSI.

7.14 A report was submitted with the planning application by Perry Amphibian and Reptile Conservation. NRW have no objections to the application subject to the development being carried out in accordance with the recommendations of that report and reasonable avoidance measures during construction. The proposal is not likely to significantly effect on the designated sites or species. A S106 contribution of £2,500 per dwelling is required to off set the indirect effect on the SAC form recreational pressures.

7.15 Archaeology

The development will be located immediately east of the former Charles Price Pottery. While the main buildings and kiln lie just outside the development area to the west, the plot for the westernmost dwelling will potentially overlie an area containing waste material form the kiln which would be of high archaeological value in terms of dating the period of use of the pottery and the variety of products it made. A pre-determination assessment of this area was therefore requested by CPAT.

7.16 An Archaeological evaluation of the key areas was undertaken. Only fragments of pottery which were deemed to be waste material were uncovered. No evidence of pottery buildings were found.

7.17 S106 contributions

The proposed development would generate 1 Secondary School pupil and 1 Primary School pupil. There is sufficient capacity at Elfed High School (40% surplus) which would be the Secondary School which would serve the development. Mountain Lane Primary School has only 2.2% surplus places and therefore a contribution of £12, 257 is requested.

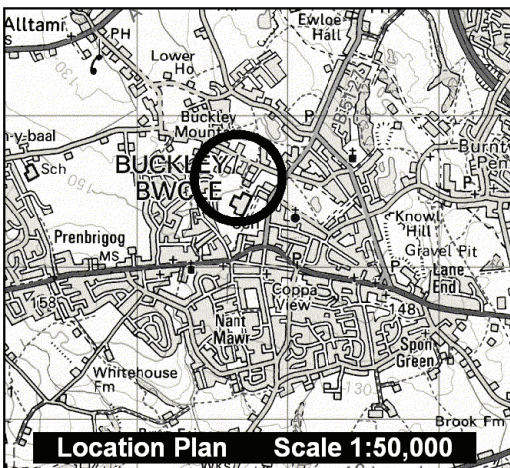
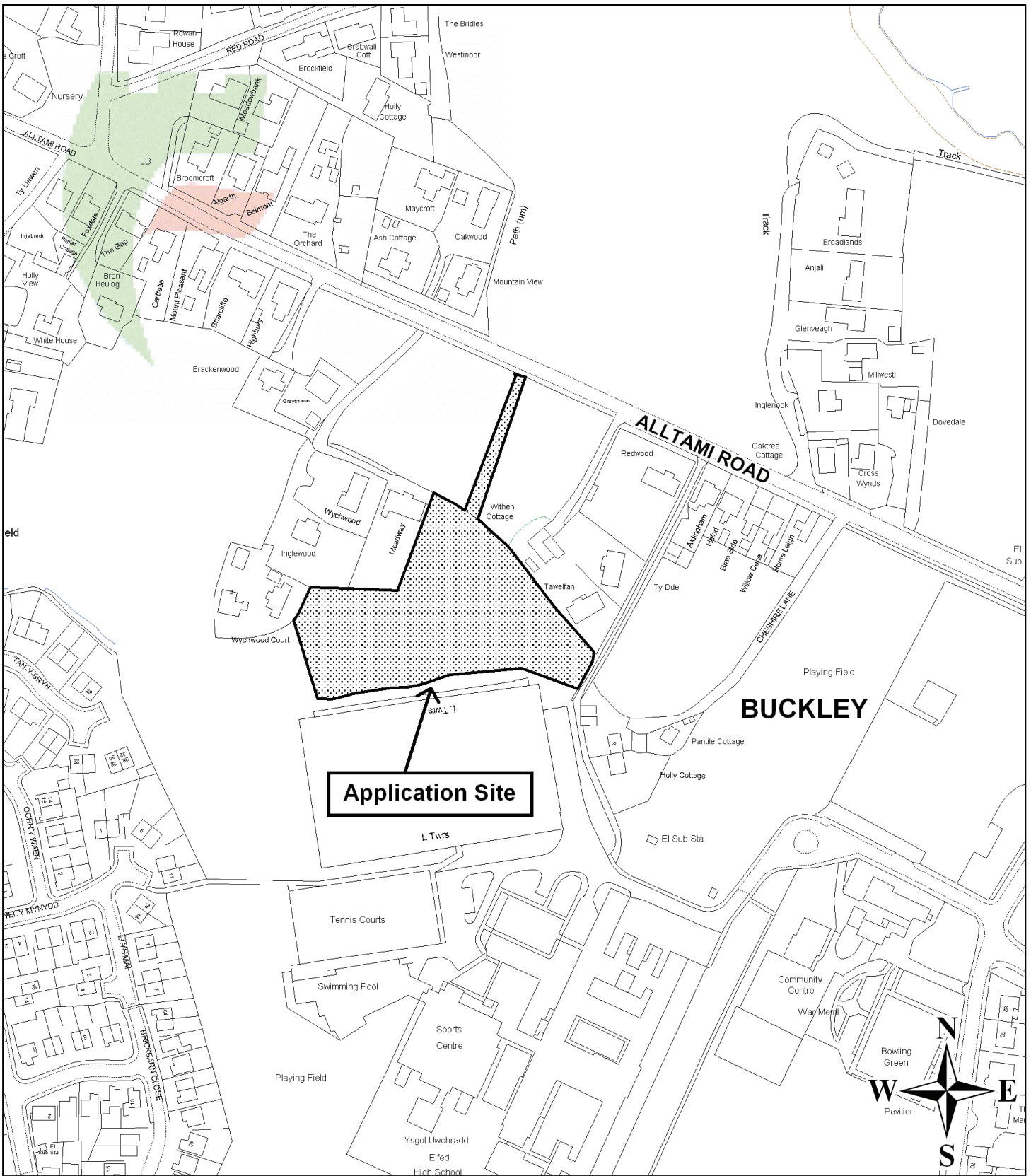
8.00 CONCLUSION

8.01 It has been demonstrated that the site is suitable for residential development and that the issues raised can be overcome subject to the imposition of suitable conditions and through the S106 agreement. The details of the siting and design of the dwellings will be determined at reserved matters stage.

8.02 In considering this planning application the Council has acted in

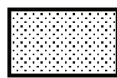
accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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



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 2764

Planning Application **51567**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **3RD SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **FULL APPLICATION - ERECTION OF EIGHT AFFORDABLE DWELLINGS (SIX 2 BED DWELLINGS, ONE 3 BED DWELLING AND ONE 2 BED WHEELCHAIR BUNGALOW) AT FORMER CLINIC SITE, LAND ADJ TO MANCOT LIBRARY, MANCOT LANE, MANCOT**

APPLICATION NUMBER: **052270**

APPLICANT: **WALES AND WEST HOUSING ASSOCIATION**

SITE: **FORMER CLINIC SITE, LAND ADJ TO MANCOT LIBRARY, MANCOT LANE, MANCOT**

APPLICATION VALID DATE: **10/06/14**

LOCAL MEMBERS: **COUNCILLOR A G DISKIN**
COUNCILLOR G DISKIN

TOWN/COMMUNITY COUNCIL: **HAWARDEN**

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection of 8 dwellings. 6 two bedroom dwellings, 1 three bedroom dwelling and 1 two bedroom bungalow. It is considered that the proposed dwellings complies with the Council's standards in terms of parking, access and space around dwellings. It is recommended that planning permission be granted subject to a S106 agreement covering open space and education contributions and the imposition of relevant conditions.

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

Subject to entering into a S106 agreement unilateral undertaking or early payment for the following contributions;

- £733 per unit for recreation enhancements in lieu of on site provision
- £ 24,514 to Sandycroft Primary School

2.01 Conditions

1. Time commencement
2. In accordance with plans
3. Landscaping scheme
4. Materials
5. Land drainage run-off
6. Surface water connection
7. Foul and surface water to be drained separately
8. Details of site access
9. Access to be done before other site works to base course
10. Visibility splay of 2.4m x43m
11. Visibility splay to be kept free of obstruction
12. Access to plots 4, 5 and 6 shall be in accordance with the standard detail relating to a single residential access / paired residential access
13. Access gates shall be designed to open inwards only and positioned a minimum distance of 4.5m from the edge of the existing carriageway
14. Parking facilities to be retained
15. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
16. The gradient of the access from the edge of the existing carriageway and for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter.
17. Positive means to prevent the run-off of surface water from any part of the site onto the highway
18. Construction Traffic Management Plan

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 G Diskin
No objection.

Councillor G Diskin

No objection.

Hawarden Community Council

No objection subject to a condition being imposed requiring a high fence similar to the one erected to the rear of the paddocks to be erected on the site's boundary with the Mancot playing field.

Highways Development Control

No objections subject to conditions covering;

- Details of site access
- Access to be done before other site works to base course
- Visibility splay of 2.4m x43m
- Visibility splay to be kept free of obstruction
- Access to plots 4, 5 and 6 shall be in accordance with the standard detail relating to a single residential access / paired residential access
- Access gates shall be designed to open inwards only and positioned a minimum distance of 4.5m from the edge of the existing carriageway
- Parking facilities to be retained
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- The gradient of the access from the edge of the existing carriageway and for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter.
- Positive means to prevent the run-off of surface water from any part of the site onto the highway
- Construction Traffic Management Plan

Public Open Spaces Manager

In accordance with Planning Guidance Note No13 seeks a contribution of £733 per dwelling as a contribution to enhance play provision in the community.

Environmental Protection Manager

No adverse comments to make.

Welsh Water/Dwr Cymru

No objections subject to standard conditions relating to surface water and foul drainage.

Natural Resources Wales

No comments to make. Standard advice applies.

Chief Officer (Education and Youth)

A contribution of £24,514 is requested towards Sandycroft Primary School as the school has less than 5% surplus spaces and the development would generate 2 pupils of Primary School age.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

1 objection on the grounds of;

- Drainage – there has been localised flooding affecting our property and the surrounding properties and hope any further development does not impact upon this
- Highway safety – the application site is used as an overflow car park for the library, church and village hall. The loss of the car park will lead to highway safety issues with vehicles parking on the road.
- Privacy – reduce the privacy to bungalow (116 Hawarden Way).

1 letter from Mancot Bowling Club raising issues in relation to;

- Use the library car park and are concerned that this development will leave them nowhere to park and they will have to park on the road causing issues to local residents

5.00 SITE HISTORY

5.01 **HA/66/290** - Erection of a clinic and library. Consent 1967

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR 4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 - Housing on Unallocated Sites within Settlement Boundaries

HSG8 - Density of Development

SR5 - Outdoor Playing Space and New Residential Development

EWP14 - Derelict and Contaminated Lane

EWP17 - Flood Risk

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

7.00 PLANNING APPRAISAL

- 7.01 Introduction
This is a full planning application for the erection of 8 dwellings on the site of the former clinic, Mancot Lane, Mancot.
- 7.02 Site Description
The site is located within a predominantly residential area within the settlement of Mancot. The site is currently vacant and was formally the site of a clinic which has been demolished. The site is bounded by Ash Lane to the east, Mancot Lane to the north, the library to the west and playing fields to the south. To the south east are two storey residential properties off Ash Lane. The site has an existing access shared with the library off Mancot Lane. Opposite the site on Mancot Lane are residential properties and opposite the site on Ash Lane is a chapel and hall. The site is hardstanding with one tree in the south east corner.
- 7.03 Proposal
This is a full planning application for the erection of 8 dwellings. 6 two bedroom dwellings, 1 three bedroom dwelling and 1 two bedroom bungalow. These take the form of a terrace of 3 dwellings facing Mancot Lane, a pair of semi-detached dwellings creating a corner feature, a further pair of semi-detached dwellings facing Ash Lane and a bungalow within the site the existing access will be altered to retain access to the library site and to provide an access to the site with parking and turning areas. Each dwelling has a private rear garden and 2 parking spaces. Two of the dwellings have driveways off Ash Lane. The dwellings would be affordable as the development is by Wales and West Housing Association. The dwellings would comply with Secure by Design.
- 7.04 The application was accompanied by an Ecological Assessment, Code for Sustainable Homes Pre-Assessment, Flood Risk Assessment and a Drainage Statement.
- 7.05 Principle of development
The site is situated within the settlement boundary of Mancot which is a Category B settlement within the Adopted UDP. Mancot has experienced 6.9% growth as of April 2013. The principle of residential development is therefore acceptable for general market housing. Although the proposed housing is to be affordable there is no need for a legal agreement to ensure it meets a local need as the growth limit has not been exceeded.
- 7.06 Access and Parking
The proposed development will remodel the existing access to provide both access to the new residential development and the existing library. Three dwellings will have private drives off Ash Lane which the remaining properties will be served from the modified access and a central parking court. There are two car parking spaces for each dwelling in accordance with the Council's requirements.

- 7.07 Concerns have been raised about the loss of this site for parking for the bowling club which is situated nearby. This is private land and has never been a public car park. Highways are satisfied with the parking and access arrangements subject to the position of relevant conditions. The proposed dwellings have sufficient parking in accordance with Council Standards which should not lead to any parking on the road arising from this development. The library still has its own car park to the west which is not affected by the proposed development.
- 7.08 Layout and Design
The layout has been designed to create active frontage on both sides of a prominent corner site. Each dwelling has a pedestrian access from the road frontage and a front garden which will be planted with shrubs and trees. A full landscaping scheme would be a condition of any approval.
- 7.09 The site is in a predominantly residential area with two storey terraces and semi-detached houses along Ash Lane and Mancot Lane. The eaves height of the properties matches the existing built form. The existing dwellings in the area are a mixture of brick and render and the proposed dwellings are also a mixture of brick and render with tiled roofs. It is considered that the proposed dwellings will enhance the street scene and will add to the character of the area in a positive way.
- 7.10 Concerns have been raised about impact on privacy to existing dwellings. The dwellings have been located so as to minimise any overlooking and the proposed separation distances accord with the Council's standards set out in Space Around Dwellings LPGN2. The separation distances between the properties on both sides of Mancot Lane are 21 metres, with the distance of 28 metres between 116 Hawarden Way and the nearest dwelling. It is therefore considered that as these separation distances are across a road that this would not caused an adverse impact on amenity.
- 7.11 Flooding and drainage
A flood risk assessment has been submitted with the planning application. The site is within Zone A on the TAN 15 Development Advice Maps. The site was formerly a clinic so is served by foul and surface water drainage systems. The foul water discharges to the public sewer and the surface water is discharged to a private culverted watercourse.
- 7.12 Localised flooding has been noted buy local residents. It is proposed to install a storm water attenuation system to reduce discharge from more intense storms to below existing rates which will regulate surface water flows. Some improvements are required to the foul drainage connection which would be subject to agreement with Welsh

Water.

7.13 Ecology

An ecological report was submitted with the application. The site is currently hardstanding with one tree in the south east corner which it is proposed to retain. There is little ecological value in the site at present. The proposed landscaping scheme will enhance this by proposing more vegetation for birds etc.

7.14 Education and open space contributions

It is calculated that the development would give rise to 2 Primary age pupils and 1 Secondary School Pupil. The nearest Primary School is Sandycroft Primary School which has a surplus capacity of 2.37%. The nearest Secondary School is John Summers High School which has a surplus capacity of 33.81%. A contribution of £24,514 is therefore requested towards Sandycroft Primary School as the school has less than 5% surplus spaces. This will be secured through S106 agreement.

7.15 A contribution of £733 per unit is also requested towards open space improvements in the local area in lieu of onsite provision. This is the reduced amount as the dwellings are affordable.

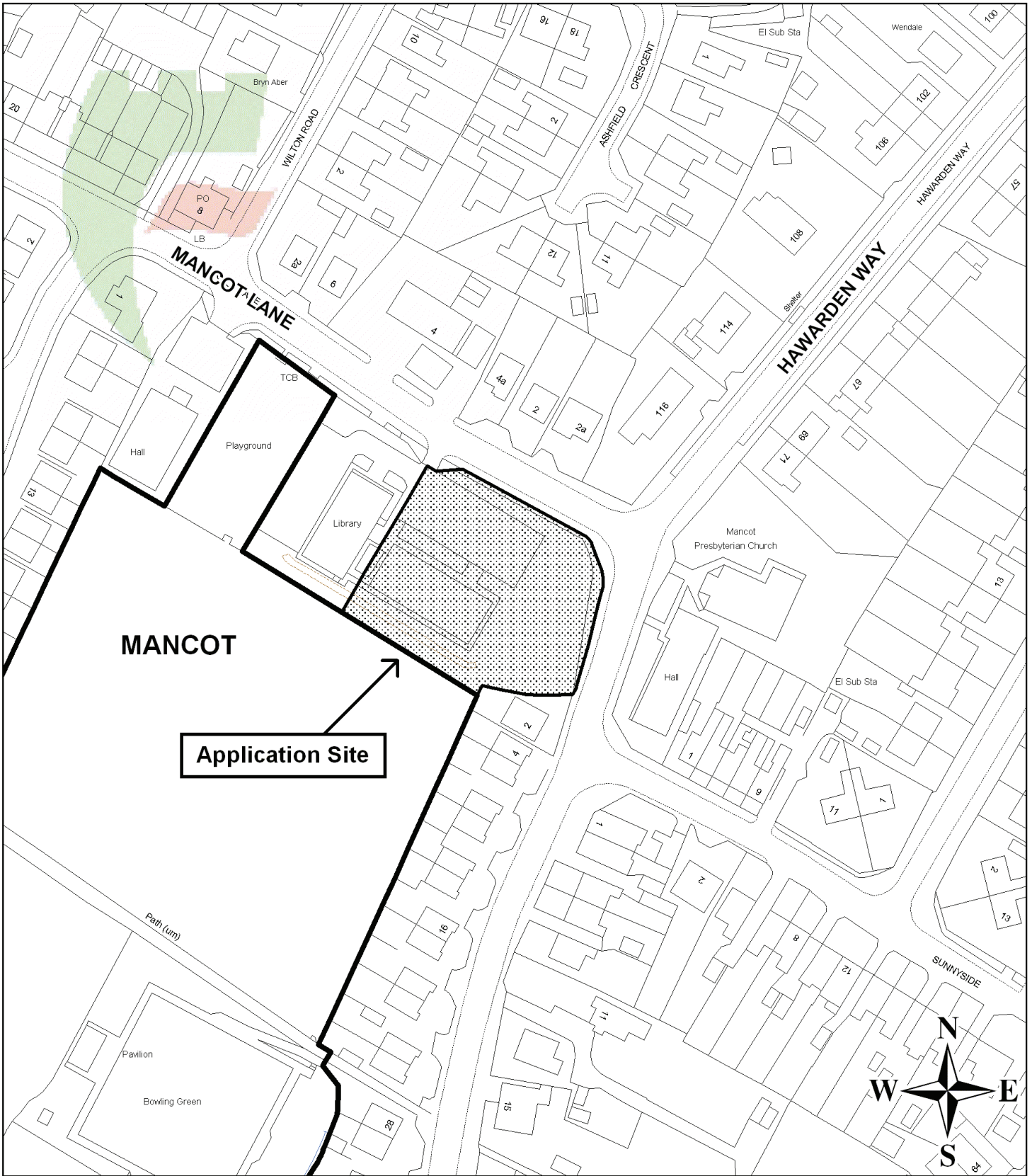
8.00 CONCLUSION

8.01 It is considered that the proposed dwellings complies with the Council's standards in terms of parking, access and space around dwellings. It is recommended that planning permission be granted subject to a S106 agreement covering open space and education contributions and the imposition of relevant conditions.

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

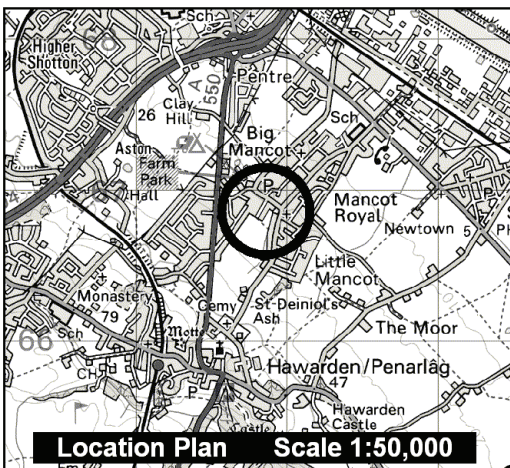
Contact Officer: Emma Hancock
Telephone: (01352) 703254
Email: emma.hancock@flintshire.gov.uk

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Application Site

MANCOT



Location Plan Scale 1:50,000



Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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OS Map ref SJ 3166

Planning Application **52270**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **3RD SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **FULL APPLICATION – USE OF THE SITE AS A STORAGE AND TRANSHIPMENT DEPOT, REFURBISHMENT AND RECLADDING OF EXISTING WAREHOUSE BUILDING, ERECTION OF TRANSHIPMENT FACILITY AND CANOPY WITH PHOTOVOLTAIC PANELS ON ROOF, ERECTION OF A WAREHOUSE AND ANCILLARY OFFICES WITH ASSOCIATED CAR PARKING AND FORMATION OF A VEHICULAR ACCESS ONTO FOURTH AVENUE AT FOURTH AVENUE, SEALAND.**

APPLICATION NUMBER: **052337**

APPLICANT: **EDGE TRANSPORT LTD**

SITE: **LAND AT FOURTH AVENUE, SEALAND**

APPLICATION VALID DATE: **23/06/2014**

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

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The proposed development is a full application for the use of a site for storage and shipment purposes with proposed works also including alterations to the existing building on the site, new buildings, car parking and access works. The issues for consideration are the

principle of development/planning policy context, visual/amenity, and drainage and highway impacts.

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

2.01 Conditions

1. Five year commencement
2. In accordance with approved plans
3. Landscaping scheme
4. Implementation of landscaping scheme
5. Samples of external materials to be used submitted for approval
6. No land drainage into the public sewerage system
7. No surface water into the public sewerage system unless otherwise approved
8. Foul and surface water discharges drained separately
9. No development within 3 metres of water main unless otherwise agreed
10. Further details relating to siting, design of the site exit to be submitted for approval
11. Forming and construction of the site exit to be submitted for approval
12. Proposed exit to have visibility splays of 2.4m by 43m in both directions
13. Proposed access gates to slide side wards or open inwards and set back a minimum of 5m from the edge of carriageway
14. Positive manes to prevent run-off of surface water to be submitted for approval
15. Full Travel Plan to be submitted for approval
16. Submission for approval of a Construction Management Plan
17. All parking/turning/circulation space exclusively retained for those purposes
18. Prior to development being brought into use a time frame for the implementation of the proposed one way access/egress arrangements to be submitted for approval
19. No outside storage of materials
20. All lighting illumination levels and positioning of lights on the site and any on the highway to be altered to be submitted for approval.
21. Any additional conditions as required by Natural Resources Wales

3.00 CONSULTATIONS

3.01 Local Member

Councillor C.M. Jones

Agrees to determination under delegated powers.

Sealand Community Council

Supports the application.

Highways Development Control Manager

No objections subject to conditions.

Rights of Way

Public footpath 3 abuts the site but is unaffected. The path must be protected and free from interference from construction.

Welsh Water/Dwr Cymru

Advises that standard drainage conditions be imposed and drainage information notes be drawn to the applicants attention.

Natural Resources Wales

Final response due to be reported on day of planning committee.

Airbus

No aerodrome safeguarding objection.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The proposed development has been advertised by way of neighbour letter and site notice. No responses have been received at the time of report writing.

5.00 SITE HISTORY

5.01 **043651**

Erection of eleven single and terrace mixed use industrial warehouse units for B1(c), B2 and B8 use classification including offices, service yards and car parking” - granted January 2008.

047213

For the “Creation of new crossover (vehicular) – granted April 2010.

047332

Change of use for the receipt, storage, bagging and distribution of bulk aggregates, landscaping and other products for the wholesale and ancillary retail markets comprising re-use of existing hardstandings and buildings, erection of 20 No. open bays, installation of weighbridge and siting of temporary portakabin, staff and customer parking and associated works - Granted June 2010.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 - General Development Control Requirements

Policy D1 – Design

Policy D2 – Location and Layout

Policy D3 – Building Design
Policy EM3 – Development Zones and Principal Employment Areas
Policy EPW16 – Flood Risk
Policy AC18 – Parking Provision and New Development

7.00 PLANNING APPRAISAL

7.01 The Proposed Development and Principle of Development

The proposed development is a full application for the use of the site for storage and shipment purposes with proposed works also including alterations to the existing building on the site, new buildings, car parking and access works. The existing building on the site will be re-clad/refurbished and substantially extended in size. It is also proposed to erect two new buildings, one primarily for the storage/shipment of goods, and the other for office accommodation. The layout of the site will be reconfigured to allow for HGV's to manoeuvre, whilst the access arrangements will change to allow for a one-way in/out system to operate. Parking will be provided to the site frontage. New landscaping is proposed along the site boundary with Fourth Avenue.

7.02 The proposed development is located within the Deeside Industrial Park and Enterprise Zone and within an allocated principal employment area of the adopted Flintshire Unitary Development Plan. The site is surrounded by industrial/commercial development. To the north west of the site are existing drainage lagoons. The site is currently vacant but has been used recently as a truck park and as for use by "Dandy's Topsoil".

7.03 Visual and General Impacts

The proposed development is set within an existing industrial/commercial park where similar buildings as that proposed by the application can be found and therefore it is considered acceptable from a visual amenity perspective and also would be no more detrimental to adjacent amenities than development that already existing in the locality.

7.04 Whilst the site is effectively a distribution depot and therefore will by its nature attract large volumes of HGV's, it is nonetheless located on a large industrial park where that type of traffic is typical. The Highways Development Control Manager has not raised any objections to the proposed development subject to conditions.

7.05 Drainage/Flood Issues

Welsh Water have not objected to the proposed development subject to standard drainage conditions as summarised at paragraph 2.01 of this report. Natural Resources Wales have requested additional information in regards to the submitted Flood Consequences Assessment and flood implications, however, bearing in mind the type of development proposed, the historical use of the site and its location

within DIP it is considered this issue can be resolved satisfactorily, and therefore Members are asked to allow officers to issue the planning permission subject to any conditions if required from Natural Resources Wales.

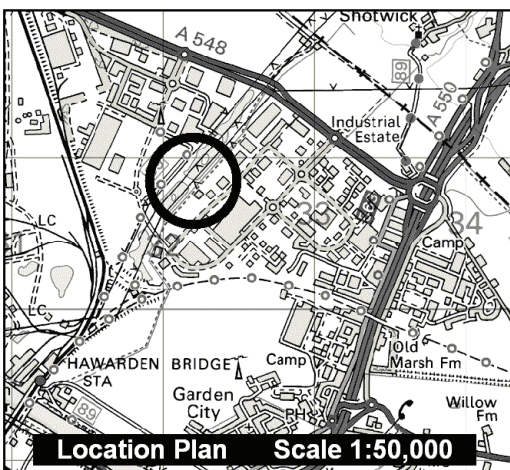
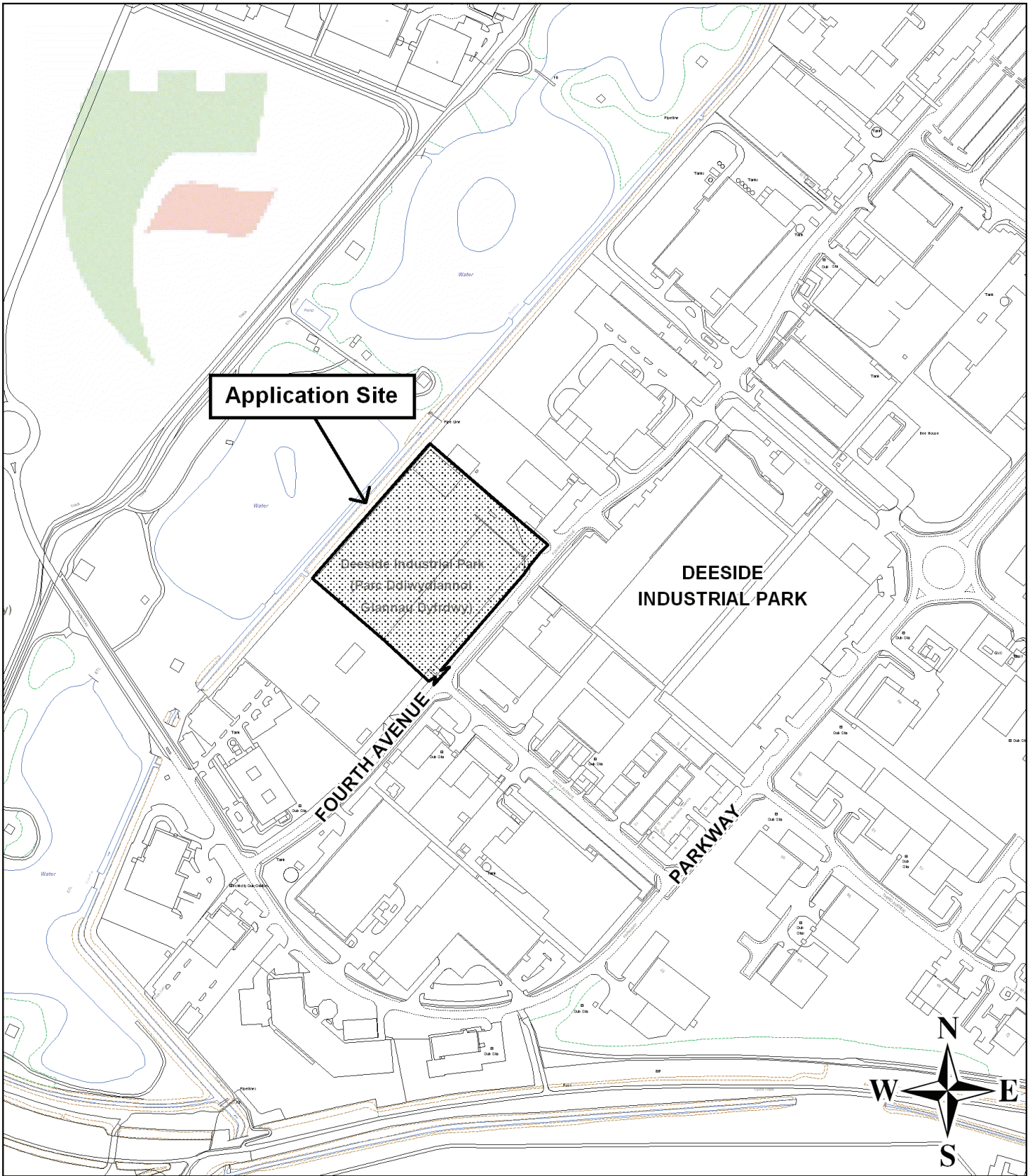
8.00 CONCLUSION

8.01 The proposed development is considered acceptable in principle/detail subject to the conditions detailed at paragraph 2.01 of this report (and any other condition (s) that may be required by Natural Resources Wales).

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.

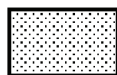
Contact Officer: Declan Beggan
Telephone: (01352) 703250
Email: Declan.beggan@flintshire.gov.uk

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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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OS Map ref SJ 3270

Planning Application **52337**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 3 SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **GENERAL MATTERS - ERECTION OF 35 NO CLASS C3 DWELLINGS INCLUDING ASSOCIATED LANDSCAPING AND FORMATION OF NEW ACCESS FROM CYMAU LANE AT ABERMORDDU CP SCHOOL, CYMAU LANE, CAERGWRLE**

1.00 APPLICATION NUMBER

1.01 051482

2.00 APPLICANT

2.01 Anwyl Construction

3.00 SITE

3.01 Land To Side Of Abermorddu CP School, Cymau Lane, Caergwrle

4.00 APPLICATION VALID DATE

4.01 10/12/2013

5.00 PURPOSE OF REPORT

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

6.00 REPORT

6.01 Members may recall that consideration of this application was undertaken at the Planning & Development Control Committee held on 12th March 2014. It was resolved by Members that conditional planning permission be granted subject to the applicants entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of a commuted sum totaling £208870 related to an educational contribution towards provision/improvements to local education facilities (to be allocated as follows, Castell Alun £110,814 & Abermorddu County Primary £98,056). A copy of the

report to the Planning & Development Control Committee held on 12th March 2014 is attached as Appendix A.

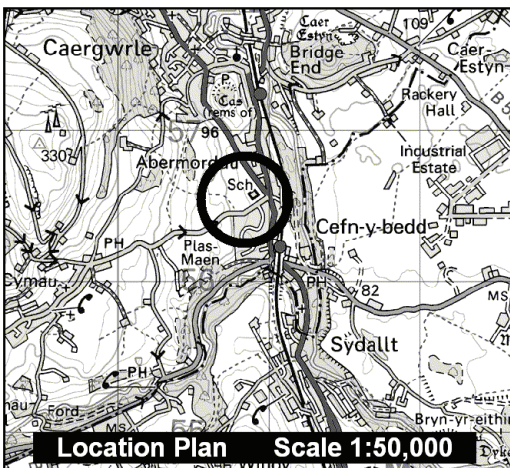
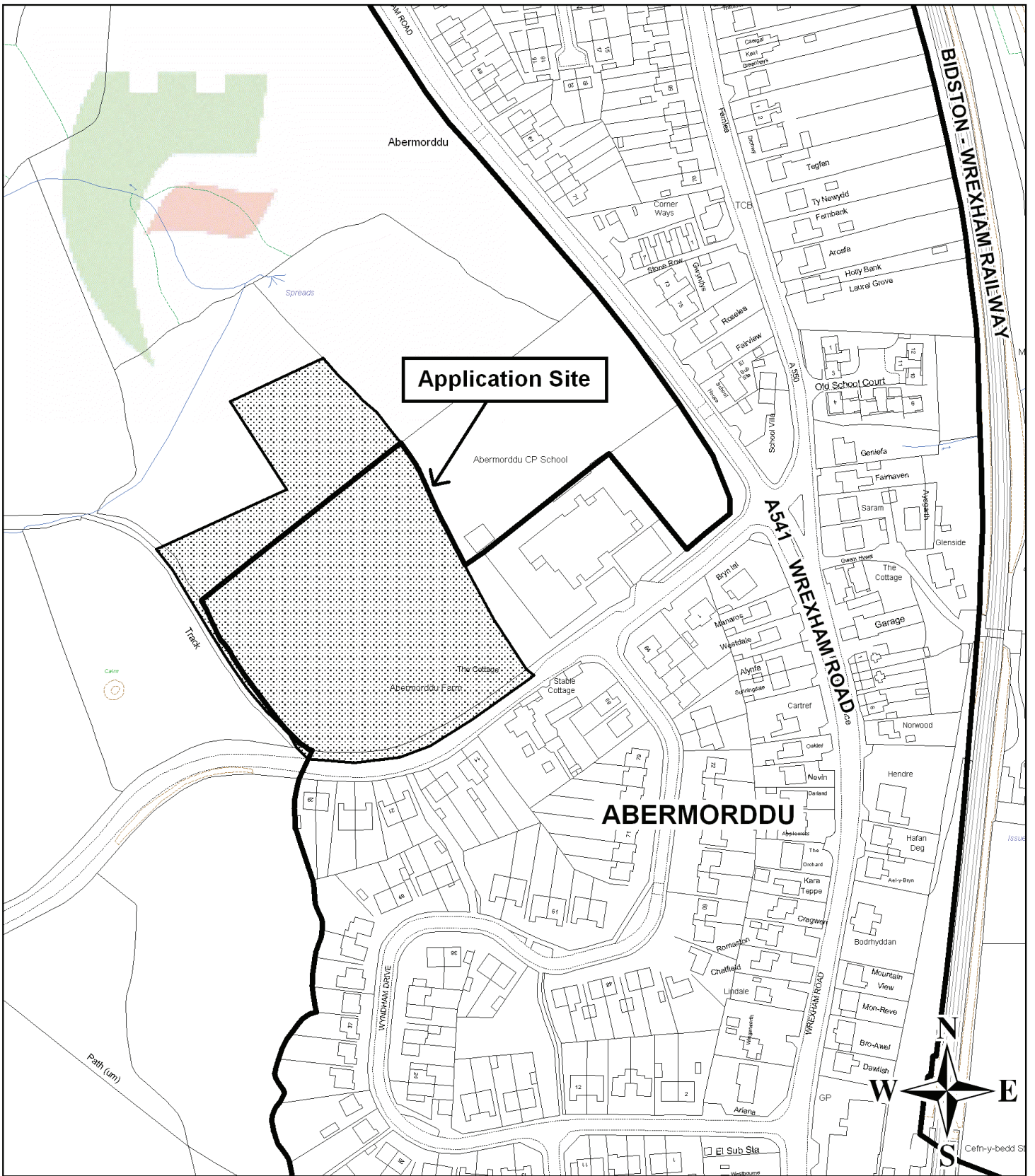
- 6.02 Following the Committee resolution, the applicant challenged the Council's assessment of the educational contribution via a report written by their educational consultant which in summary maintains that no educational contribution is required. The Chief Officer (Education & Youth) has assessed the applicant's report and does not agree with its findings and is still of the opinion that a contribution as originally stated is required.
- 6.03 The applicant has been advised that the Council's stance on the educational contribution has not altered. The applicant considers the contribution is unjustified and will not enter into the necessary legal Obligation/earlier payment.
- 6.04 In these circumstances it is considered that the proposal would be contrary to Policy IMP1 – 'Planning Conditions and Planning Obligations' of the adopted Flintshire Unitary Development Plan. The purpose of the report is therefore to obtain a resolution from Members as to the decision to be made on this application as it is my recommendation that as the applicant is unwilling to enter into the legal agreement regarding the educational contribution then permission should be refused.
- 6.05 Separate to the above, whilst the Council was being asked to review the need for the educational contribution, the applicant asked that the Council consider a change of house types to a number of units on the site – these changes were deemed acceptable as relatively minor changes to the scheme that Members had already resolved to grant.

7.00 RECOMMENDATIONS

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

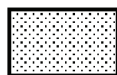
That proposed development does not make provision for the completion of a Section 106 Obligation/Unilateral Undertaking or advance payment of a commuted sum of £208870 related to an educational contribution towards provision/improvements to local education facilities (to be allocated as follows, Castell Alun £110,814 & Abermorddu County Primary £98,056). This it is considered would therefore be contrary to Policy IMP1 of the Flintshire Unitary Development Plan.

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



Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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OS Map ref SJ 3056

Planning Application **51482**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 3 SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **GENERAL MATTERS - ERECTION OF 9 NO HOUSES AT THE THREE PIECE SUITE CENTRE, CHESTER ROAD, BUCKLEY.**

1.00 APPLICATION NUMBER

1.01 049096

2.00 APPLICANT

2.01 Mr T Britton & Mr R Hannon

3.00 SITE

3.01 Three Piece Suite Centre,
Chester Road, Buckley.

4.00 APPLICATION VALID DATE

4.01 17/10/2007

5.00 PURPOSE OF REPORT

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

6.00 REPORT

6.01 Members may recall that consideration of this application was undertaken at the Planning & Development Control Committee held on 11th January 2012. It was resolved by members that conditional planning permission be granted subject to the applicants entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of a commuted sum of £1,100 per dwelling in lieu of on site open space provision – a total sum of £9,900 and an educational

contribution of £7,000 towards provisions at Mountain Lane Primary School, Buckley. A copy of the report to the Planning & Development Control Committee held on 11th January 2012 is attached as Appendix A.

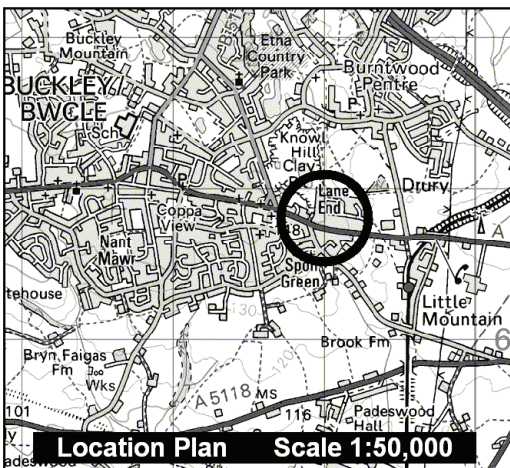
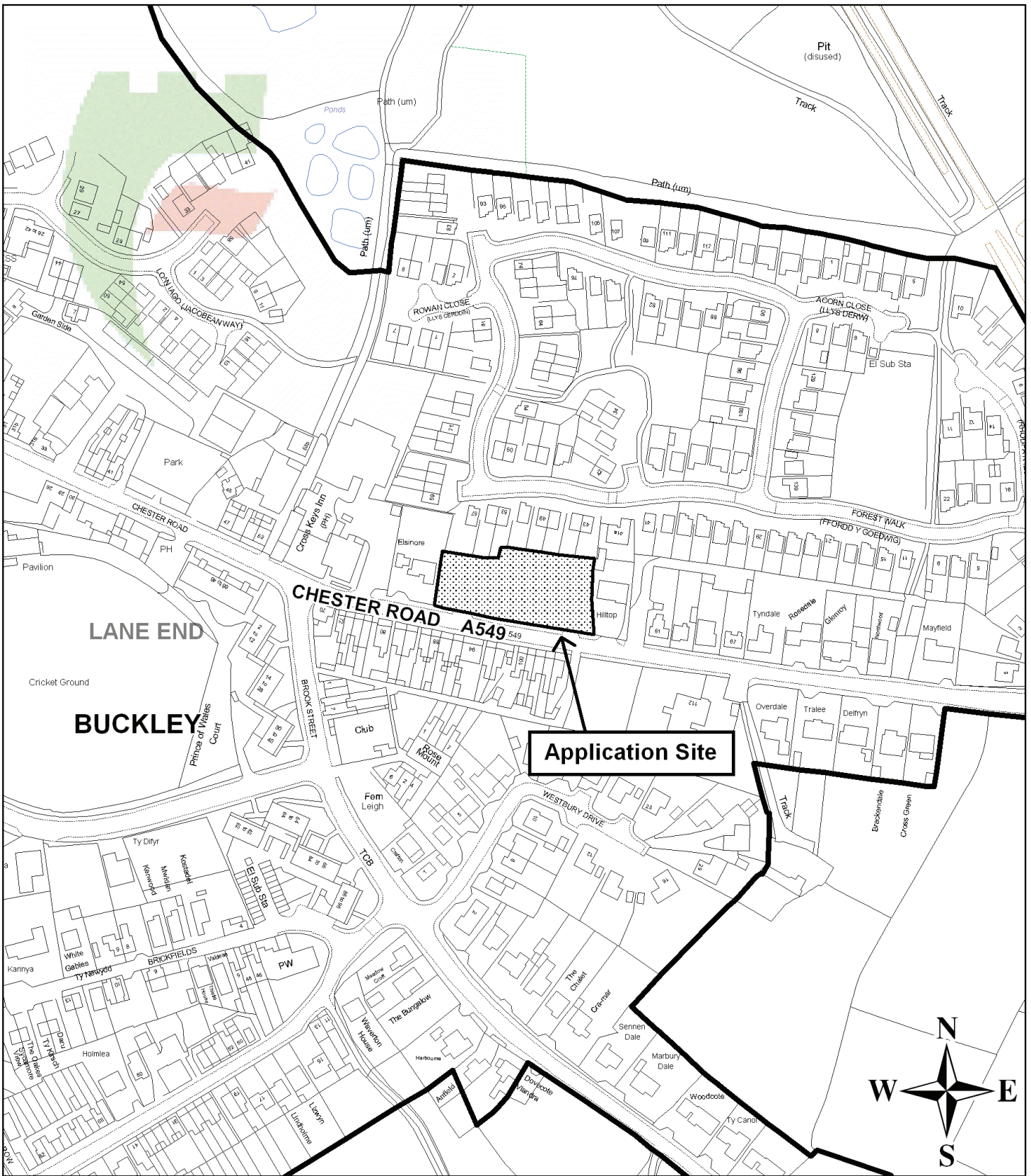
- 6.02 There has been a significant amount of correspondence/exchanges with the applicant during the last 2 years to try and progress this matter.
- 6.03 It is apparent that the applicant will not be in a position to complete the necessary legal Obligation due to complications with regard to the ownership/title of the site.
- 6.04 In these circumstances it is considered that the proposal would be contrary to Policies SR5 - Outdoor Playing Space and New Residential Development and IMP1 – ‘Planning Conditions and Planning Obligations’ of the adopted Flintshire Unitary Development Plan. The purpose of the report is therefore to obtain a resolution from Members as to the decision to be made on this application as it is my recommendation that as there is no progress being made on the payment of a commuted sum that permission be refused.
- 6.05 For Members information, since the previous committee resolution on the application, the Council have adopted for use Special Planning Guidance in relation educational contributions and the Chief Officer (Education & Youth) has confirmed that a commuted sum payment of £24,514 would now be required for Mountain Lane Primary School as it is close to its capacity numbers. Should an application be resubmitted for this site in the very near future the stance as advocated by the adopted SPG would be pursued.

7.00 RECOMMENDATIONS

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

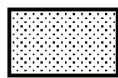
That proposed development does not make provision for the completion of a Section 106 Obligation/Unilateral Undertaking or advance payment of a commuted sum of £1,100 per dwelling in lieu of on-site open space provision and an educational contribution of £7,000. This it is considered would therefore be contrary to Policies SR5 and IMP1 of the Flintshire Unitary Development Plan.

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



Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application 49096

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **03 SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **APPEAL DECISION AGAINST FLINTSHIRE COUNTY COUNCIL'S DECISION TO REFUSE PLANNING PERMISSION FOR THE SUBDIVISION OF ONE DWELLING IN TO TWO DWELLINGS (RETROSPECTIVE) AT 89 CHESTER ROAD, OAKENHOLT - ALLOWED**

1.00 APPLICATION NUMBER

1.01 050953

2.00 APPLICANT

2.01 MR. S. AMARI

3.00 SITE

3.01 89 CHESTER ROAD, OAKENHOLT, FLINT , CH6 5DU

4.00 APPLICATION VALID DATE

4.01 24 JUNE 2014

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Planning Inspectors decision made in relation to the above informal hearing, which was ALLOWED, subject to condition with regard to sound insulation. The application was determined under officer delegated powers.

6.00 REPORT

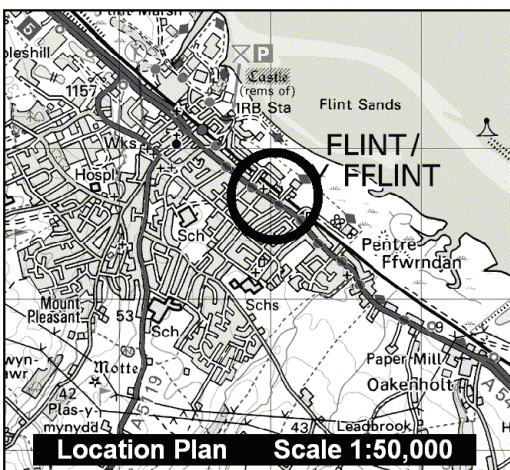
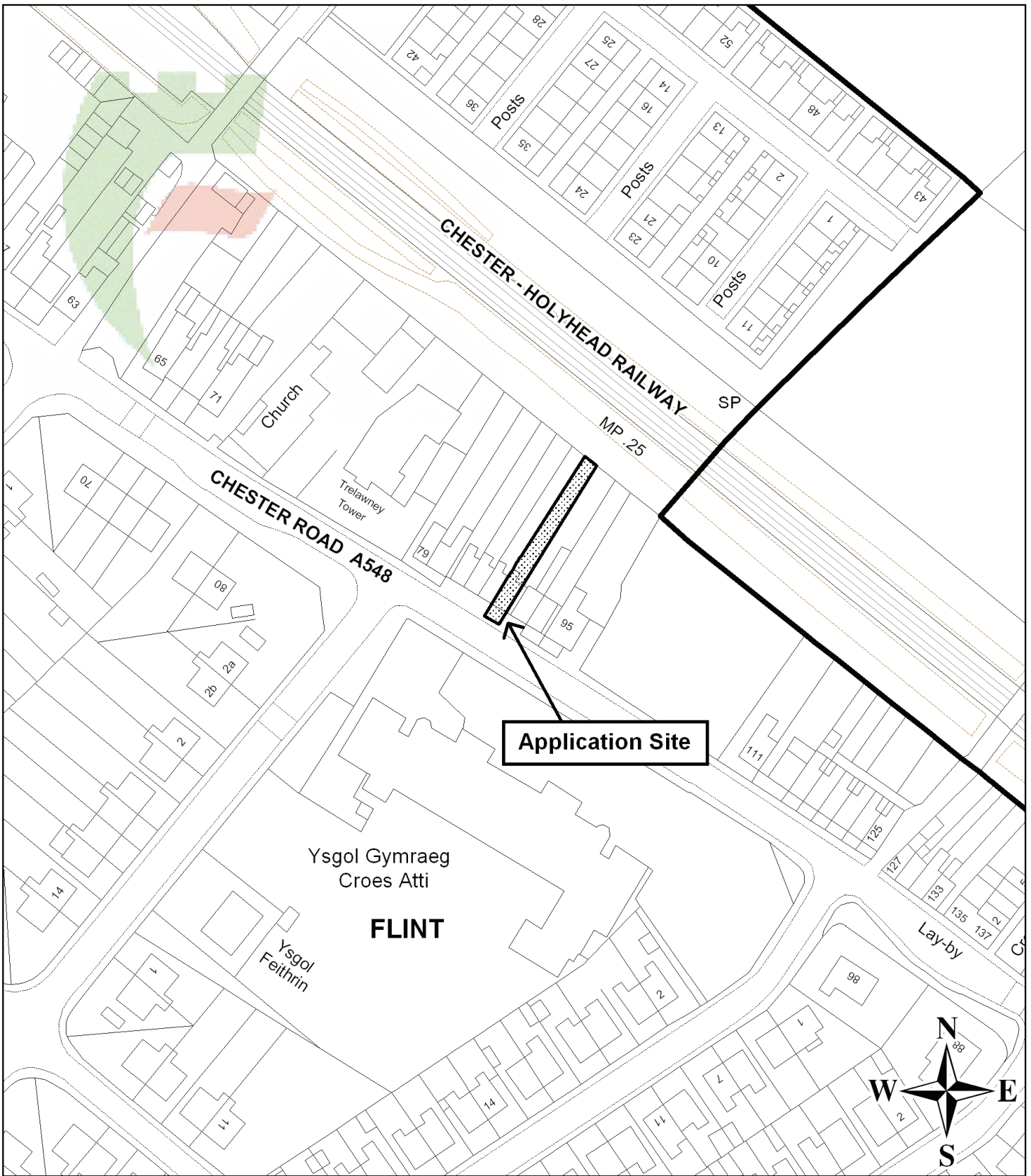
6.01 The Inspector considered the main issue in this case to be the effect the development would have on the living conditions of nearby residents in relation to noise and disturbance.

- 6.02 In the consideration of the appeal the Inspector noted the Council's agreement to the principle of development being acceptable, subject to an appropriate condition with regard to sound insulation. It is considered that the effect of development on the living conditions of nearby residents in relation to noise and disturbance could be made acceptable by the imposing of an appropriate planning condition, to ensure compliance with Policies GEN1 and EWP13 of the adopted Flintshire Unitary Development Plan.
- 6.03 The Inspector noted the lengthy period of negotiation by the Council in which it sought to agree a suitable sound mitigation scheme on the retrospective planning application.
- 6.04 At the hearing agreement was made between the appellant and the Council with regard to a condition, which stipulates that the use to cease and the first floor kitchen to be removed unless a noise mitigation scheme is submitted for consideration, including the timing of the agreed works.
- 6.05 Further requirements of the condition permit the matter to be determined through an appeal in the event of a refusal or where no decision is reached.
- 6.06 The Inspector considered that the condition is necessary in the interests of living conditions of nearby residents.

7.00 CONCLUSION

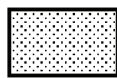
- 7.01 The Inspector considered that the development was acceptable in principle subject to the imposition of a condition with regard to sound insulation mitigation, which would safeguard the amenity of nearby residents, in compliance with Policies GEN1 and EWP13 of the adopted Flintshire Unitary Development Plan.

Contact Officer: Barbara Kinnear
Telephone: (01325) 703260
Email: Barbara.Kinnear@flintshire.gov.uk



Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2472

Planning Application **50953**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **3RD SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **APPEAL BY MR. NEIL THOMAS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE TO GRANT OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A SINGLE DWELLING AT 'DEE VIEW', RHEWL MOSTYN, FLINTSHIRE, CH8 9QS.**

1.00 APPLICATION NUMBER

1.01 050561

2.00 APPLICANT

2.01 MR. NEIL THOMAS

3.00 SITE

3.01 'DEE VIEW', RHEWL MOSTYN, FLINTSHIRE, CH8 9QS

4.00 APPLICATION VALID DATE

4.01 4.9.2013

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal into the delegated decision of the Local Planning Authority to refuse to grant outline planning permission for the proposed erection of a single dwelling at 'Dee View', Rhewl Mostyn. The appeal was held by way of an exchange of written representations and was DISMISSED.

6.00 REPORT

6.01 The Main Issues

The Inspector considered there to be 3 main issues for examination in the determination of this appeal. The issues were;

- the effect of the proposal upon policies designed to control housing development;
- the effect of the proposals upon the character and appearance of the area; and
- the effect of the proposal upon the living conditions of future residents as a consequence of instability or contamination.

6.02 Impact upon policy

The Inspector noted the requirements of Policy HSG3 of the Flintshire Unitary Development Plan. He specifically noted its provisions in respect of Category C settlements such as Rhewl Mostyn. He noted the broad national policy thrust to locate development of new housing upon sustainable sites, to re-use previously developed land; and to provide for a variety of housing.

6.03 However, he considered that the proposals were accompanied by no evidence which supported the appellants assertion that the proposals would provide an affordable dwelling. He noted there was no proper assessment of housing need in terms of affordability or the impact upon the broader county wide strategy or pattern of need.

6.04 He concluded the proposals would result in an unjustified further provision of housing in an area of growth already above that planned for as part of the county wide strategic housing growth.

6.05 Character and Appearance

In consideration of this issue, whilst the Inspector noted that the built form of Rhewl Mostyn comprises a range of dwelling types and styles, he was of the view that the orientation of the proposed dwelling would be at odds with the pattern of built form in the area and the relationship of dwellings to their plots. He considered the proposals would give rise to a dwelling which would result in a contrived and cramped form of development.

6.06 Land Stability and Contamination

The Inspector noted the advice of the Coal Authority in relation to the historical legacy for land stability and contamination arising from shallow depth mining activity in the area. He noted that the issues raised could only be addressed where evidence of testing to ascertain the physical attributes of the site and observed that no such evidence had been advanced in support of the application. However, he considered that these matters could be adequately addressed through the imposition of a suitably worded condition.

7.00 CONCLUSION

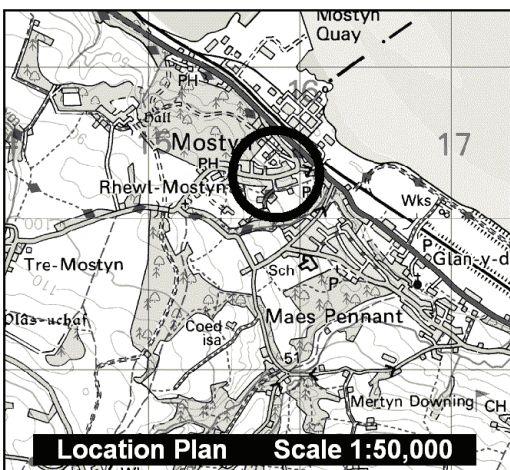
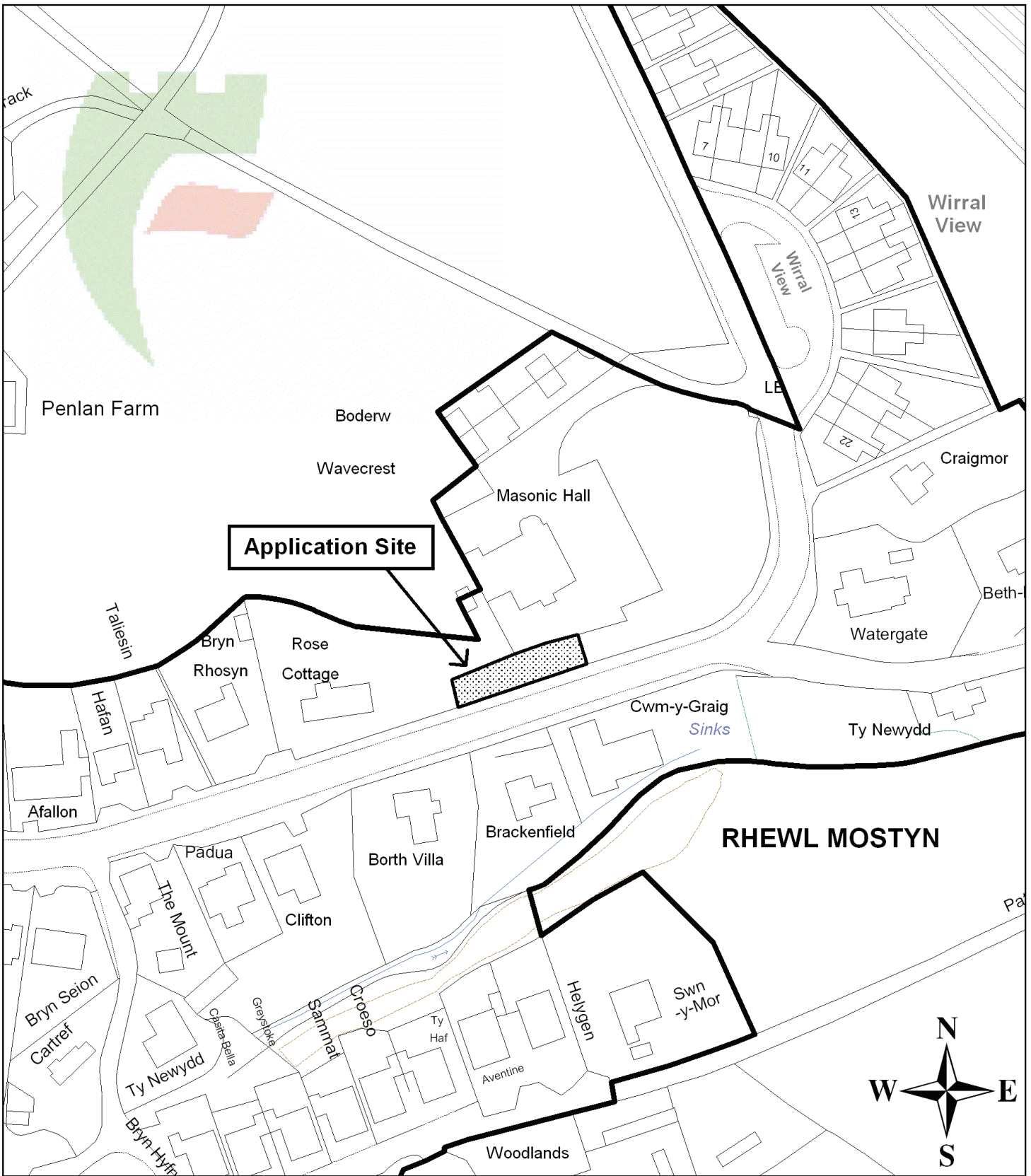
7.01 After consideration of the above main issues, the Inspector concluded as follows;

- The unjustified provision of a further dwelling in a Category C settlement, already in excess of the 10% growth band, would contravene Policy HSG3 and undermine the housing strategy of the Flintshire Unitary Development Plan;
- The proposed form of dwelling would not sit comfortably within its plot or in relation to the character and appearance of the surroundings; and
- There is a reasonable potential for instability and contamination upon the site and insufficient evidence has been provided to allow and assessment of the risk or scope of remedial works.

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

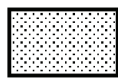
Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@flintshire.gov.uk

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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 1580

Planning Application **50561**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **3RD SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **APPEAL BY MRS ELIZABETH JOY-CAMACHO AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE OF BUILDING TO B1, VEHICLE REPAIRS AND B8 STORAGE (RETROSPECTIVE) AT COW HOUSE, CHESTER ROAD, DOBSHILL – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 051036

2.00 APPLICANT

2.01 Mrs Elizabeth Joy-Camacho

3.00 SITE

3.01 Cow House, Chester Road, Dobshill

4.00 APPLICATION VALID DATE

4.01 17 July 2013

5.00 PURPOSE OF REPORT

5.01 To inform members of the Committee of the Planning Inspectorate's decision on the appeal made against the Council's decision. The planning application was refused under delegated powers. The appeal was dealt with by way of written representations.

6.00 REPORT

6.01 The Inspector identified three main issues;

- Whether the development represents inappropriate development in the Green Barrier

- Whether there would be any other harm
- Whether the benefits of the development would clearly outweigh any harm to the Green Barrier together with any other harm, and thus justify the development on the basis of exceptional circumstances.

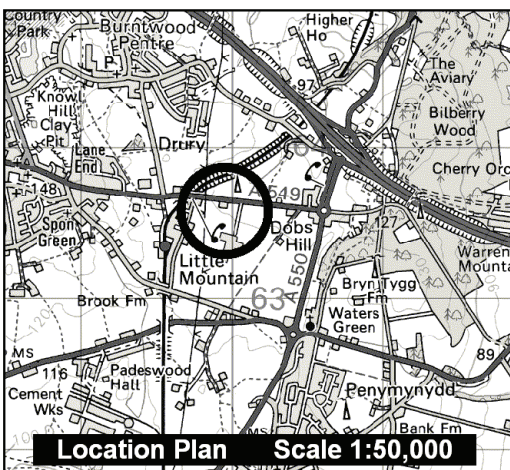
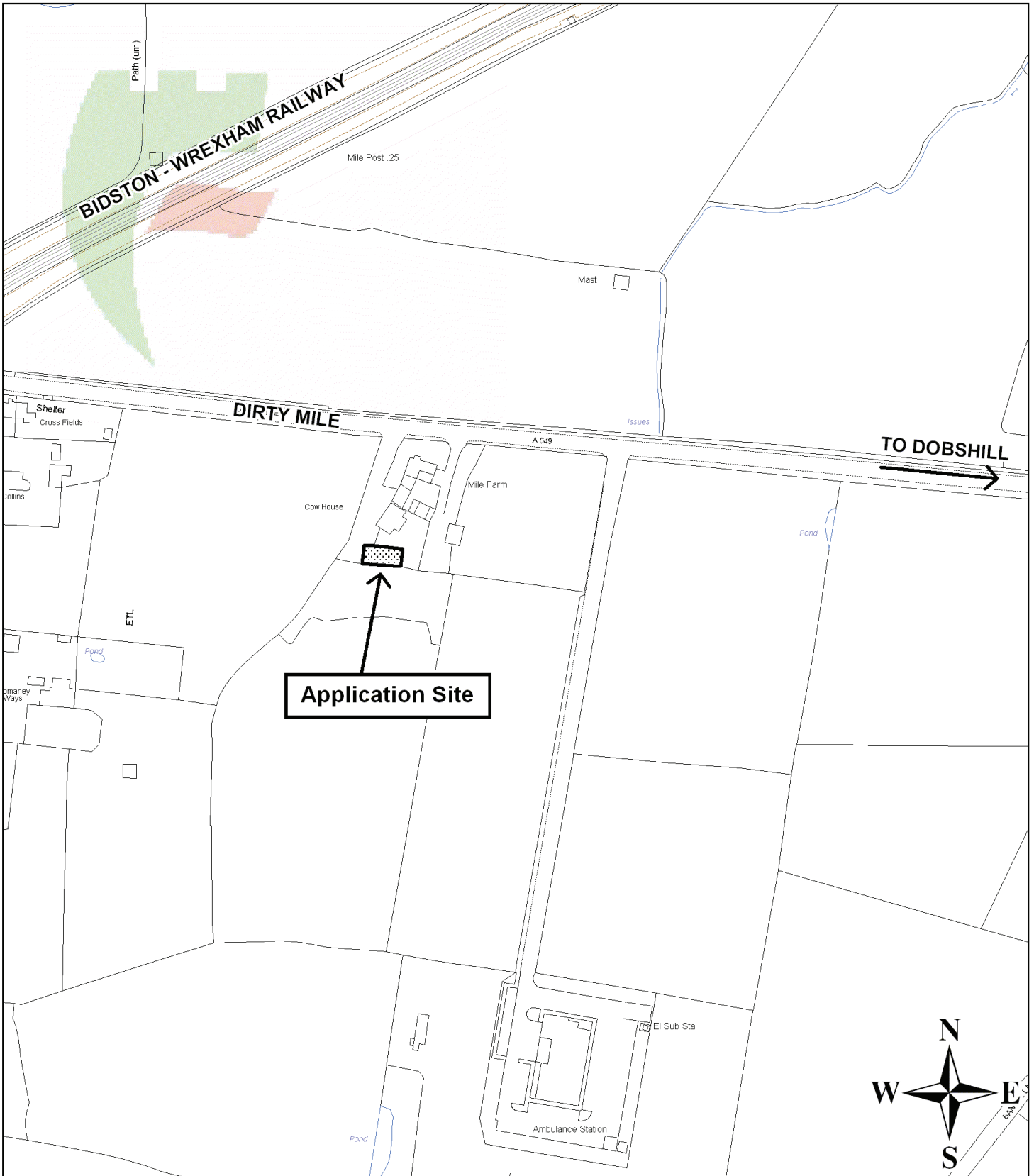
6.02 He considered that due to its small scale, the re-use of an existing building, and the minimal impact it has on the openness of the green barrier, the proposal is not inappropriate development and is therefore compliant with policies GEN4 and EM4 of the UDP.

6.03 Given the close proximity of the site to residential properties, the Inspector has imposed a condition restricting the hours of use between 0800 to 1900 Mon-Sat.

7.00 CONCLUSION

7.01 For the reasons outlined above, the appeal was ALLOWED

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



Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
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 Settlement Boundary

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OS Map ref SJ 2963

Planning Application **51036**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **3RD SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **APPEAL BY MR. PHIL DAVIES (M.J. DAVIES NORTHERN LTD) AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 37 NO. DWELLINGS AND ASSOCIATED EXTERNAL/DRAINAGE WORKS AND PART RECONFIGURATION OF EXISTING ROAD AT LAND OFF FAIROAKS DRIVE, CONNAH'S QUAY – ALLOWED**

1.00 APPLICATION NUMBER

1.01 **051266**

2.00 APPLICANT

2.01 **MR. PHIL DAVIES (M.J. DAVIES NORTHERN LTD)**

3.00 SITE

3.01 **LAND OFF FAIROAKS DRIVE, CONNAH'S QUAY.**

4.00 APPLICATION VALID DATE

4.01 **18TH SEPTEMBER 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 at Committee, contrary to Officer recommendation for the erection of 37 No. dwellings and associated external/drainage works and part reconfiguration of existing road at land off Fair Oaks Drive, Connaah's Quay, Flintshire. The appeal was determined by way of written representations and a site visit. The appeal was **ALLOWED**.

6.00 REPORT

- 6.01 The application was refused, contrary to Officer recommendation as it was considered that the proposed two and a half storey houses would have a detrimental impact on the amenities of the existing occupiers in terms of overlooking, the proposals did not provide for 30% affordable housing thereby restricting the community's accessibility to the facilities and it was considered that the shortfall in the maximum parking standards of the development had not been justified resulting in inadequate parking provision detrimental to highway safety. The Inspector considered the main issues to be the effect of the proposal on the living conditions of nearby residents in relation to overlooking, the adequacy of the provision of affordable housing as a component of the proposed residential development and the effect of the proposal on highway safety.
- 6.02 Living Conditions
Plots 12 - 13, 16 - 17 would be two and a half storeys, the remainder along this row would be 2 storeys. The nearest plot along this row at a height of two and a half storeys would be plots 16 - 17 to No. 28 Fair Oaks Drive. The separation distance would be some 32 m.
- 6.03 Plots 1 – 2 would be two storey and plots 3 – 4 would be two and a half storeys. Plots 1 – 2 face directly to the front of No. 26, whilst plots 3 – 4 would be aligned obliquely to No. 26 and would be looking towards the boundary wall of No. 26. The difference in level would be some 2 m in height. The separation distances would be some 22 m from plots 1 – 2 and some 25 m from plots 3 – 4 to No. 26. Some 13 m would separate the side elevation of plot 1 to the rear elevation of No. 2 The Highcroft.
- 6.04 Given the above and having regard to levels and separation distances generally throughout the site, the Inspector considered that the development would not be harmful to the living conditions of nearby residents in relation to overlooking. The layout would meet the minimum separation distances accounting for the levels and scale of the development.
- 6.05 Affordable Housing
The Council's policy on affordable housing, seeks a contribution of 30% affordable housing in suitable and appropriate schemes where the need exists.
- 6.06 National guidance indicates that Local Planning Authorities may include indicative affordable housing targets for individual sites and this is similar to the approach of local planning policy. The approach is not a prescriptive one, and the needs for affordable housing are balanced against site viability.
- 6.07 The Housing Strategy Manager did not oppose the provision of 8 discounted rental homes. The particular needs for affordable housing would be met by the amount and type of provision. A viability report

was submitted and independently assessed by the Valuation Office Agency, which confirmed the view that 8 affordable rental units would be proportionate to the overall viability of the development.

6.08 Given the above, the Inspector considered this provision of affordable housing as a component of the proposed residential development as adequate.

6.09 Highway Safety

The Council considered that there would be a shortfall of 8 No. car parking spaces for the 4 bedroom dwellings. The requirement is three spaces for each of the 4 bedroom properties, whereas the proposal provided 2 spaces each.

6.10 However, the Appellant would provide a contribution towards a travel plan to cover the cost of running and evaluating the scheme to promote the use of alternative modes of transport. The Council's standards are expressed as a maximum, and a level of provision up to that standard should not be applied as a prescriptive requirement. In these circumstances, it would be viewed as applying a minimum standard.

6.11 The Inspector considered that in balancing these issues, the travel plan in the form of the suggested planning condition put forward by the Council, and the financial contribution towards it by the Appellant, weighed in favour of a reduced provision, given that the site is sustainable and allocated in the UDP.

6.12 It was therefore concluded by the Inspector that there was no compelling evidence to indicate that the shortfall from the maximum parking standard would cause a highway safety concern.

7.00 CONCLUSION

7.01 The Inspector also considered the concern about the character and appearance of the development, in terms of the linear form and the extent of dropped kerbs. However, it was noted that this was not a reason for refusal and that the proposal is an attempt to address the mix and size of houses required by the needs of the market and to meet the shortfall in housing land supply. It was considered that the balance of the arguments favoured the grant of permission, and the design and layout of the proposal although predominantly provides parking in front of properties is similar to the established pattern of development on the estate. The appeal was subsequently **ALLOWED.**

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

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