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Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



To: Cllr David Wisinger (Chair)

CS/NG

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

30 September 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, 8TH OCTOBER, 2014** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 1 - 18)

To confirm as a correct record the minutes of the meeting held on 3rd September 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

The Council welcomes correspondence in Welsh or English
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.

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

The following item is considered to be exempt by virtue of Paragraph 16 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

7 **APPEAL BY DEVELOPMENT SECURITIES PLC IN RESPECT OF LAND
TO THE NORTH OF BROUGHTON SHOPPING PARK** (To Follow)

Report of Chief Officer (Governance) and Chief Officer (Planning and Environment).

REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 8th OCTOBER 2014

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	052223 - A	052223 - A - Change of Use From B8 (Storage & Distribution) to B1/B2 (Business & General Industry) to Allow for the Repair and Refurbishment of Crushing Machinery with Welding/Fabrication Works at Unit 1-4, The Squares, Mostyn. (Pages 19 - 28)
6.2	052414 - A	052414 - A - Part Change of Use to Small Scale Artisan Production of Sauces and Condiments Including Bottling and Distribution at Pwll Gwyn Hotel, Denbigh Road, Afonwen (Pages 29 - 38)
6.3	052486 - A	052486 - A - Full Application - Change of Use of Existing Public House into a Single Dwelling at Black Lion Inn, Village Road, Northop Hall. (Pages 39 - 46)
6.4	052388 - A	052388 - A - Full Application - Erection of 20 No. Dwellings (Phase 2) at Village Road, Northop (Pages 47 - 58)
6.5	051906 - A	051906 - A - Outline Application - Erection of 5 No. Two Storey Dwellinghouses, Formation of Service Road and All Other Associated Works at Tram Road, Buckley (Pages 59 - 70)
6.6	052285 - A	052285 - A - Full Application - Demolition of Existing Car Showrooms and Service Garage and Development of 5 No. Detached Dwellings at Williams Quality Cars, 129 Church Road, Buckley. (Pages 71 - 82)
6.7	052507 - A	052507 - A - Full Application - Erection of 2 Storey Office, With Associated Landscaping and Parking at The Running Hare, St. David's Park Spine Road, Ewloe. (Pages 83 - 94)
6.8	051742 - A	051742 - A - Full Application - Erection of a Dwelling at Land Adjacent to 21 Marnel Drive, Pentre (Pages 95 - 100)
6.9	052401 - A	052401 - A - Full Application - Construction of Earthworks and Retaining Structures to Deal with Change in Levels at the Rear of Plots 52 - 56 at Field Farm Lane, Buckley. (Pages 101 - 108)
6.10	052349 - A	052349 - A - Outline application for the proposed new Development of 10No Detached Dwellings and associated access road. (Outline Application) at "Bodowen Surgery", Halkyn Road, Holywell. (Pages 109 - 118)
6.11	052105 - A	052105 - A - Full Application - Erection of 3 No. 3 Storey Blocs to Create 21 No. Self Contained Residential Units; Provision of Accesses off Glanrafon Road and Chapel Street; Hard and Soft Landscaping and all Other Associated Works at Old Bakery, Glanrafon Road, Mold. (Pages 119 - 130)
6.12	052334	052334 - General Matters - 1. Erection of a Crematorium with Associated Car Parking, New Access, Landscaping and Garden of Rest on Land East of A5119 & South of Tyddyn Starkey Lane, Northop. 2 Construction of a New Crematorium, Associated Car Park, Access Road and Ancillary Works, Landscaping, Gardens of Remembrance and Area for Natural Burials on Land at Kelsterton Lane/Oakenholt Lane, Near Northop (Pages 131 - 132)

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PLANNING AND DEVELOPMENT CONTROL COMMITTEE **3 SEPTEMBER 2014**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 3 September 2014

PRESENT: Councillor David Wisinger (Chairman)

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

SUBSTITUTIONS:

Councillor: Ron Hampson for David Cox, Mike Lowe for Ian Dunbar, and David Roney for Ray Hughes

ALSO PRESENT:

The following Councillor attended as an observer:
Councillor Haydn Bateman

APOLOGY:

Councillor Alison Halford

IN ATTENDANCE:

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

37. DECLARATIONS OF INTEREST

Councillor Mike Peers declared a personal and prejudicial interest in the following applications because he was Chair of Governors at Mountain Lane School:

Agenda item 6.7 – Outline application – Erection of 5 No. dwellings at Withen Cottage, Alltami Road, Buckley (051567)

And

Agenda item 6.11 – General Matters – Erection of 9 No. houses at the Three Piece Suite Centre, Chester Road, Buckley (049096)

38. LATE OBSERVATIONS

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

Prior to consideration of the minutes, the Chairman welcomed Councillor David Roney to his first meeting of the Committee.

He also advised the Committee that Declan Beggan, one of the Planning Officers was leaving the Council and that this would be his last meeting. Councillor Owen Thomas wished him well and said that he had always been willing to speak to Members to discuss planning applications. Councillors Marion Bateman and Gareth Roberts echoed the comments.

39. MINUTES

The draft minutes of the meeting of the Committee held on 23 July 2014 had been circulated to Members with the agenda.

Councillor Mike Peers referred to the second paragraph on page 19 and proposed that the word 'right' be included after the word turning in the third line. On being put to the vote the amendment was CARRIED.

Councillor Peers also proposed that the words 'i.e. one way traffic movement' be included after the words 'Broughton Hall Road'. On being put to the vote, the amendment was CARRIED.

RESOLVED:

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

40. 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.

41. APPLICATION FOR OUTLINE PLANNING PERMISSION 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 (052456)

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 1 September 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 and highlighted paragraph 7.08 about development at the shopping park. The outline application was to the north of the retail park and all matters were reserved. This was a resubmission of a

previous application which the applicant had now appealed against on the grounds of non-determination which was item 6.2 on this agenda. Part of the site was allocated for non-retail designation in the Unitary Development Plan (UDP) and it was important to note that the western part of the site was outside the retail allocation being 'white' land within the UDP. The central/eastern part of the site was within S1(6) and was proposed for the medical centre, contact centre and hotel. The officer explained that there was no evidence to confirm any potential interest or commitment from operators of the hotel, medical centre or contact centre and these elements were therefore at this stage purely speculative. Without these commitments, the application would become an A3 led development outside the S1(6) allocation and was therefore recommended for refusal.

Mr. M. Krassowski, the agent for the applicant spoke in support of the application. He said that the applicant had been encouraged for a number of years to bring forward a proposal for this site and an original application which included a cinema had been refused in 2013 when another application for similar provision on the other side of the retail park was approved. The developer had been requested by the Local Member to include a contact centre on the Council owned land and it was felt that the restaurant uses would complement the existing site. Mr. Krassowski said that A3 allocation was compliant with the policy allocation for the wider site. He said that it was incorrect that the A3 allocation would be retail as it could be conditioned to restrict the uses or be subject to a section 106 Agreement. He added that there was interest for an operator for the hotel element of the site, which complied with policy. On the issue of the provision of the medical centre and contact centre, he said that the applicant had included them in the application based on a request from the Local Member but that the developer could not take responsibility for land outside their control.

Councillor Billy Mullin, the Local Member, proposed the recommendation for refusal which was duly seconded. He spoke of the need for a contact centre but did not understand how it was proposed on land which was outside the applicant's ownership. He also raised concern about the access and said that he preferred the access off the service road.

The Democracy and Governance Manager advised Members that issues of land ownership were not relevant to their determination of the application.

Councillor Derek Butler felt that the application was premature as the end users for the medical centre and contact centre had not yet been identified and without these two elements, the proposal would only be a 'bolt on' fast food park. He felt that there would be overprovision on the site as four food and drink units were being developed in connection with the cinema. He raised concern about the significant highways issues in Broughton and added that the contact centre could be built by the developer on their own land and would be beneficial in the future as it could be used by shoppers visiting the Retail Park as well as those who lived in Broughton.

Councillor Mike Peers referred to the access which he felt was unacceptable from the main Broughton to Saltney road. On the issue of the medical centre, he said that the Marches medical practice had been approached about the proposal but had indicated that they did not have future expansion plans. Councillor Peers said that the hotel was the only element not already available in the retail park and concurred about the prematurity of the application. Councillor Richard Jones said that if there was no requirement by Flintshire County Council for a contact centre and Betsi Cadwaladr University Health Board for a new medical centre, then he did not feel that the development was required and should therefore be refused.

The Senior Engineer - Highways Development Control advised that a full Highways assessment had been submitted. Highways would prefer the access from the minor road but there was no reason to refuse the application on highway grounds.

In response to the comments made, the officer stated that the deliverability of a contact centre or medical centre was a key factor and the lack of feasibility would leave the application as an A3 led development.

In summing up, Councillor Mullin reiterated his concerns about the access to the site.

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

RESOLVED:

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

42. GENERAL MATTERS – APPEAL AGAINST NON-DETERMINATION OF APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE ERECTION OF MEDICAL CENTRE, COUNCIL CONTACT CENTRE, HOTEL (UP TO 90 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 LAND TO THE NORTH OF BROUGHTON SHOPPING PARK, BROUGHTON (051484)

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 1 September 2014. Additional comments received since the preparation of the report were circulated at the meeting.

The officer explained that the refusal of the outline application for the site, which had been considered as the previous item on the agenda, would have a bearing on this application and that for consistency, the recommendation for the Council to appear at the public inquiry and challenge the appeal should be followed.

Councillor Chris Bithell proposed the recommendation that the Council appear at the public inquiry and challenge the appeal on the grounds in the report, which was duly seconded.

RESOLVED:

That the Council appear at the public inquiry and challenge the appeal on the grounds in the report of the Chief Officer (Planning and Environment).

43. 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 which had been the subject of a site visit on 1 September 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 had been deferred from the meeting on 23 July 2014 to allow a site visit to be undertaken. The Local Member had indicated his concerns and objections had been received as a result of the consultation.

Mr. C. Davies spoke against the application and said that applications for the same site had been rejected as they were an unacceptable intrusion in the open countryside. He commented on the proposals and did not feel that the agricultural nature of the proposal justified the stable and agricultural storage building. He said that the applicant repaired horse boxes and 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 queried why the applicant would do this if he did not intend to use the proposed building as a garage/workshop. The new building would overlook into his property and the size of the proposed building would be out of character with the area.

Councillor Owen Thomas proposed refusal of the application against officer recommendation which was duly seconded. He concurred that the building could not be justified and added that the type of haylage feed needed for horses did not need to be kept indoors. He highlighted paragraph 7.02 where the consent for the erection of a large garage was reported which was still valid. He also felt that the three acre paddock area did not warrant the size of the proposed building. He referred to the comments in the report that there would be limited visual impact from the front of the site but added that it could be seen from the neighbouring gardens. He felt that the application should be refused due to it being in the open countryside.

Councillor Billy Mullin raised concern about the size of the building which was only partly within the current garden area and agreed that the application should be refused.

Councillor Chris Bithell said that all of the properties in the row had extended their gardens into the open countryside and queried whether the permission included permitted development rights in the rear gardens. He said that policy did not prevent building in garden areas and agricultural buildings were permitted in the open countryside. He felt that it was important to identify whether permitted development rights were granted when the gardens were extended. Councillor Derek Butler spoke of the land to the right of the property which was a large garden area and referred to previous refusals of applications for extensions to gardens to increase the residential boundary. He felt that the existing boundary should be reinforced.

Councillor Gareth Roberts said that certain things were permitted in the open countryside and added that he believed that the adjoining garden had been extended with permission and permitted development rights lifted. He suggested that a hedge or fence could be erected where the original boundary had been and said that he had not heard any comments which would make him support refusal of the application. Councillor Richard Jones said that developments in the open countryside were permitted if agricultural use justified it and the officer felt that it did.

In response to the comments made, the officer said that the proposed stable would be partly in and partly out of the residential curtilage. A previous application to extend the garden had been refused and there was no defined boundary between the original boundary and the extended area. The application was not for change of use of the land and the proposed building was for the stabling of horses and keeping machinery associated with the land and was therefore recommended for approval.

Councillor Bithell raised concern about the garden area and the building which was in the open countryside. The Development Manager suggested that the erection of a boundary fence or gate could be conditioned to reinforce the settlement boundary.

In summing up, Councillor Owen Thomas reiterated his comments that policy did not allow for buildings to be erected unless they related to agricultural purposes and said that he did not see the justification for this proposal.

On being put to the vote, the proposal to refuse the application against officer recommendation was CARRIED due to there being no justification for buildings of the proposed scale outside the settlement boundary within open countryside.

RESOLVED:

That planning permission be refused due to there being no justification for buildings of the proposed scale outside the settlement boundary within open countryside.

44. APPLICATION FOR OUTLINE PLANNING PERMISSION - ERECTION OF 1 NO. DWELLING AT AVONDALE, CHURCH LANE, GWERNAFFIELD (051215)

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 1 September 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 Chief Officer (Planning and Environment) detailed the background to the report and explained that all matters were reserved but an indicative layout had been provided. He highlighted the objections from Gwernaffield Community Council and the four letters received from local residents and explained that no objections had been received from statutory consultees. The main issues were the principle of the development, whether the plot could accommodate a dwelling and the impact the proposed dwelling would have on the character and appearance of the street scene and the considerations were reported in paragraphs 7.14 and 7.15. The Chief Officer added that the matter of design could be considered at the reserved matters stage but that the plot could accommodate the dwelling proposed in the indicative plan. He referred to policy HSG3 which allowed development in Category C settlements if it was for the renovation or replacement of an existing dwelling or was to meet proven local need and did not result in over 10% growth since 2000. Gwernaffield currently had a growth rate of 3.8% and no local need had been identified and it was acknowledged that policy HSG3 may be restricting growth in the area. He commented on the issue of viability and the reasons why a commuted sum of £4,000 to the Council in lieu of the dwelling being 'affordable' would be requested if the application was approved.

Mr. D. Lloyd spoke against the application. He said that the site was on Cothy Farm and had nothing to do with Avondale, which was where he lived. The site was agricultural land and had cattle grazing on it. He referred to the number of houses and bungalows for sale in Gwernaffield and raised concern at the need to facilitate another dwelling which he felt was neither wanted nor needed. In highlighting the triangular section on the map, he queried why this was included in the proposal when it was in the green barrier. He lived in the bungalow next door and one of his windows was overlooking out on to the site. It was reported that the window was affected in terms of daylight by a large boundary hedge but Mr. Lloyd said that the hedge could die or be removed. He added that he wanted to be able to see light from his window, not another dwelling.

The Democracy & Governance Manager advised that the Local Member, Councillor Adele Davies-Cooke had a personal and prejudicial interest in the application and had appointed Councillor Jim Falshaw to act as Local Member.

Councillor Jim Falshaw proposed refusal of the application against officer recommendation, which was duly seconded. He said that the site was

outside the village boundary and would set a precedent if the application was approved with the green barrier section included in the proposal. The development should harmonise with the area but he felt that the application did not and the applicant had not identified housing need. He felt that there should be no significant impact on neighbouring properties but the ridge height at 7m would have an impact. Church Road was a dangerous road and the proposal was on an unallocated site. Councillor Falshaw referred to the growth figure of 3.8% for Gwernaffield and said that the self-build project did not demonstrate affordable housing or meet local need. The proposed dwelling was very close to the boundary of Avondale and in referring to the hedge, he said that this could be removed.

Councillor Derek Butler endorsed the comments of Councillor Falshaw and said that he did not see any need for the site to encroach into the green barrier. He highlighted paragraph 7.10 and spoke of the affordable housing element querying the relevance of practice in Conwy and Snowdonia. He stated that policy should not be made 'on the hoof' stating that this should be done through the Planning Strategy Group.

Councillor Chris Bithell said that in general terms there were no objections to the proposal but he did object to the inclusion of the triangular part of the application site that was outside the settlement boundary. He said that the narrow site could accommodate a property but that there was a need for the Committee to see a detailed proposal of what was expected to be on the site rather than an indicative plan. He felt that the application could not be approved due to the area that was in the open countryside.

Councillor Owen Thomas said that the site was not allocated in the Unitary Development Plan but was in the settlement boundary and was therefore acceptable. He referred to the growth rate in Gwernaffield and the Section 106 payment of £4,000 which he also felt was appropriate. He said that there was nothing in the policy to refuse the application. He added that the next door window which had been mentioned would already be dark due to the hedging and therefore a property on this site would not make any difference.

Councillor Mike Peers said that he found it difficult to understand why the application was being refused when the growth rate in the Category C settlement of Gwernaffield was only 3.8%. He felt that the issue of local need had been addressed in paragraph 7.06 and the commuted sum of £4,000 had been agreed by the Council. He highlighted paragraph 7.16 which indicated that it would be difficult to resist the development on the grounds of highway safety and he added that most of the points raised had been addressed.

Councillor Gareth Roberts said that the proposal was an outline application in the settlement boundary. He commented on the inclusion of the triangular piece of land in the proposal which he said was an element of rounding off which was allowed in exceptional circumstances. Councillor Richard Jones could not find any reason to refuse the outline application in the settlement boundary. Councillor Marion Bateman felt that the triangular

area should be fenced off and separated and queried whether this could be conditioned.

The Chief Officer (Planning and Environment) said that the proposal was for refusal but that a condition could be considered if the proposal was lost. It was an outline application and that it would be difficult to defend at appeal if the reason given for refusal was loss of amenity to the neighbouring property. He also referred to the viability and HSG3 elements and said that officers had wanted to try and find a pragmatic solution to the application.

In summing up, Councillor Falshaw said that his reasons for refusal were that the site was outside the development plan area, encroached on the countryside, there was no proven need for the dwelling, the size of the plot was too small and the proposal was not in keeping with the surrounding area.

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

Councillor Owen Thomas proposed the recommendation of approval which was duly seconded. Councillor Bateman proposed an amendment to fence off the triangular area. She referred to an application in Alltami where a precedent had been set on land in the open countryside and permitted development rights had been removed. The Democracy & Governance Manager said that the removal of permitted development rights was part of the officer recommendation. Councillor Bateman felt that demarcation needed to form part of the detailed plan.

On being put to the vote, there was an equality of voting and the Chairman used his casting vote against the amendment from Councillor Bateman.

The Committee then voted on the proposal by Councillor O. Thomas and on being put to the vote 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 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.

45. 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 which had been the subject of a

site visit on 1 September 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 had been deferred from the Committee meeting on 23 July 2014 to allow a site visit to be undertaken. The report had been updated with consultation responses received since that meeting which included comments from Natural Resources Wales on the flood consequences assessment. The new building would be situated in the car park of the public house and the main issues included access and parking. Highways had agreed that the access and egress to the site was suitable and as the bakery and public house would have separate opening hours, the reduction in car parking spaces to accommodate the new building was acceptable.

Councillor A. Parsonage from Hope Community Council spoke against the proposal. He raised concern about the reduction in parking spaces and suggested that the new business could be accommodated into the existing public house to avoid any issues if the two businesses fell into separate ownership. He felt that the access was too narrow for vehicles other than cars and vans and traffic parking in the splay was a concern for local residents. Councillor Parsonage added that it was a turning point for lorries which were too large to go under the nearby railway bridge.

The applicant, Ms. H. Tou, spoke in support of the application. She explained that the new build would include a ground floor café/bakery with a first floor flat above. The café and the public house would have separate opening hours so there would not be a conflict for parking spaces. There was an area of the car park which was currently mossy due to lack of use and therefore a reduction in parking spaces would not be an issue. She added that it was not possible to extend the existing public house to accommodate the café/bakery. There would be two deliveries a week to the café/bakery and even though the access was narrow, there was sufficient space for two vehicles to pass before entering the access to the car park where this building would be located. The café/bakery would bring a unique proposal to the area and extra staff would be employed to work in the family business.

Councillor Richard Jones proposed the recommendation for approval which was duly seconded. He welcomed the application and said that there was no issue about access.

Councillor Mike Peers felt that local businesses should be encouraged and reiterated that access was not a problem.

The Local Member Councillor Stella Jones' main concern was the narrow access to the site and concern that emergency vehicles would not be able to gain access. She highlighted paragraph 7.23 which indicated that public view would be restricted to those customers entering the site. She felt that this was incorrect as it could be visible to anybody who stood on the bridge and would therefore not enhance the area. Councillor Jones also felt that the current building could be adapted to accommodate the new business.

Councillor Owen Thomas felt that the number of car parking spaces was acceptable and that the application should be encouraged. Councillor Gareth Roberts said that the access was not ideal but as it was also the access for the car park for the existing public house, then the application could not be refused on those grounds. Councillor Derek Butler felt that there may be conflict for parking in the afternoons due to the reduction in car parking spaces but felt that the new business was an enhancement of the provision in the public house and he welcomed the café/bakery.

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

RESOLVED:

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

46. DEMOLITION OF EXISTING BUILDERS' YARD OFFICE AND STORAGE BUILDING AND ERECTION OF 8 NO. NEW DWELLINGS AT ROBERTS & WILLIAMS LTD, QUEEN STREET, QUEENSFERRY (051988)

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 three objections had been received to the proposal on grounds which included flood risk and noise. A flood risk assessment had been submitted as part of the application and Natural Resources Wales and the Council's Emergency Planning department were both satisfied with the response. The proposed properties were not significantly higher than the original dwellings and it was therefore considered that the properties would not look out of character in the street scene. A noise assessment had also been undertaken as the site was adjacent to the A494. Welsh Government was satisfied with the application subject to a scheme of acoustic mitigation such as double glazing and condition 7 would be amended to reflect this if Members were minded to grant approval.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He said that the proposal would make the area entirely residential and queried whether triple glazing would be more appropriate. Councillor Christine Jones said that residents welcomed the proposal.

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

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) which would included an amendment to condition 7 and subject to the applicant entering into a Section 106 agreement for the following contributions:-

- £1,100 per unit for recreation enhancements in lieu of on-site provision
- Funding to the sum of £2,500 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.

47. APPLICATION FOR OUTLINE PLANNING PERMISSION – ERECTION OF 5 NO. DWELLINGS AT LAND ADJACENT TO WITHEN COTTAGE, ALLTAMI ROAD, BUCKLEY (051567)

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 1 September 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. Councillor Mike Peers, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and explained that the main issues included the access over Common land and ecological impact. She referred Members to the late observations sheet where an additional condition from Highways was requested for the access from Alltami Road to be a minimum of 5m in width for a minimum of 10m into the site. The site was partly within the boundary of the Site of Special Scientific Interest (SSSI) and the Section 106 obligation would include a sum of £2,500 for indirect impacts due to the recreational pressures on the Special Area of Conservation (SAC). There had been some objections due to the access being over Common Land and other accesses had been explored but were not suitable. No objections had been received from statutory consultees.

Councillor Carol Ellis proposed refusal of the application, against officer recommendation, which was duly seconded. She referred to the history of the site and said that Flintshire County Council had been trying to obtain planning permission on the site since 2001. Buckley Town Council had objected strongly to the application due to the SSSI and the access over the Common Land and two previous applications had been withdrawn due to the large number of objections submitted. She felt that residents were under the impression that the dirt track would be used to access the site, but this was not the case. Councillor Ellis referred to the Devil's bit scabious which it was reported would be translocated to another area but she did not feel that this would be possible as it required a certain type of land to grow. She also referred to other plant species in the area which would also be damaged if the

application was approved and the access established across the Common Land. She spoke about Great Crested Newts on the site and a very rare orchid for North East Wales which had been identified as growing in this area. Councillor Ellis raised concern about the hedging and trees which would have to be removed to develop the site and, in referring to other developments in the area totalling more than 100 houses, added that she felt that the area was overdeveloped.

Councillor Richard Jones referred to By-laws which allowed for protection of the Common Land and added that the land should be maintained for Buckley residents to enjoy.

Councillor Chris Bithell said that to put an access across the Common Land was unacceptable and was a desecration of the land, even if the damage would only be minimal. He felt that an alternative access to the site should be pursued. Councillor Owen Thomas concurred and in referring to the natural site said that it would be impossible to move the plants on the site. Councillor Derek Butler echoed the comments and said that if the application was approved, it would allow for the creation of a private road on common land. Councillor Neville Phillips referred to the educational contributions for Mountain Lane School and commented on the sufficient capacity at the Elfed High School.

In response to the comments made, the officer said that only the access, not the proposal site, would be in the SSSI. An ecological survey had been undertaken which had identified that only Devil's bit scabious was in the area and that the issue of Great Crested Newts had been considered but were not found to be on the site.

In summing up, Councillor Carol Ellis said that this site was one of three protected areas and that the access to the site would destroy the Common Land.

The Housing and Planning Solicitor advised Members that the existence of the By-Laws for the Common should not form part of their consideration of the planning application.

On being put to the vote, the application was refused unanimously due to the desecration of the SSSI, loss of wildlife and the amenity impact on the common land.

RESOLVED:

That planning permission be refused on the grounds of desecration of the SSSI, loss of wildlife and the amenity impact on the common land.

After the vote had been taken, Councillor Peers returned to the meeting.

48. 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 (052270)

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 was currently vacant. She spoke of the layout and said that three of the properties would have driveways off Ash Lane and added that the application had been accompanied by an Ecological Assessment, Code for Sustainable Homes Pre-assessment, Flood Risk Assessment and a Drainage Statement. There had been one objection on the grounds of drainage and an objection from the Bowling Club who used the site as a parking area even though they did not have any right to park on the land.

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

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

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 applicant entering into a Section 106 agreement/ unilateral undertaking or earlier payment for the following contributions:-

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

49. 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 (052337)

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 main issues for consideration were the principle of development/planning policy context, visual/amenity, and drainage and highway issues. He highlighted paragraph 7.05 and advised that Natural Resources Wales had now responded but had submitted no objection to the proposal subject to a number of standard conditions being applied.

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

Councillor Derek Butler echoed the earlier sentiments about Mr. Beggan and Councillor Christine Jones also wished him well. Mr. Beggan then thanked the Members for their kind words.

In response to a question from Councillor Mike Peers about the comments of the Rights of Way department, the officer confirmed that protection of a public footpath would not normally be conditioned but the applicant would be informed of the comment.

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

RESOLVED:

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

50. **GENERAL MATTERS – ERECTION OF 35 NO CLASS C3 DWELLINGS INCLUDING ASSOCIATED LANDSCAPING AND FORMATION OF NEW ACCESS FROM CYMAU LANE AT ABERMODDU CP SCHOOL, CYMAU LANE, CAERGWRLE (051482)**

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 Committee had resolved to grant planning permission in March 2014 subject to the applicant entering into a Section 106 Agreement/Unilateral Undertaking for payment of a commuted sum for an educational contribution for Castell Alun High School and Abermoddu Primary School. The applicant had challenged the need for the contribution and having reassessed the contribution, the Council were still of the opinion that it was required. The applicant was refusing to enter into the Section 106 obligation and therefore the application was reported for refusal.

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

Councillor Derek Butler asked how enforceable Section 106 agreements would become in the future and Councillor Owen Thomas queried whether refusal of the application meant that the site did not have planning permission. Councillor Mike Peers highlighted paragraph 6.05 about the request for change of house types to a number of units. Councillor Carolyn Thomas queried whether the public open space was outside of the development area.

In response, the officer said that in the future, requirements for contributions were likely to be through a Community Infrastructure Levy rather than through a Section 106 obligation. He confirmed that the site did not have planning permission if the Section 106 obligation was not signed.

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

RESOLVED:

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

51. GENERAL MATTERS – ERECTION OF 9 NO. HOUSES AT THE THREE PIECE SUITE CENTRE, CHESTER ROAD, BUCKLEY (049096)

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. Councillor Mike Peers, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and explained that the Committee had granted planning permission in January 2012 subject to the applicant entering into a Section 106 Agreement/Unilateral Undertaking in lieu of open space provision. It had become apparent that the applicant was not in a position to provide the necessary legal Obligation due to complications with regard to ownership/title of the site. It was therefore recommended that as no progress was being made, that permission be refused.

Councillor Richard Jones proposed the recommendation for refusal which was duly seconded. He spoke of the scheme which had not been progressed and the history of the site.

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

RESOLVED:

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

After the vote had been taken, Councillor Peers returned to the meeting.

52. **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 (050953)**

RESOLVED:

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

53. **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 (050561)**

RESOLVED:

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

54. **APPEAL BY MRS. ELIZABETH JOY-CAMACHO AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE TO BUILDING TO B1, VEHICLE REPAIRS AND B8 STORAGE (RETROSPECTIVE) AT COW HOUSE, CHESTER ROAD, DOBSHILL (051036)**

RESOLVED:

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

55. **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 (051266)**

RESOLVED:

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

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

There were 20 members of the public and 3 members of the press in attendance.

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

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Chairman

FLINTSHIRE COUNTY COUNCIL

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

DATE: **8TH OCTOBER 2014**

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

SUBJECT: **CHANGE OF USE FROM B8 (STORAGE & DISTRIBUTION) TO B1/B2 (BUSINESS & GENERAL INDUSTRY) TO ALLOW FOR THE REPAIR AND REFURBISHMENT OF CRUSHING MACHINERY WITH WELDING/FABRICATION WORKS AT UNITS 1 – 4, THE SQUARES, MOSTYN.**

APPLICATION NUMBER: **052223**

APPLICANT: **MR. MICHAEL CAIN**

SITE: **UNITS 1 – 4, THE SQUARES, MOSTYN.**

APPLICATION VALID DATE: **29TH MAY 2014**

LOCAL MEMBERS: **COUNCILLOR DAVID RONEY**

TOWN/COMMUNITY COUNCIL: **MOSTYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application is for change of use from B8 (Storage & Distribution) to B1/B2 (Business & General Industry) at Units 1-4, The Squares, Mostyn. The main issues to consider within the determination of this application are the principle of the development in planning policy terms, the highway implications, the effects upon the amenities of adjoining residents, the effects upon the character and appearance of the area including the impact upon the setting of the adjacent listed building, flood risk and contaminated land.

1.02 Given that the use is located upon a vacant haulage depot site and involves no erection of buildings, it is considered acceptable in principle in planning policy terms, flood risk and land contamination. There will be some outside storage of machinery etc but this will be restricted in height, and to an area which will be well screened and furthest away from the listed building. Therefore it is considered that it will not have an increased detrimental impact upon either the landscape or setting of the listed building compared to its previous use. The proposals are also considered not to have an increased detrimental impact upon highway safety or the amenities of adjoining residents given there will be a reduction in vehicle movements to and from the site and hours of operation will be restricted compared to its previous use.

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

2.01 Conditions

1. Time limit on commencement.
2. In accord with approved details.
3. Use only operate between 08:30 hours to 17:00 hours Monday to Friday. No workings on Saturdays, Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
4. Outside storage of equipment, plant, machinery and goods be restricted to that area indicated on the amended plan.
5. Height of all outside storage of equipment, plant, machinery and goods be restricted to no higher than 3m.
6. Facilities be provided and retained within the site for loading, unloading, parking and turning of vehicles.
7. Details of landscaping of the eastern boundary of site to be submitted and approved.
8. Agreed landscaping to be implemented in full thereafter.

3.00 CONSULTATIONS

3.01 Local Member

Councillor David Roney

Requests application be referred to planning committee and requests a site visit. The reasons being that it is thought that the proposal would be overbearing have an adverse effect on a public visual amenity i.e., the Coast Road and the Wales Coastal Path and adverse noise from a scheme which is in very close proximity to housing. Has the preliminary view that it would be inappropriate for this location.

Mostyn Community Council

Object to the application on the following grounds:-

- Adverse effect on adjoining and nearby residential properties.

- Adverse impact on the general amenity of the area on a very visible part of the A548.
- Effect of noise and air pollution from the site.
- Evidence of land contamination.
- Difficulty with access and egress onto the extremely busy A548.
- Not compatible with the current use of the nearby Clocktower.

Highways Development Control Manager

Recommends any permission should include a suggested condition.

Head of Environmental Protection

No adverse comments to make regarding these proposals. Suggests that the operating times are limited by condition to those that the Applicant has indicated in the application.

Economic Development Manager

Additional visual impact of the change of use on the Coastal Road will be limited. Site is screened by a rather obtrusive cypress hedge, does partially hide the yard behind. The entrance gives a clear view into the site and would be preferable if this could be addressed through some internal screening.

Storage of machinery appears to be no more intrusive than the haulage yard in terms of the physical size of the machines compared to the trailers there previously.

Natural Resources Wales

Application site lies entirely within Zone C1 as defined by the development advice map referred to under TAN15: Development & Flood Risk (July 2004). Flood Map also confirms that the site lies within the extreme flood risk outline.

Would not envisage that the proposed change of use would constitute a change in development vulnerability classification.

Given limited scale, and in absence of a FCA considers risk could be acceptable subject to the developer being made aware of the potential flood risks etc.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

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

- Site is located in a residential area therefore site should be developed for houses.

- Industry should be built on industrial estates.
- Illogical to build industry in a residential area. Locating industry together has advantages e.g., resource and facility sharing.
- To create isolated industrial area is in complete contradiction to Government Policy and Manifesto.
- Lose the opportunity to develop the sense of community and the never-ending improvement to the natural environment.
- Increase in noise to the development of adjoining occupiers.
- Traffic in and out of the yard particularly if it is to be a point of sale.
- Storage of equipment has already taken place on the site.
- Dust from the site.
- Health of the residents will suffer.
- Rats and smells upon the site.
- Not notified of the application.
- Impact of the development upon the adjacent listed building.

5.00 SITE HISTORY

5.01 473/90

Lorry washing machine – Granted 13th September 1990.

656/88

Warehousing building – Granted 19th September 1988.

763/87

Extension to office building – Granted 3rd December 1987.

53/87

Use as lorry and trailer park – Granted 24th April 1987.

312/86

Office block and flat – Granted 17th July 1986.

570/82

Use of premises for timber manufacturers and suppliers, steel stockists and suppliers, vehicle repairs and parts suppliers, boat building and engine marinising – Granted 29th October 1983.

657/81

Change of use to warehousing - Granted 30th October 1981.

368/74

Facility units – Granted 24th February 1975.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR2 – Transport & Communications.

STR3 – Employment.

GEN1 – General Requirements for Development.

GEN3 – Development in the Open Countryside.

D3 – Landscaping.

L1 – Landscape Character.

HE2 – Development Affecting Listed Buildings & Their Settings.

AC13 – Access & Traffic Impact.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP14 – Derelict & Contaminated Land.

EWP17 – Flood Risk.

National Planning Policy

Planning Policy Wales (Edition 6, February 2014).

The site lies outside of the settlement limit of Mostyn but comprises of an existing haulage depot. As the proposed use is similar and does not involve the erection of any new buildings it is considered acceptable in planning policy terms.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of the former buildings and yard of Morgan Freight who used it for haulage, storage and distribution purposes.

7.02 Upon the site within the south west corner lie three single storey industrial buildings with a two storey office building located within the north west corner. The vehicular access is centrally located, off the A548 upon its southern side. All the boundaries are well screened apart from the eastern side to the north east.

7.03 The site is located in between the former Glan-y-Don Café Bar and the Clocktower Hall upon the southern side of the A548.

7.04 The proposals involve the change of use of the industrial buildings from storage and distribution to the repair and refurbishment of crusher machinery, with the storage of these machines taking place

outside in the yard area. An amended layout plan indicates that this will take place only upon the eastern half of the site. The maximum height of the machines will be three metres. A three metre high crane will also be parked with this stock.

7.05 The Applicant's company currently operate from a unit on Castle Park Industrial Estate in Flint. After five years they have outgrown their premises. This is impeding their growth, preventing them from taking on more orders and stalling the recruitment of new employees. This proposed site will allow them to meet current demand and take on more orders. It will also increase their manufacturing output which will in turn create more opportunities for their growing business. This will lead to new employment for the local community.

7.06 Issues

The main issues to consider within the determination of this application are the principle of the development in planning policy terms, the highway implications, the effects upon the amenities of adjoining residents, the effects upon the character and appearance of the area including the impact upon the setting of the adjacent listed building, flood risk and land contamination.

7.07 Principle of Development

The site lies outside of the settlement limit of Mostyn and within open countryside as defined by the Flintshire Unitary Development Plan. Normally, industrial proposals are discouraged from such locations. However, given that the site has an existing storage and distribution use and that the proposals do not involve the erection of any new buildings, the development is considered acceptable in principle in planning policy terms.

7.08 Highway Implications

The existing vehicular access into the site off the A548 will be utilised with the parking of vehicles on the yard in front of the existing office building. The Highways Development Control Manager has been consulted on the application who raises no objections to the proposals. This is because the proposed use will not generate a significant increase in traffic over its previous use with the existing vehicular access being also acceptable. In addition, within the site there is sufficient space for the manoeuvring and parking of vehicles. Thus it is considered that there will not be any significant detrimental impact upon highway safety.

7.09 Amenities of Adjoining Residents

The Environmental Protection Manager has been consulted upon the application to assess the impact of the proposals upon the amenities of the adjoining residents in terms of any noise disturbance and dust who advises that there are no adverse comments provided the operating times are limited by condition to those the Applicant has indicated in the application. These being 8.30 hours to 17.00 hours

Monday to Friday with no working on Saturdays, Sundays or Bank Holidays.

7.10 Character & Appearance of the Area

The servicing, welding, fabrication and refurbishing of the crushing machinery will take place inside the existing buildings. The submitted amended layout shows that the eastern half of the yard area will be used for the storage of crusher machinery with a maximum height of three metres and a crane of the same height. The site is well screened on all its boundaries apart from the eastern side to the north east.

7.11 The previous occupier, Morgan Freight parked wagons and trailers on the whole of the yard area. These wagons and trailers were approximately four metres in height.

7.12 Given that the outside storage will now be limited to only half of the site, their height will be reduced from four to three metres and that the area will be well screened, it is considered that there will be no significant increased detrimental impact upon the visual appearance and character of the area compared to the last use.

7.13 Footpaths 64 & 67 lie adjacent to the western and eastern boundaries of the site. Given that these boundaries are/will be well screened, the open storage will be screened from users of the footpaths. Footpath 69 which is the Coastal Path is located approximately 250 m away from the site. Given the distance away, the site will not be visible to users of this footpath either.

7.14 Setting of Listed Building

As the outside storage will be located upon the far half of the site away from the adjacent listed building, it is considered the proposals will not detrimentally affect the setting of the Clocktower Hall.

7.15 Flood Risk

The site lies entirely within Zone (1 as defined by the) development Advice Map referred to under TAN15: Development and Flood Risk (July 2004). NRW's flood map also confirms that the site lies within the extreme flood risk outline.

7.16 However, it is not envisaged that the proposed change of use would contribute a change in development vulnerability classification. Given the limited scale of the proposed development and in the absence of a FCA, it is considered that the risk could be acceptable subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

7.17 Land Contamination

The application is for a change of use of the buildings and land not involving any new building works. Therefore a contamination

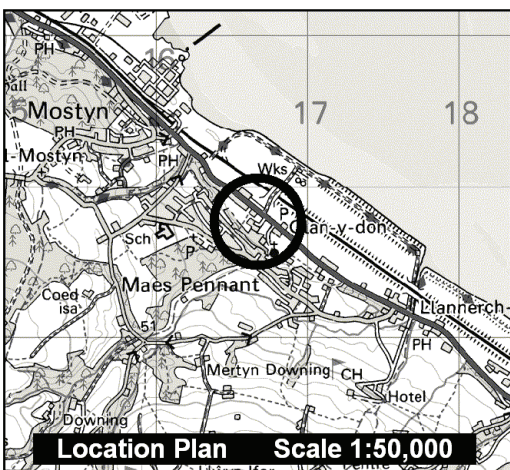
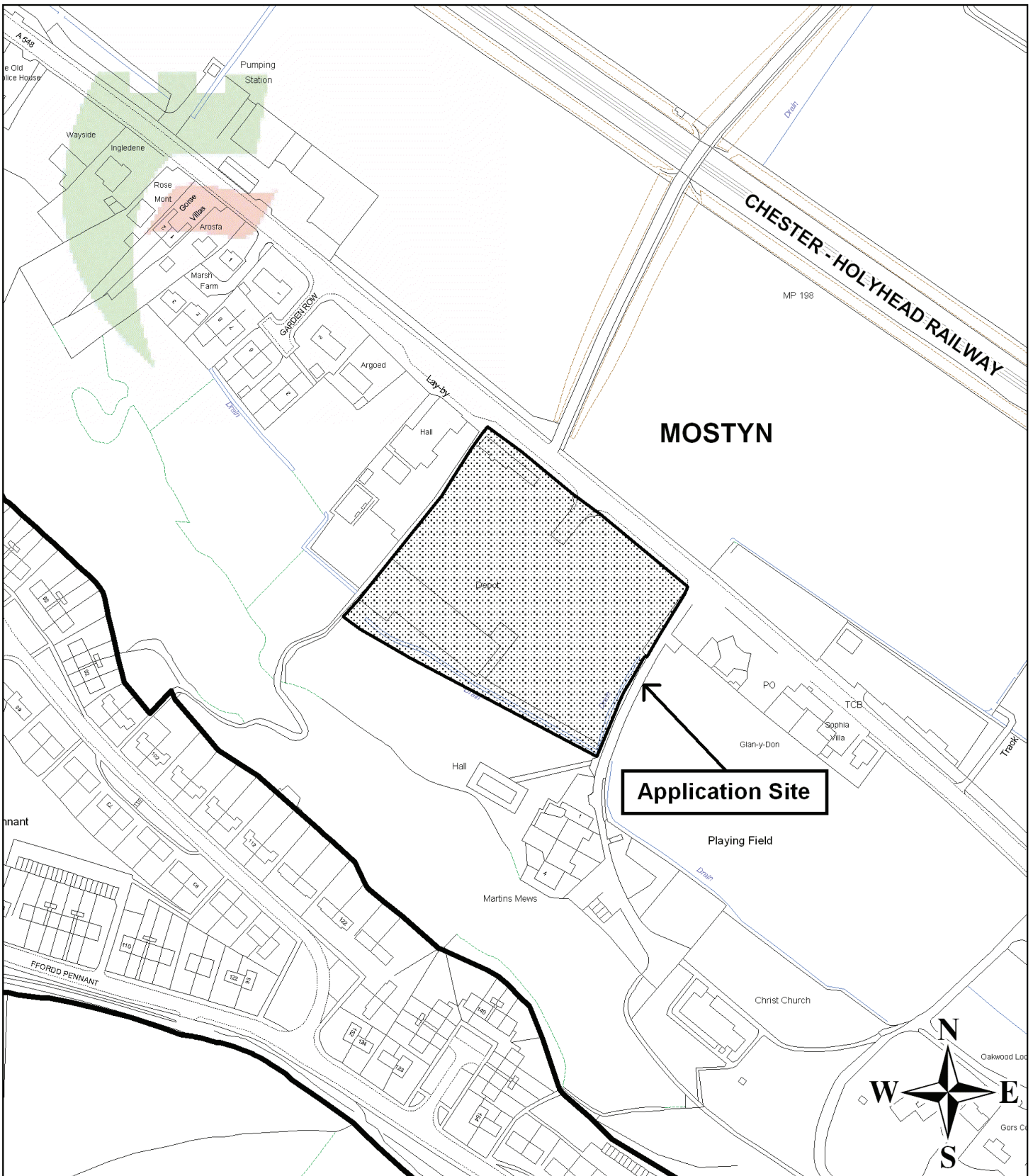
investigation is not required.

8.00 CONCLUSION

8.01 Given the above, it is considered that the proposals are no worse in planning terms than the previous use.

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

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



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 1:2500

OS Map ref SJ 1679

Planning Application **52223**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **8TH OCTOBER 2014**

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

SUBJECT: **PART CHANGE OF USE TO SMALL SCALE ARTISAN PRODUCTION OF SAUCES AND CONDIMENTS INCLUDING BOTTLING AND DISTRIBUTION AT PWLL GWYN HOTEL, DENBIGH ROAD, AFONWEN.**

APPLICATION NUMBER: **052414**

APPLICANT: **BIM'S KITCHEN**

SITE: **PWLL GWYN HOTEL, DENBIGH ROAD, AFONWEN**

APPLICATION VALID DATE: **1ST AUGUST 2014**

LOCAL MEMBERS: **COUNCILLOR J FALSHAW**

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

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application seeks planning permission for the change of use of the existing outbuilding attached to the public house and part of the ground floor of the holiday let building at the Pwyll Gwyn Hotel, Afonwen for use as a small scale, artisan sauce manufacturer, including bottling and distribution.
- 1.02 The proposal is considered to comply with policies GEN1, GEN3 and EM4 of the adopted Flintshire Unitary Development Plan.

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

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

1. Time limit.
2. In accordance with the approved plans.
3. Personal permission for Mr and Mrs Adedeji.
4. Details of a gate across the bin store to be agreed.

3.00 CONSULTATIONS

3.01 Local Member
Councillor J. Falshaw

Requests committee determination and site visit. He considers that the development is not consistent with the UDP as it is in the open countryside.

Caerwys Town Council

Objects to the application on the following grounds:

- The loss of the local pub
- No indication of hours of operation
- Detrimental impact on local residents
- Odour pollution

Head of Assets and Transportation

No objection subject to a condition ensuring that facilities are provided within the site for the loading, unloading, parking and turning of vehicles.

Clwyd and Powys Archaeological Trust

There are no archaeological implications for the proposed development.

Head of Public Protection

No objection.

Natural Resources Wales

No objection.

4.00 PUBLICITY

4.01 Site Notice

There have been 24 representations received objecting to the application on the following grounds:

- The loss of the pub would be detrimental to the local area
- There are no other pubs within reasonable distance for local

- residents
- No longer any local facilities
- Odour pollution
- Detrimental to the character of the Grade II listed building

4.02 There has been one representation received in support of the application from the Flintshire Tourism Association as the area is enhanced by local produce and it makes the area stand out.

5.00 SITE HISTORY

5.01 004865

Proposal: NEW KITCHEN AND CONVERSION OF ADJACENT BARN TO RESTAURANT

Location: Pwll Gwyn Hotel, Afonwen

Decision: Approved

Decision Date: 26 September 1980

005870

Proposal: ADDITIONAL CAR PARKING

Location: Pwll Gwyn Hotel, Afonwen

Decision: Approved

Decision Date: 1 June 1982

006147

Proposal: EXTENSION OF EXISTING BARN RESTAURANT TO PROVIDE ADDITIONAL SEATING

Location: Pwll Gwyn Hotel, Afonwen, Mold

Decision: Approved

Decision Date: 8 December 1981

006337

Proposal: DEMOLITION OF CHIMNEY

Location: Pwll Gwyn Hotel, Afonwen

Decision: Approved

Decision Date: 12 November 1982

006357

Proposal: ERECTION OF AN ILLUMINATED PROJECTING SIGN

Location: Pwll Gwyn Hotel, Afonwen

Decision: Approved

Decision Date: 14 March 1982

013204

Proposal: FULL - PROPOSED NEW CAR PARK CONSTRUCTED FROM EXISTING GARDEN

Location: Pwll Gwyn Hotel, Afonwen, Mold

Decision:

Decision Date: 6 March 1989

014168

Proposal: SITING OF CARAVAN TO PROVIDE STAFF ACCOMMODATION

Location: Rear Of Pwllgwyn Hotel, Afonwen

Decision:

Decision Date: 10 March 1992

016365

Proposal: CHANGE OF USE OF PART OF RESTAURANT TO SHOP/POST OFFICE

Location: Pwll Gwyn Hotel, Denbigh Road, Afonwen

Decision: Approved

Decision Date: 6 August 1990

016520

Proposal: LISTED BUILDING APPLICATION - INTERNAL ALTERATION TO FORM POST OFFICE AND SHOP

Location: Pwll Gwyn Hotel, Denbigh Road, Afonwen

Decision: Approved

Decision Date: 5 September 1990

028249

Proposal: CONSERVATORY EXTENSION TO BAR/RESTAURANT

Location: Pwll Gwyn Hotel, Afonwen

Decision: Approved

Decision Date: 25 May 1999

028252

Proposal: LISTED BUILDING APPLICATION - CONSERVATORY

Location: Pwll Gwyn Hotel, Afonwen

Decision: Approved

Decision Date: 9 June 1999

035819

Proposal: Conversion and extension of outbuildings to provide holiday accommodation

Location: Pwllgwyn Hotel, Denbigh Road, Afonwen, Mold, CH7 5UB

Decision: Approved

Decision Date: 1 October 2003

035955

Proposal: Listed Building Application - conversion and alterations of existing outbuildings to provide holiday accommodation

Location: Pwllgwyn Hotel, Denbigh Road, Afonwen, Mold, CH7 5UB

Decision: Approved

Decision Date: 9 October 2003

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development
GEN1 – General Requirements for Development
GEN3 – Development in the Open Countryside
HE2 – Development Affecting Listed Buildings and their Settings
AC13 – Access and Traffic Impact
EM4 – Location of Other Employment Development

7.00 PLANNING APPRAISAL

7.01 Introduction

This application seeks consent for the change of use of the outbuilding attached to the Pwyll Gwyn Hotel from restaurant/public house to a small scale, artisan sauce production, bottling and distribution facility.

7.02 Site Description

The application site comprises a large, two storey detached building which is a Grade II listed building. Attached to the east elevation of the building is a single storey outbuilding which has been converted into the kitchen area, general storage; attached to this outbuilding is a further, two storey outbuilding which has been converted into holiday lets.

7.03 A large car park is to the front of the building providing two access/egress points from/to the adjacent highway, the A541.

7.04 The site is located within the open countryside and lies just outside the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)

7.05 Principle of Development

Many objections have been received to the proposal stating that the loss of the pub would be detrimental to the area; however, the application does not seek the change of use of the pub but merely part of the outbuildings attached to it. Therefore, policy S11 *Retention of Local Facilities* of the FUDP is not applicable as the use of the building as a public house will be retained. Whether the pub/restaurant is operated is a decision to be made by the owner of the property and is not a material consideration in the determination of this application.

7.06 The proposed small scale business will be operated by Bim's Kitchen, which is a family run business, who also live on the site. The main building already has first floor residential accommodation. The proposal does not involve any external alterations to the building. Internal works have already been undertaken and include the installation of the equipment to carry out the proposed operation. It is considered that the works involved and the proposed change of use will not affect the character of the listed building and therefore listed building consent is not required.

7.07 Policy EM4 of the FUDP allows for new employment uses outside settlement boundaries through the conversion of existing buildings subject to a number of criterion. It is considered that due to the small scale of the business and its negligible impact on the surrounding environment the proposal would, in principle, be acceptable.

7.08 Impact on the Character of the Area

The area can be defined as being semi-rural, characterised by sporadic dwellings of varying scales and designs. Abutting the Southern boundary of the site is the busy A541.

7.09 The proposal does not involve any external alterations so there will not be any visual impact on the character of the area.

7.10 The business will operate from a relatively small floor area, that itself will limit the size to which the business could grow without further planning permission, which could be required if they wish to expand into other parts of the property.

7.11 Highways Impact

The site provides more than adequate parking provision and turning facilities on site for both staff parking and deliveries. Furthermore, there are two existing vehicle access points which can be utilised and therefore there will not be a need for any additional access points.

7.12 Notwithstanding the adequate parking and turning facilities, a condition can ensure that these remain, preventing any possible future highway impacts.

7.13 Impact on Residential Amenity

In terms of noise and odour pollution, the site already benefits from a pub/restaurant use and therefore there is an expectation that food smells will be omitted from the site, although it is not considered that these will be detrimental to the amenities of any neighbouring properties, the closest being approximately 30m from the site.

8.00 CONCLUSION

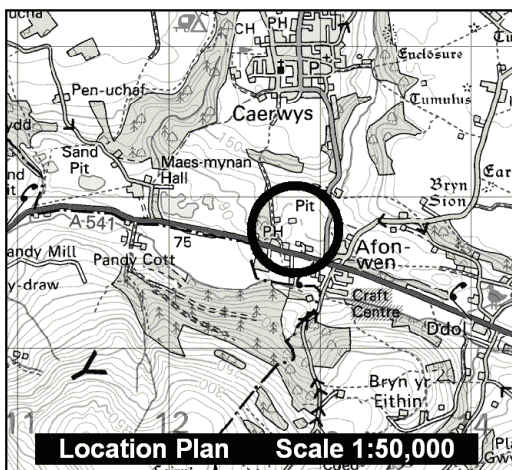
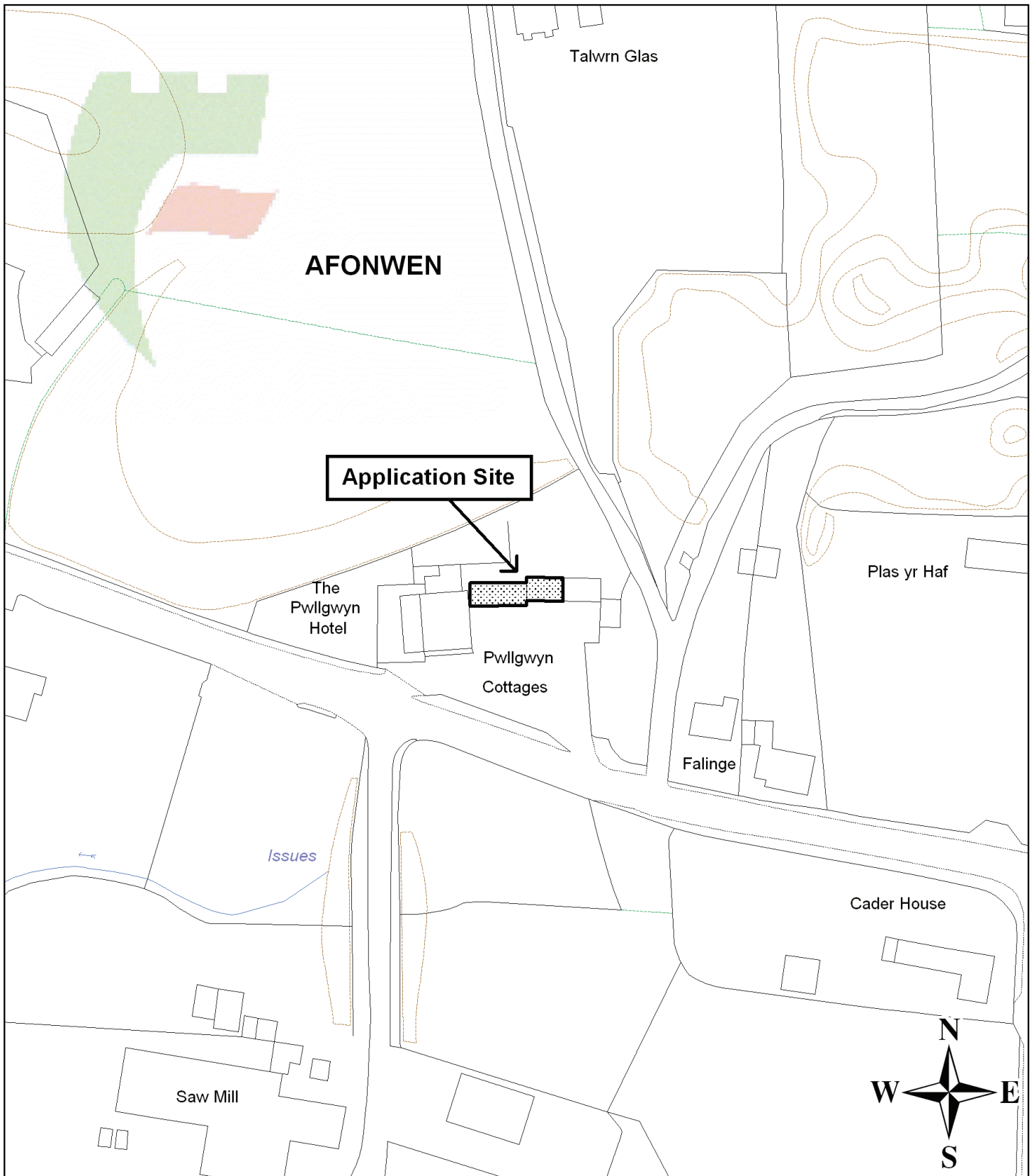
8.01 The proposal is considered to be acceptable as a matter of planning policy principle. The proposed development takes account of the applicable planning policies and represents the correct balance between the various issues which relate to this site.

8.02 Notwithstanding that the proposed business is small scale and will not have any unacceptable detrimental impact, any such permission should be granted with a personal condition for Mr James Adedeji and Mrs Nicola Adedeji. This will ensure that no other businesses will be permitted to operate from the site.

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.

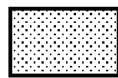
Contact Officer: Alex Walker
Telephone: (01352) 703235
Email: alex.walker@flintshire.gov.uk

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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 1271

Planning Application **52414**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **8TH OCTOBER 2014**

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

SUBJECT: **FULL APPLICATION – CHANGE OF USE OF EXISTING PUBLIC HOUSE INTO A SINGLE DWELLING AT BLACK LION INN, VILLAGE ROAD, NORTHOP HALL.**

APPLICATION NUMBER: **052486**

APPLICANT: **MR CRAIG SULLIVAN**

SITE: **BLACK LION INN, VILLAGE ROAD, NORTHOP HALL**

APPLICATION VALID DATE: **5TH AUGUST 2014**

LOCAL MEMBERS: **COUNCILLOR L A SHARPS**

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

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This application seeks planning permission for the change of use of a public house to a single dwelling at the Black Lion Inn, Northop Hall, and the erection of a timber boundary fence. The proposal is considered to comply with policies HSG3 and S11 of the adopted Flintshire Unitary Development Plan.

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

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

1. Time limit
2. In accordance with the approved plans
3. The timber fence shall not exceed 2m in height at any point

3.00 CONSULTATIONS

3.01 Local Member

Councillor L.A. Sharps

Requests that the application is referred to the Planning Committee and that a site visit is carried out as there are issues regarding land ownership, fencing, and the interior layout of the building which suggests other uses.

Northop Hall Community Council

- The plans do not indicate a single dwelling
- The land is not in the applicant's ownership
- Hedges and trees were removed along the boundary with the adjacent footpath
- Loss of a social venue

Head of Assets and Transportation

No objection

Head of Public Protection

No comments received

4.00 PUBLICITY

4.01 Site Notice

12 representations have been received, objecting to the proposal on the following grounds:

- Loss of the pub would have a detrimental impact on the character of the area through the lack of choice of pubs
- The layout of the property is not commensurate with that of a single dwelling
- The fence has a detrimental impact on the visual amenities of the area

5.00 SITE HISTORY

5.01 **052038**

Construction of a boundary fence to perimeter of property (retrospective) (refused 17th July 2014)

052022

Conversion of existing public house into 1no. dwelling (refused 28th July 2014)

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
GEN1 – General Requirements for Development
D2 – Design
AC13 – Access and Traffic Impact
HSG3 – Housing on Unallocated Sites Within Settlement Boundaries
S11 – Retention of Local Facilities

7.00 PLANNING APPRAISAL

- 7.01 Introduction
This application seeks planning permission (retrospective) for the change of use of a public house, The Black Lion Inn, Northop Hall to a dwelling and is a resubmission of planning application ref: 052038. This application has omitted the large, first floor extension that was on application 052038 and now involves no external alterations. This application also includes for the erection of a close boarded timber fence (retrospective), which was previously refused under planning application 052038.
- 7.02 Site Description
The application site is located within the settlement of Northop Hall as defined in the adopted Flintshire Unitary Development Plan (FUDP) and also, the rear of the site forms part of a housing allocation in the FUDP.
- 7.03 The existing building is a large, detached building which has particular architectural merit and is a landmark feature in the village.
- 7.04 Principle of Development
In terms of the principle of the change of use of the property, there are other facilities within the village that provide a similar service, e.g. Plas Ifan and The Boars Head. Therefore, the loss of the existing use as a public house is considered to be acceptable, in accordance with policy S11 of the FUDP. The change of the use of the property to a dwelling is also considered to be acceptable in terms of the principle of the development.
- 7.05 The existing lawful use of the property is a public house with residential accommodation above. Therefore, there will not be any increase in the number of residential units; what is being considered is whether the loss of the public house use is acceptable.
- 7.06 Highway Impact
The proposal will not result in any increase in traffic movements, in fact it is likely to reduce the number of movements.

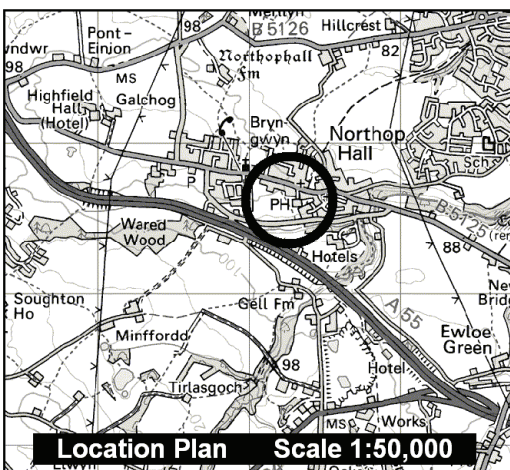
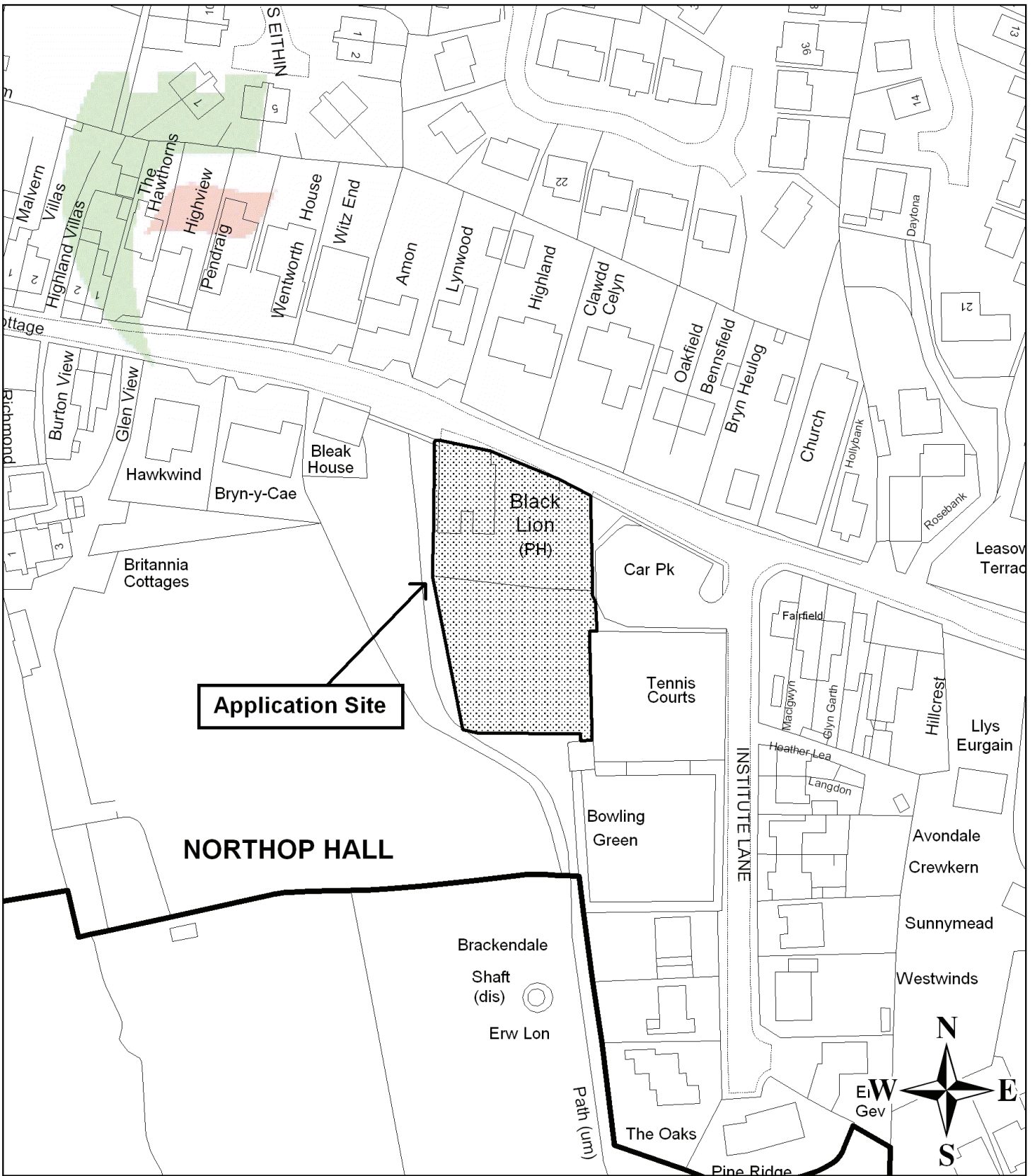
- 7.07 With regard to parking provision, the site already has ample parking provision and there is sufficient room within the site to enable vehicles to turn around so that they can access/egress the site in a forward gear.
- 7.08 A public footpath runs to the west of the site; however, it will not be affected by the proposal.
- 7.09 Impact on Residential Amenity
There are no neighbours that would experience any unacceptable adverse overlooking or overbearing impact as a result of the change of use of the property.
- 7.10 Impact on the Visual Amenity of the Area
The change of use of the property will not result in any material changes to the external appearance of the building and therefore there will not be any adverse impact on the visual amenities of the area.
- 7.11 In respect of the close boarded timber fence that has been erected on the boundary of the site, it is considered that due to its height of 2m plus, it has a detrimental impact on the visual amenities of the area, particularly when viewed from the adjacent public footpath and the public car park to the east of the site.
- 7.12 Notwithstanding this, a condition could ensure that the height of the fence does not exceed 2m in height, which is what would be deemed as permitted development over which the Council would have no control.
- 7.13 Other Considerations
The application includes for the inclusion of an area of land to the south of the public house as part of the residential garden area of the proposed dwelling. Whilst this is a very large area of land and would result in the urbanisation of this otherwise open land, the site is within the settlement boundary and therefore there is a presumption in favour of the development of the site. Objections have been raised over the ownership of this parcel of land. The applicant has claimed in the application form that he owns this land and there is no evidence to the contrary.
- 7.14 Concerns have been raised by local residents in respect of the property being used for more than a single dwelling; however, the application is to be considered as a single dwelling as that is what is being applied for. Notwithstanding this, the applicant has submitted a revised plan substituting the reference to 'Meeting' room for 'Store Room/Hall'.

8.00 CONCLUSION

- 8.01 The proposal is considered to be acceptable as a matter of planning policy principle. The proposed development takes account of the applicable planning policies and represents the correct balance between the various issues which relate to this site.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.



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

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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 2767
Planning Application	52486

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **8TH OCTOBER 2014**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 20 NO. DWELLINGS (PHASE 2) AT VILLAGE ROAD, NORTHOP**

APPLICATION NUMBER: **052388**

APPLICANT: **MR T ANWYL & CO LTD**

SITE: **LAND AT VILLAGE ROAD, NORTHOP HALL**

APPLICATION VALID DATE: **11.07.14**

LOCAL MEMBERS: **CLLR L A SHARPS**

TOWN/COMMUNITY COUNCIL: **NORTHOP**

REASON FOR COMMITTEE: **SIZE OF DEVELOPMENT AND S106 REQUIREMENT**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full planning application for the erection of 20 dwellings. The proposed residential development is phase 2 of a scheme off Village Road, Northop Hall.

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

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

- To gift 2 three bed dwellings to North East Wales Homes to be used as affordable housing

- To provide a commuted sum of £1,100 per dwelling in lieu of on-site open space provision
 - To provide a contribution of £55,407 to fund capacity improvements at Hawarden High School
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. Garages set back 5.5m behind the back of the footway
 9. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
 10. Positive means to prevent surface water run-off on to the highway
 11. 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 L A Sharps

Agrees to the determination of the application under delegated powers. This area is included within the UDP and agreed with the Inspectors report. Support the application.

Northop Community Council

This application is an addition to an original development of 50 houses already under construction. The Community Council made objections to the original development which were dismissed by the Planning Inspectorate of Wales, therefore, does not feel it would achieve anything by re-applying those objections. Furthermore, the Community Council has identified this site as a Candidate site in the Local Development Plan.

The Community Council therefore supports this application subject to the following conditions;

1. That the Developer agrees to work with a Liaison Committee, made up of Community Councillors, to ensure that the community of Northop Hall is represented in all matters relating to the development
2. That the Community Council is able to put forward suggestions for

the use of the Section 106 monies which would accompany this application

No objection to the amendments.

Highways Development Control

The site abuts onto land carrying public footpath 14 and efforts should be made to provide a pedestrian link from the site between plots 15 and 16 to Village Road via the public footpath.

No objections to the layout subject to conditions covering;

- Garages set back 5.5m behind the back of the footway
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- Positive means to prevent surface water run-off on to the highway
- Construction Traffic Management Plan

Public Rights of Way

Public Footpath 14 abuts the site but appears unaffected by the development.

Environmental Protection Manager

No adverse comments to make.

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)

A contribution of £55,407 is requested towards Hawarden High School as the school has less than 5% surplus spaces and the development would generate 3 pupils of Secondary School age.

Welsh Water/Dwr Cymru

No response received at time of writing.

Natural Resources Wales

No objection. We considered that the original submission to have effectively considered issues in respect of the Deeside and Buckley Newt Sites Special Area of Conservation. We therefore consider the submitted proposal will not affect the features, ecological integrity or functionality of any statutory sites of ecological, geological and/or geomorphologic interest.

The proposed scheme will not affect the character or integrity of any statutory protected or nationally important landscapes.

The presence of a protected species is listed as a material planning consideration under the provisions of Planning Guidance Wales and Technical Advice Note (TAN) Number 5. The application site has been subject to ecological survey and assessment. We consider this assessment to be satisfactory for the purposes of informing the public decision making process.

In our view, the proposal itself is not likely be detrimental to the maintenance of the favourable conservation status of any populations of European or British protected species that are present at the application site.

The application site is subject to an appropriate licence issued for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment”. Furthermore, this specific licence has satisfied the following criteria “that there is no satisfactory alternative”, and “the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

We consider the applicant to have appropriately considered ecological issues.

We note that the proposed development is adjacent and additional to the development submitted under a previous application 051884. We previously advised that any proposed works on the mineshafts could potentially have impacts on controlled waters. Therefore, when details of proposed work on mineshafts become available, and should the works relate to any shaft on this site then we may wish to review the proposals.

North Wales Police Crime Prevention Officer

Recommends principles in terms of design and layout to design out crime.

Clwyd Powys Archaeological Trust

There are no archaeological implications for the proposed development in this location. The Dublin Main Colliery was located to the south of the application area and additional shafts in the mining report lie to the west of the boundary. There are no mining remains actually within the application area.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

4 objections on the grounds of;

- Impact on wildlife

- Traffic impacts – increase in traffic, roads not suitable
- Pedestrian/cycle vehicle conflict
- Poor lighting on the road
- Problems with the drains
- Poor facilities in the village, only one shop and no post office, no GP
- Overcrowded school
- Don't need 20 houses
- Should protect green spaces
- Overdevelopment of the village

5.00 SITE HISTORY

5.01 **052232** Discharge of condition 2 (Materials) attached to permission 048855. Approved 06.06.14

051889 Approval of details reserved by condition no.23 (construction traffic management plan)attached to planning permission 48855. Approved 09.04.14

051888 Approval of details reserved by condition no.19 (means to prevent the run-off of surface water from any part of the site)attached to planning permission ref:048855. Approved 09.04.14

051887 Approval of details reserved by condition nos. 13(detailed layout, design, means of traffic calming and signed, surface water drainage, street lighting and construction of internal estate roads),14(details of site access and external improvement works)and 15(visibility splays)attached to planning permission ref: 48855. Approved 30.05.14

051886 Approval of details reserved by condition nos. 5 (foul and surface water drainage),6 (foul flows connection),7 (surface water) and 9 (scheme for comprehensive and integrated drainage)attached to planning permission ref: 48855. Approved 20.05.14

051884 Approval of details reserved by condition no.4 (contamination report) attached to planning permission ref: 48855. Under consideration.

051791 Erection of V-board housing advertisement sign Approved 01.04.14

048855

Residential development consisting of 51no. dwellings, new road and creation of mitigation land in relation to ecology. Appeal against non-determination. Allowed on appeal 31.01.13

048373

Residential development consisting of 72no. dwellings, new road and creation of mitigation land in relation to ecology. Withdrawn 28.07.11

043413

Outline residential development 15.10.07

036558

Outline residential development 30.01.04

035046

Residential development 01.05.03. Dismissed on appeal 22.09.03

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

HSG1 – New Housing Development Proposals

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 20 dwellings. The proposed residential development is phase 2 of a scheme off Village Road, Northop Hall.

7.02 Site description

The site is bounded by existing residential properties to the north west with Village Road beyond. To the east of the site is a public right of way and the tennis courts and bowling green. To the west is phase 1 of the residential development and to the south is agricultural land.

Proposal

7.03 This is a full planning application for the erection of 20 dwellings. The

proposed residential development is phase 2 of a scheme off Village Road, Northop Hall. The proposed scheme is for a mix of 20 two storey and two and a half storey detached and semi-detached properties comprising 8 three bed and 12 four bedroom dwellings. It is proposed to gift 2 three bed dwellings to the Council as the affordable housing provision.

7.04 The site would be accessed from Phase 1 via the site access from Village road and the main spine road for the development.

7.05 Issues

Principle of development

The application site is allocated for residential development (93 units) within the Adopted Unitary Development Plan. Planning permission was granted for 51 dwellings as part of phase 1 of the development on appeal in January 2013. Progress is underway to discharge the relevant conditions and the ecological mitigation has commenced to facilitate a start on site.

7.06 The principle of development is therefore accepted. The current phase would lead to a development of 71 dwellings in total, 22 less than the original allocation. There is a further strip of land to the east of this site up to and including the Black Lion public house which is included in the housing allocation but this is within third party ownership and therefore is not part of this development. The development is also at a lower density than was original envisaged.

7.07 Site layout

The proposed dwellings are a mixture of 8 three bedroom and 12 four bedroom dwellings. This therefore provides a variety and mix of house types. There are a number of properties to the northern boundary of the site, however the separation distances between the proposed and existing dwellings are in accordance with Council's Local Planning Guidance Notes 2.

7.08 Ecology

The ecological mitigation proposed as part of phase 1 took account of the development of the whole allocation. NRW are satisfied with what has previously been agreed as part of the Phase 1 which has now been implemented in part.

7.09 Access

Residents have raised concerns regarding the impact of this development on the local highway network. This application is an allocation in the Adopted Unitary Development Plan for 93 units, therefore the impact of this number of dwellings on the highway network was considered in principle at the time of the allocation.

7.10 The proposed development utilises the existing spine road and access through the first phase of development.

7.11 Highways concerns were also raised by local residents to the Inspector at the time of the previous appeal into the first phase of development. As part of the first phase a monetary contribution was secured through a unilateral undertaking for a scheme of traffic calming in the village, which has been implemented. Highways Development Control have not requested any further improvements as part of this application. Highways asked whether a pedestrian link to the public footpath could be made from the development between plots 15 and 16. The applicants do not have any control over this land therefore this is not feasible.

7.12 Education contributions

It is calculated that the development would give rise to 5 Primary School age pupils and 3 Secondary School Pupils. The nearest Primary School is Northop Hall Primary School which has a surplus capacity of 20.27%.

7.13 The nearest Secondary School is Hawarden High School which has a surplus capacity of -7%. A contribution of £55,407 is therefore requested towards Hawarden High School as the school has less than 5% surplus spaces. This will be secured through S106 agreement.

7.14 Open Space

A contribution of £1,100 per unit is also requested towards open space improvements in the local area in lieu of onsite provision. This was the approach taken during the consideration of Phase 1 of this development instead of a request for on-site open space. Leisure Services required the previous scheme to facilitate a pedestrian link to one of the existing play areas, which was provided on the approved layout.

7.15 Affordable housing

The applicant is proposed to gift 2 three bed houses to the Council which will be transferred to North East Wales Homes for affordable rental through the S106 agreement. The Council is satisfied with this provision.

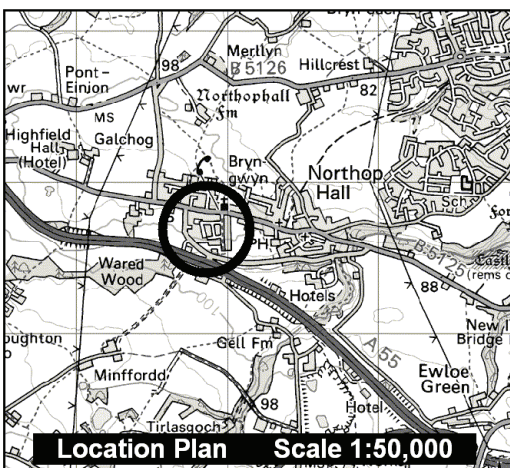
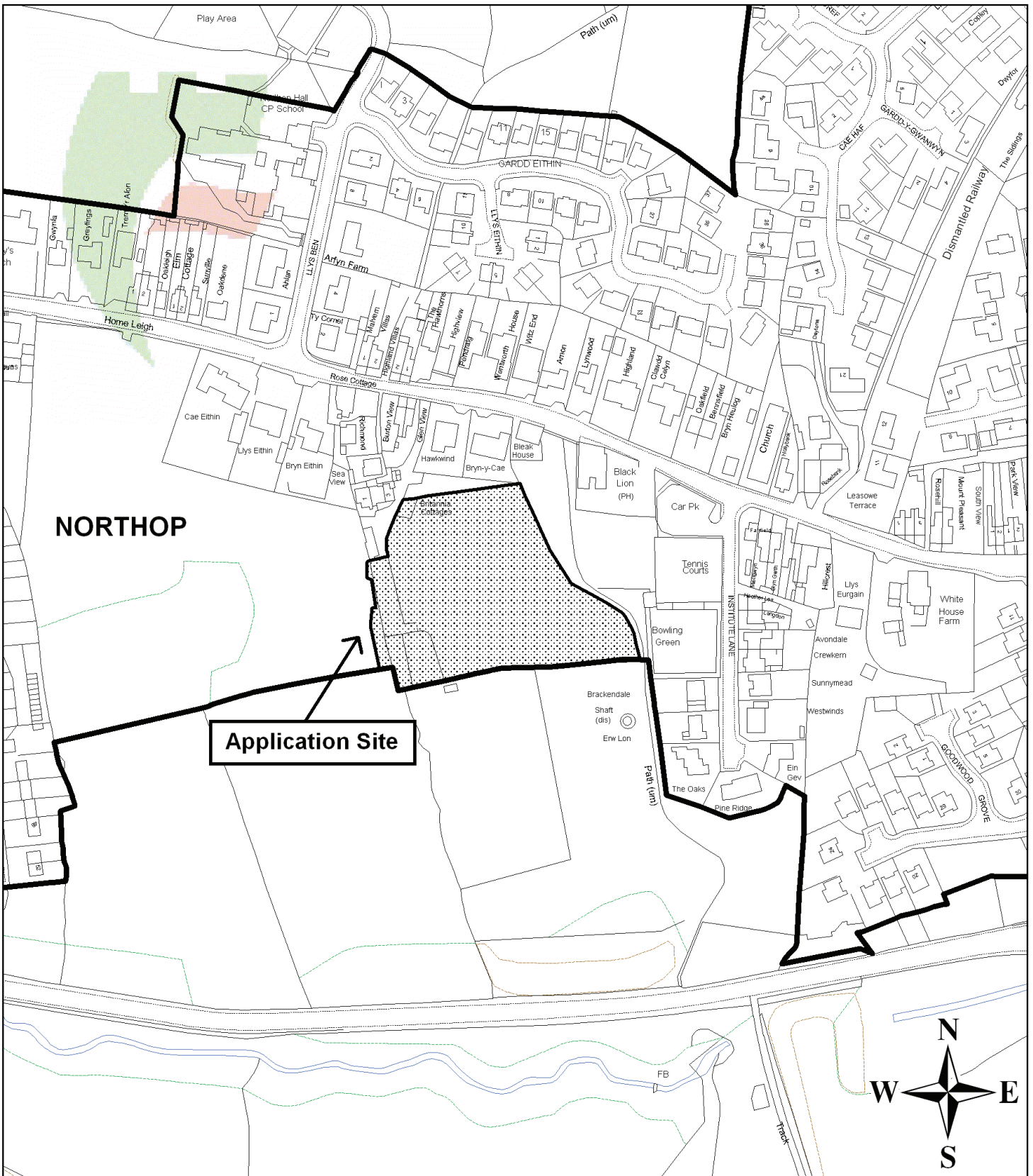
8.00 CONCLUSION

8.01 The issues in relation to the development of this site have therefore been addressed during the consideration of the first phase of development. The proposed layout and mix of dwellings is in accordance with the Council's policies.

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@flinthshire.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 2767

Planning Application **52388**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **8TH OCTOBER 2014**

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

SUBJECT: **OUTLINE APPLICATION – ERECTION OF 5 NO. TWO STOREY DWELLINGHOUSES, FORMATION OF SERVICE ROAD AND ALL OTHER ASSOCIATED WORKS AT TRAM ROAD, BUCKLEY**

APPLICATION NUMBER: **051906**

APPLICANT: **MS S. BUGUM**

SITE: **LAND AT TRAM ROAD, BUCKLEY, FLINTSHIRE**

APPLICATION VALID DATE: **20TH MARCH 2014**

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

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

REASON FOR COMMITTEE: **MEMBER REQUEST GIVEN LOCAL PUBLIC INTEREST AND SIGNIFICANT CHANGES PROPOSED SINCE CONSIDERATION OF A PREVIOUS APPLICATION UNDER CODE 050281**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This outline application proposes the erection of 5 No. two storey dwellings, formation of service road and other associated works on land adjacent to 1 Tram Road, Buckley. All matters including access, layout, scale, appearance and landscaping are reserved for subsequent approval.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,

SUBJECT TO THE FOLLOWING:-

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

1. Outline – Reserved Matters.
2. Outline – Time Limit.
3. Materials to be submitted and approved.
4. Landscaping scheme to be submitted and approved.
5. Timescale for implementation of proposed landscaping.
6. No development to commence until a scheme for the provision of a footway from the site along Tram Road to Liverpool Road has been submitted and approved.
7. No dwellings to be occupied until the works required in connection with Condition 6 have been completed.
8. Siting, layout and design of means of site access to be in accordance with details to be submitted and approved prior to the commencement of any site work.
9. Forming and construction of means of site access not to commence until detailed design has been submitted and approved.
10. Access to have a visibility splay of 2.4 m x 43 m in both directions.
11. Stated visibility splays to be kept free from obstruction during construction.
12. Facilities to be retained within the site for parking and turning of vehicles.
13. Garages to be set back 5.5 m behind back of footway.
14. Layout, design, traffic calming to be submitted for approval.
15. Gradient from edge of carriageway to be 1:24 for a distance of 10 m and a maximum of 1:15 thereafter.
16. Positive means to prevent run-off of surface water onto highway to be submitted and approved.
17. No development to take place until a Construction Traffic Management Plan has been approved.
18. No land drainage run-off to discharge into public sewerage system.
19. Surface water to connect into which drains into combined sewer unless otherwise approved.
20. Foul/surface water discharges to be drained separately.
21. Scheme for comprehensive drainage of site to be submitted and approved.
22. Scheme for installation of enhanced double glazing within dwellings and acoustic barrier along site boundary with existing garage to be submitted and approved.
23. Site and finished floor levels of building to be submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member

Councillor D. Hutchinson

Request planning committee determination given local public interest and significant changes proposed since consideration of a previous application submitted under Code No. 050281. Preliminary views are that plot 1 would impact on the occupiers of 1 Tram Road causing significant overlooking and that the site layout in respect of Plots 3 and 4 should be repositioned.

Councillor M.J. Peers

Request planning committee determination given local public interest and significant changes proposed since consideration of a previous application submitted under Code No. 050281. Preliminary views are that plot 1 would impact on the occupiers of 1 Tram Road causing significant overlooking and that the site layout in respect of Plots 3 and 4 should be repositioned.

Buckley Town Council

Recommend refusal of this application on the grounds that Plot 1 will overlook a neighbouring cottage property and remove any privacy from that property and Plot 2 likewise has an overbearing aspect on the neighbouring residential properties.

Public Open Spaces Manager

Request the payment of a commuted sum of £1,100 per dwelling in lieu of on site open space provision.

Highways Development Control Manager

Although the application is in outline an amended indicative site layout proposing the provision of a pedestrian footway from the site to Liverpool Road and three bedroom dwellings is considered acceptable subject to the imposition of conditions in respect of access, visibility and facilities for the parking and turning of vehicles.

Head of Public Protection

The proposed properties will be adjacent to a working garage premises which provides car sales and servicing. Noise monitoring has previously been carried out which would indicate that if planning permission is granted that conditions be imposed requiring the installation of enhanced double glazing within the dwellings and erection of a solid acoustic barrier along common site boundary.

Welsh Water/Dwr Cymru

Following the receipt and assessment of a drainage strategy for the site, request that any permission includes conditions in respect of foul, surface and land drainage.

Wales & West Utilities

No objections to the proposals however as apparatus may be at risk during construction works, should planning permission be obtained, then the promoter of the works will be required to contact Wales & West Utilities directly to discuss requirements in detail.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

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

- Inadequacy of access into/from Tram Road to serve the scale of development proposed.
- Increased traffic movements and poor physical condition of Tram Road would be detrimental to highway and pedestrian safety.
- Impact on existing hedgerows on site boundaries.
- Overdevelopment which would be detrimental to the character of existing development at this location.
- Detrimental impact on privacy/amenity of occupiers of existing properties.
- Surface water drainage.

5.00 SITE HISTORY

5.01 01/00317

Outline – Proposed demolition of existing dwelling and erection of 4 No. dwellings - Refused 11.07.2001

035169

Outline – Demolition of existing dwelling house and replacement with a dwelling and double garage - Permitted 14.07.03.

050281

Outline – Residential development consisting of 3 No. four bedroom detached houses and 1 No. three bedroom detached bungalow – Permitted 8th January 2014.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR4 – Housing

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy AC13 – Access and Traffic Impact
Policy AC18 – Parking Provision and New Development
Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries
Policy HSG8 – Density of Development
Policy HSG9 – Housing Mix and Type
Policy IMP1 – Planning Conditions and Planning Obligations

Additional Guidance

Planning Policy Wales (February 2014)
Technical Advice Note 12 – Design (2009)
Technical Advice Note 16 – Sport, Recreation & Open Space (2009)
Technical Advice Note 18 – Transport (2007)
Local Planning Guidance Note 2 – Space Around Dwellings
Local Planning Guidance Note 13 – Open Space Requirements
Local Planning Guidance Note 22 – Planning Obligations.

7.00 PLANNING APPRAISAL

7.01 Introduction

This outline application proposes the erection of 5 No. two storey dwellings, formation of service road and other associated works on land adjacent to 1 Tram Road, Buckley. All matters including access, layout, scale, appearance and landscaping are reserved for subsequent approval.

7.02 The site, the subject of this application is currently vacant and amounts to approximately 0.2 hectares in area. It previously accommodated a dwelling 3 Tram Road which was formed by the conversion of a pair of semi-detached dwellings which was demolished approximately 5 years ago by the current owner. It is located on the northern side of Tram Road some 60m from its junction with Liverpool Road. The character of site / surroundings along Tram Road, is mixed with semi-detached properties opposite the site and detached properties to the south and south west opposite where there is a cul de sac development at The Hollies.

7.03 To the south-east, adjacent to but outside the application site are a number of trees covered by a Tree Preservation Order.

7.04 Background History

For Members information, the background of planning history at this location is referred to in paragraph 5.00 of this report. In summary, the most recent application was an outline application for 4 No. dwellings, this being permitted under Code No. 050281 on 8th January 2014.

7.05 Proposed Development

Although the application is in outline form (with all matters reserved for subsequent approval) following officer concerns regarding the initial

site layout (given the distances shown between existing/proposed dwellings) an amended indicative site layout plan has been submitted as part of the application. The site layout indicates the erection of 5 No. detached 3 bedroom dwellings all of which front onto and gain access from a private drive and turning head arrangement, together with off-site highway improvements which include for the provision of a footpath link from the site to Liverpool Road.

7.06 The parameters contained within the Design & Access Statement indicate that the ridge height of the dwellings will be approximately 8m, taking reference from the scale of adjacent and surrounding buildings.

7.07 Main Planning Issues

It is considered that the main planning issues in relation to this application are as follows:-

- a. principle of development having regard to the planning policy framework and background of planning history.
- b. proposed scale of development and impact on character of site/surroundings.
- c. adequacy of access to serve the development.
- d. Impact on privacy/amenity of occupiers of existing and proposed dwellings.
- e. surface water drainage proposals.

7.08 Planning Policy

The site is located within the settlement boundary of Buckley as defined in the adopted Flintshire Unitary Development Plan (UDP). Within the UDP, Buckley is classified as a category A settlement where the principle of development is acceptable subject to the safeguarding of relevant amenity considerations. The proposed development does not exceed the thresholds either in terms of site area and / or number of dwelling units requiring the provision of affordable housing.

7.09 Scale of Development/Impact on Character

The character of existing development along Tram Road is defined by a mix of detached, semi-detached and a cul-de-sac development at The Hollies.

7.10 It is considered that the scale of development proposed i.e. 5 No. dwellings on a site area of approximately 0.2 hectares would not result in overdevelopment at this location. For Members information the density of development of 25 units/hectare is at a slightly lower level than the 30 dwellings per hectare which is specified as a minimum

density in Policy HSG8 of the adopted Flintshire Unitary Development Plan. The scale of development however is established taking into account the site's configuration and its relationship to existing properties where relevant amenity considerations need to be safeguarded. In addition the proposed house types would be sympathetic to and reflective of the mix of house types/forms of existing development along Tram Road which is not restricted to frontage development given that there is an existing cul-de-sac arrangement at The Hollies.

7.11 Adequacy of Access

For Members information, Tram Road is a highway maintainable at public expense and serves as access to 23 dwelling units. It is acknowledged that the surface of Tram Road is in poor condition and has been such for a number of years. Consultation on the application has been undertaken with the Highways Development Control Manager, who considers that the net increase in the scale of development being proposed from that forming application 050281 will not be significant enough to be detrimental to highway safety. Development is therefore supported subject to the imposition of conditions which relate to the formation of the means of site access and off site improvements to Tram Road and the provision of a footpath from the site to Liverpool Road.

7.12 Impact on Privacy/Amenity for Existing/Proposed Residents

The concerns relating to the impact of development on privacy/amenity are duly noted. For Members information the site is set at a lower level than existing properties opposite and adjacent to the application site, in particular the existing bungalow 1 Tram Road and a detached two storey property Clayton House, 121 Church Road. The impact of proposed development on this existing bungalow is of particular importance and it is considered that a single storey attached garage between the proposed two storey element on the dwelling on plot 1 and 1 Tram Road should be introduced to safeguard privacy/amenity of the occupiers of this existing dwelling. As a result the amended site plan incorporates this particular requirement within the layout. In addition, the distance from the dwellings proposed adjacent to the site's eastern boundary and Clayton House, 121 Church Road would be approximately 36 m. There is not in this instance (as there is no direct overlooking involved) a need to apply the guidance contained in the Council's Space Around Dwellings Local Planning Guidance Note 2 but the distances involved would in any event be in excess of the 22 m guidance, ensuring that privacy/amenity are safeguarded as part of the proposed development.

7.13 For Members information consideration of the proposed development of the site has also taken into account a current undetermined full application for the erection of 5 No. dwellings on land adjacent to the site's eastern boundary at Williams Quality Cars, 129 Church Road,

Buckley. This application submitted under Code No. 052205 is included as the following application on the agenda for determination. It is however considered that the distances between the dwellings as shown on the respective applications would ensure that the developments meet the Council's Space About Dwellings guidance (LPGN2).

7.14 Surface Water Drainage

As a result of site clearance works undertaken following the previous grant of outline permission for development of the site, it is apparent that there is a significant build up of water within the site's south-eastern corner. There are a number of factors which may be attributable to this, including for e.g., existing site levels, ground conditions, the site being at a lower level than Tram Road and a surface water pipe which previously discharged onto the site from within the rear curtilage of an existing residential property Clayton House, 121 Church Road, Buckley. It is understood that this has now been disconnected and made redundant.

7.15 The applicant's drainage consultants have undertaken an assessment of the site to ascertain whether there is a drainage solution to serve the scale of development proposed. For Members information the conclusions of this foul/surface water drainage strategy can be summarized as follows:-

- i. The site is underlain by dense clay with ground water encountered at a depth of 3m. Therefore disposal via infiltration techniques would not be suitable for the site.
- ii. Foul/surface water should be discharged into the sewer located in Tram Road.
- iii. Sustainable Drainage Systems (SUDS) such as rainwater harvesting will be used whenever possible with the overflow draining into an oversized pipe in the road. Run-off from the site will be restricted.
- iv. Localized ground raising will be required to achieve a gravity correction to the public. This will require the localized raising of the site levels to 153 m AOD.

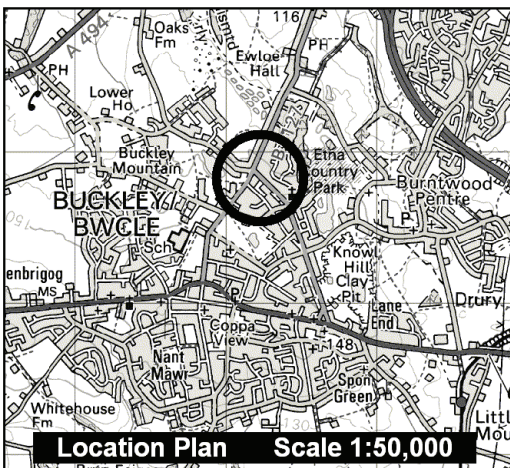
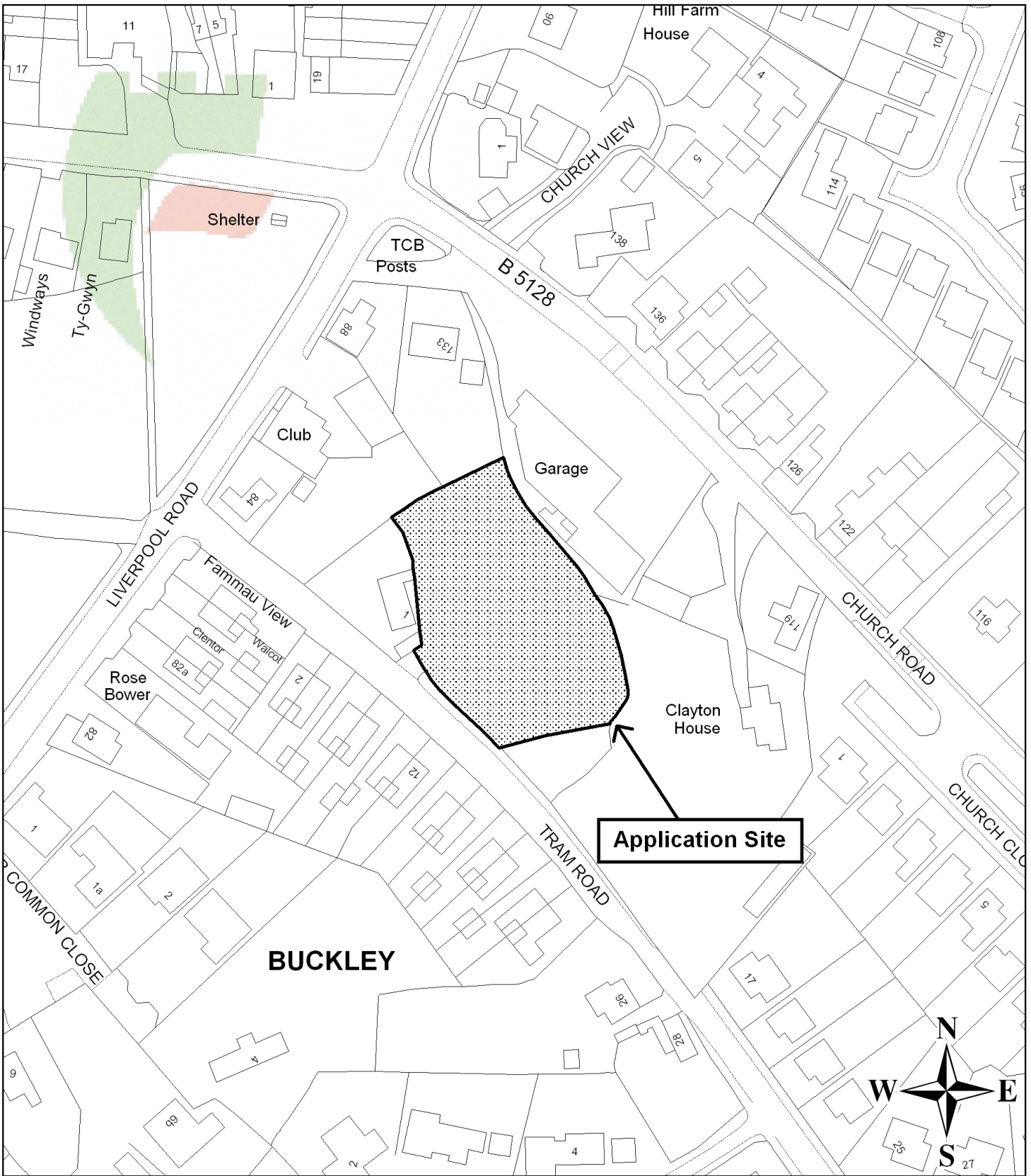
7.16 Consultation on the details submitted has been undertaken with Dwr Cymru/Welsh Water. It has been confirmed that there is no objection to the development subject to the impositions of conditions. This in particular would ensure that the surface water from the site is controlled, connecting into a surface water sewer which then drains into a combined sewer into Tram Road, with the discharge rates being controlled.

8.00 CONCLUSION

- 8.01 In conclusion, it is my view that the proposed scale/form of development would be sympathetic to the character of the site and surroundings. There is no objection to the development from the Head of Assets & Transportation or Dwr Cymru/Welsh Water subject to the imposition of conditions. I therefore recommend accordingly.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

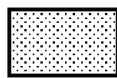
Contact Officer: Mark Harris
Telephone: (01352) 703269
Email: Robert.Mark.Harris@flintshire.gov.uk

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2864

Planning Application **51906**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **8TH OCTOBER 2014**

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

SUBJECT: **FULL APPLICATION – DEMOLITION OF EXISTING CAR SHOWROOMS AND SERVICE GARAGE AND DEVELOPMENT OF 5 NO. DETACHED DWELLINGS AT WILLIAMS QUALITY CARS, 129 CHURCH ROAD, BUCKLEY.**

APPLICATION NUMBER: **052285**

APPLICANT: **MR. BRIAN WOODOCK**

SITE: **WILLIAMS QUALITY CARS, 129 CHURCH ROAD, BUCKLEY.**

APPLICATION VALID DATE: **11TH JUNE 2014**

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

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

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application is for demolition of all the existing buildings and the erection of 5 detached dwellings at Williams Quality Cars, 129 Church Road, Buckley.
- 1.02 The main issues to consider within the determination of this application are the principle of the development in planning policy terms, the highway implications, the effects on the character and appearance of the area together with the amenities of existing and

proposed occupiers and matters of drainage of the site.

- 1.03 With the site being located within the settlement limit and Buckley being a Category A settlement as defined by the Flintshire Unitary Development Plan, the proposals for residential development are considered acceptable in principle in planning policy terms. As the traffic generation for the proposed use is not seen to be any more onerous than the existing business use on the site and the proposed access points to the proposed dwellings are acceptable, it is considered that the proposals will not be detrimental to highway safety. The design, type and materials used in construction of the dwellings are such that they are considered not to be out of keeping with the area. The position of the proposed dwellings in relation to other existing and proposed properties adjacent means that there will be no significant detrimental impact upon these occupiers. Foul drainage from the dwellings will be to the existing foul sewer with surface water being drained via proposed soakaways. These are deemed acceptable.

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

- 2.01 That conditional planning permission be granted subject to the Applicant entering into a Section 106 Obligation/Unilateral Undertaking or making a direct payment to provide the following:-
- Payment of £5,500 for the enhancement of existing public open space in the nearby community.
 - The proposal is recommended for approval subject to the following conditions:-

Conditions

1. Five year time limit on commencement of development.
2. In accordance with approved plans.
3. All external materials to be further submitted and approved.
4. Existing and proposed site levels to be further submitted and agreed prior to commencement of development.
5. Removal of permitted development rights – extensions and alterations etc.
6. Site investigation of nature and extent of contamination to be further submitted and approved. If contamination found remediation measures including verification of approved works to be submitted and approved.
7. Adequate facilities to be provided and retained within each plot for parking and turning of vehicles
8. 1.8 m wide footway provided along site frontage constructed to adoption standards.
9. Boundary wall along frontage of property and any planting within a 0.5 m strip to rear of wall not to exceed a height of

- 1 m above level of nearside channel level of adjoining highway.
10. No part of building to be permitted within 3 m either side of centreline of the public sewer.
 11. Land drainage run-off not permitted to discharge into public sewerage system.
 12. No surface water allowed to connect to public sewerage system unless approved by Local Planning Authority.
 13. Foul water and surface water discharges drained separately from site.
 14. Retention of trees and hedgerows along southern boundary.
 15. Boundary treatments to be further submitted and approved prior to the commencement of development.

If the direct payment or 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 D. Hutchinson

Requests that the application be referred to planning committee for Members to assess the impact of the development upon adjoining occupiers.

Councillor M.J. Peers

Preliminary views of:-

- Does the position of the dwelling on Plot 5 meet the distance between the front corner and the existing boundary with 121 Church Road in terms of planning policy?
- Can a condition be imposed to build a proper retaining wall adjacent to the north side of the workshop and the site?
- Requires assurance that no surface water will be disposed of onto 121.
- Necessary to improve a condition/covenant to prevent the planting of a hedge or installation of a fence at Plot 5 in order not to block visibility to vehicles leaving 121.

Buckley Town Council

No observations.

Highways Development Control Manager

Recommends that any permission to include suggested conditions.

Environmental Protection Manager

No objections in principle. However, site has a historical use as a garage and service station and there is some justification that contamination could be present in all or part of the site. Additionally, the proposed development which includes residential accommodation could be vulnerable to the presence of contamination. Therefore, recommends that a suggested condition be attached to any planning permission granted.

Head of Education & Youth

Would not request a Section 106 contribution.

Public Open Spaces Manager

In accordance with Planning Guidance Note No. 13 POS provision, the Council should be seeking payment of not less than £1,100 per dwelling in lieu of on site POS. The payment would be used to enhance existing POS in the community.

Chief Officer (Governance)

Will not affect the common land registered under CL7 Commons Registration Act 1965.

North Wales Police Crime Prevention

Supports the application, if a planning condition is imposed on the development that all houses are built to secured by Design Standard parts 1 & 2 Codes for Sustainable Homes Part 2.

Dwr Cymru/Welsh Water

If minded to grant planning consent requests supported conditions and advisory notes are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Buckley Commoners & Graziers

No comments.

Wales & West Utilities

No objections. However, apparatus may be at risk during construction works and should consent be granted requires the promoter to contact them directly to discuss their requirements in detail.

SP Energy Networks

No objections.

Airbus

Does not conflict with safeguarding criteria.

4.00 PUBLICITY

4.01 Site Notice & Neighbour Notification

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

- Distance of at least 2 m from the road back needs to be clear and no wall blocking visibility as it could result in a road traffic fatality. Could this be as a condition upon any planning permission to ensure highway safety?
- A retaining wall would damage the tree hedge. Therefore No. 121 proposes removal of the tree hedge and a retaining wall be built.
- Overdevelopment of the site and incongruous to the area.
- No evidence of sustainable site drainage information, nor evidence of any soil investigation/infiltration testing.
- Plans should be updated to annotate the materials to be used.
- Unless the whole of the driveway serving Plots 2-5 inclusive are shared, this is not appropriate as vehicles from Plot 5 cannot egress the site without utilising the property of Plot 4.
- Overlooking onto proposed properties to the rear of the site. Planning Guidance Note 2 'Space About Dwellings' is not being met taking into account differences in levels.

5.00 SITE HISTORY

5.01 **044544**

Demolition of existing garage/car showroom and construction of 10 No. new 2.5/3 storey houses with new access road and associated parking – Withdrawn 23rd July 2008.

41272

Outline – Residential development – Granted 6th November 2006.

4/0/9409

Display for sale (in open) of motor vehicles – Granted 2nd June 1981.

4/0/20867

Outline – Residential development – Granted 1st October 1991.

065/79

Proposed garage and petrol filling station and transport yard – Granted 27th May 1965.

363/42

Outline – Filling station and garage – Granted 28th February 1964.

Adjacent Site

051906

Outline – Erection of 5 No. two storey dwellinghouses, formation of service road and all other associated works – Current.

050281

Outline – Residential development consisting of 3 No. four bedroom detailed bungalows – Granted 8th January 2014.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR2 – Transport & Communications.

STR4 – Housing.

GEN1 – General Requirements for Development.

GEN2 – Development Inside Settlement Boundaries.

D1 – Design Quality, Location & Layout.

D2 – Design.

AC13 – Access & Traffic Impact.

HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

SR5 – Outdoor Playing Space & New Residential Development.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP14 – Derelict & Contaminated Land.

EWP16 – Water Resources.

EWP17 – Flood Risk.

IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note 2 ‘Space Around Dwellings’.

Location Planning Guidance Note 13 ‘Open Space Requirements’.

Local Planning Guidance Note 22 ‘Planning Obligations’.

Adopted Supplementary Planning Guidance 23 ‘Developer Contributions to Education’.

National Planning Policy

Planning Policy Wales (Edition 65 February 2014).

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

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

The site is located within the settlement limit for Buckley as defined within the Flintshire Unitary Development Plan. Buckley is also classed as a Category A settlement. Therefore, it is considered that in principle, residential development is acceptable on the site in planning policy terms. What needs to be considered are the details of the proposals.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of the existing single storey showroom and service garage buildings together with the forecourt of Williams Quality Cars, Church Road, Buckley.

- 7.02 The land slopes gently downwards from Church Road to the south of the site where all of the buildings are located. Along this boundary is a good screen of trees and hedgerow.
- 7.03 Adjacent to the site, to the north west lies the existing detached dormer bungalow of 133, to the south east the existing two storey dwelling of 119 Church Road and to the south of the site a vacant piece of land (approximately 0.2 ha) which has the benefit of outline planning permission for 3, four bedroomed detached houses and 1, three bedroomed detached bungalow (050281) and also subject to planning application 051906 seeking outline permission for the erection of 5 No. two storey dwellinghouses which is upon this agenda for determination by Members.
- 7.04 The site is located upon the southern side of Church Road, Buckley, just south east of the junction with Liverpool Road.
- 7.05 The proposals involve the demolition of the existing car showroom and service garage buildings and the erection of 5 detached two storey dwellings, of which 4 will be four bedroomed with 1 three bedroomed.
- 7.06 Plots 2 & 3 and 4 & 5 will be served off two shared access points off Church Road with Plot 1 having its own access off the same road.
- 7.07 All the proposed dwellings will be constructed within facing brick walls and tiled roofs.
- 7.08 Issues
The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms, the highway implications, the effects upon the character and appearance of the area, the effects upon the amenities of adjoining residents and matters of drainage.
- 7.09 Principle of Development
The site is located within the settlement boundary of Buckley within the Flintshire Unitary Development Plan which is a Category 'A' settlement with an array of facilities and services. In this context therefore, there is a clear policy framework supporting the principle of residential development subject to the requisite open space and educational contributions being provided.
- 7.10 Highway Implications
The site is currently served by two vehicular access points off Church Road. The proposed dwellings will be served via three new access

points off this road. Plot 1 will have its own access with Plots 2 & 3 & 4 & 5 sharing the other two.

- 7.11 The Highways Development Control Manager has been consulted upon the application who recommends that any permission includes suggested conditions. One of those conditions being that the boundary wall and any planting along the frontage of the developments be restricted to a height of no more than 1m. This is in order not to restrict visibility to vehicles leaving the developments or the neighbouring property in the interests of highway safety.
- 7.12 The Highways Development Control Manager offers no objections upon highway grounds, given the traffic generation for the proposed use is not seen to be any more onerous than the existing business use associated with the site. The proposed technical details of the proposed access points are also considered to be acceptable.
- 7.13 Character & Appearance of Area
The site is located in a predominately residential area where there is a mix of type, style and materials of dwellings.
- 7.14 Given the above, it is considered that the proposed dwellings being of two storey, detached, of a contemporary design and constructed within facing brick walls with tiled roofs will not appear to be out of keeping with those surrounding the site.
- 7.15 Amenities of Adjoining Occupiers
Those considered to be most possibly affected by the development in terms of loss of light, privacy and obtrusiveness are the occupiers of the existing property at 133 Church Road to the north east and the proposed development which has outline planning permission and is subject to an outline application currently under consideration to the rear of the site.
- 7.16 133 Church Road is the most affected by Plot 1 of the development. The distance between both side elevations nearest each other varies from approximately 9 – 12 m with Plot 1 being positioned also at angle and 133 having a secondary window upon this elevation. Plot 1 does have a bedroom window at first floor level which would overlook the rear garden of 133 but this will be only at its far end.
- 7.17 In relation to the proposed development to the rear of the site which is at a slightly lower level, the indicative layout shows that three dwellings with their side elevations will be located in proximity to the boundary. The distance between the rear elevations of the dwellings subject to this application and the side of the proposed dwellings subject to application 051906 varies between 12 m – 14 m. This distance complies with the guidelines within Local Planning Guidance Note 2 'Space About Dwellings' taking into account the change in levels.

7.18 Given the above, it is considered that the proposals will not have a significant detrimental impact upon the amenities of the occupiers of the existing property of 133 Church Road or the proposed properties to the rear.

7.19 Drainage

The Applicant's Agent has indicated that foul water from the development is to be disposed of via the existing public sewer with surface water now being drained into soakaways.

7.20 The current site is almost completely hard surfaced, so it is understandable that any surface water that is not captured by the existing drainage system could escape onto adjoining land. However, the development will contain soft landscaped garden areas and permeable paving which the surface water will drain into.

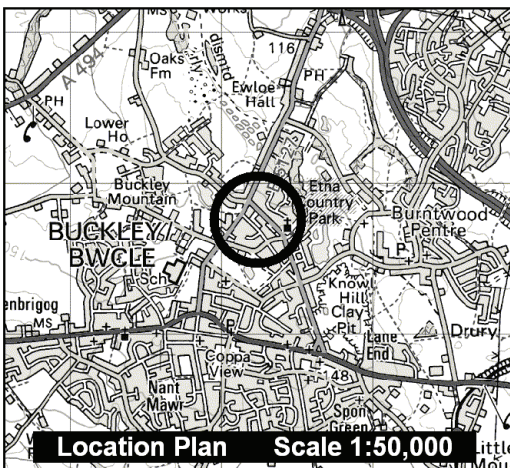
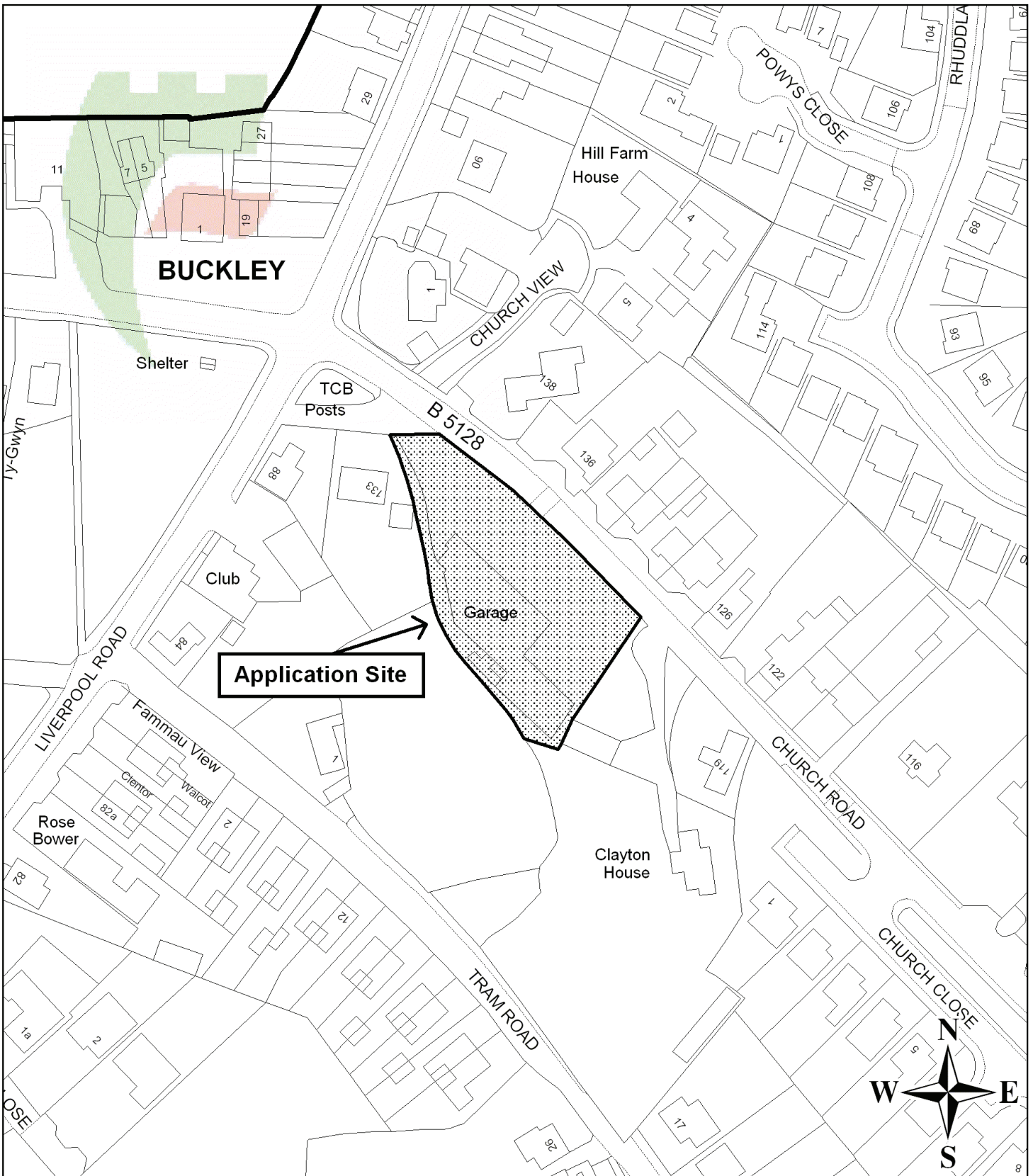
8.00 CONCLUSION

8.01 For the above reasons, the development is considered acceptable in planning terms.

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

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

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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 2864

Planning Application **52285**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **8TH OCTOBER 2014**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 2 STOREY OFFICE, WITH ASSOCIATED LANDSCAPING AND PARKING AT LAND ADJACENT TO THE RUNNING HARE, ST. DAVID’S PARK SPINE ROAD, EWLOE.**

APPLICATION NUMBER: **052507**

APPLICANT: **VERBIER HOLDINGS LTD**

SITE: **LAND ADJACENT TO THE RUNNING HARE, ST. DAVID’S PARK SPINE ROAD, EWLOE**

APPLICATION VALID DATE: **7TH AUGUST 2014**

LOCAL MEMBERS: **COUNCILLOR MS A.M. HALFORD**
COUNCILLOR D.I. MACKIE

TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This application is for the erection of a high quality office building with associated landscaping and parking at land adjacent to The Running Hare, St. David’s Park Spine Road, Ewloe. The main issues to consider are the principle of the development in planning policy terms, the highway implications, the effects upon the character and appearance of the area and the stability of the land to construct the development from previous coal mining workings.

1.02 As the site is located within the settlement boundary for Ewloe and is

allocated for high quality office development, the proposal is considered acceptable in principle in planning policy terms. In highway terms, the access is considered acceptable and the car parking provision accords with the maximum standards in the Local Planning Guidance Note. However, the number of car parking spaces accounts for only 50% of the employees. Thus, a travel plan has been requested as a condition upon the recommendation to grant planning permission which will force the operator to consider all modes of transport to the site and a reduction in the number of vehicles to and from the site with a subsequent loss in the number of parking spaces. The office building will be high quality in terms of design and materials and thus be in keeping with area and the Coal Authority confirms that the stability of the land is acceptable for the development.

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

2.01 Conditions

1. Five year time limit on commencement of development.
2. In accordance with approved plans.
3. All external materials to be further submitted and approved.
4. No land drainage into the public sewerage system.
5. Surface water to discharge to the public surface water sewerage system.
6. Foul water and surface water discharges drained separately from the site.
7. Full travel plan and transport implementation strategy submitted and approved prior to commencement.
8. Detailed scheme for provision of any off-site works identified by the TIS to be approved prior to commencement
9. Siting, layout and design of means of site access to be approved
10. Forming and construction of means of site access not to commence until approved
11. Site access to be kerbed and completed to carriageway base course layer prior to commencement of any other site building operations.
12. Facilities to be provided and retained within the site for parking and turning of vehicles
13. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of external access road to be approved
14. Positive means to prevent the run off of surface water onto the highway
15. Construction traffic management plan to be approved prior to commencement
16. Landscaping scheme to be approved
17. Implementation of above landscaping scheme.

3.00 CONSULTATIONS

3.01 Local Members

Councillor Ms A.M. Halford

No response received to date.

Councillor D.I. Mackie

Requests that the planning application be referred to the Planning Committee. Concerned that the parking issue should be fully considered before a decision is taken, as the Applicant talks about the fraught parking situation in this area. Without this development there was chaos in the area until extra parking restrictions were imposed and additional parking was provided at the Ewloe Club. This extra parking may not be available in the future. Concerned local residents should not suffer the problems they had in the past.

Concerned about effect on local schools. Parking blocking the roads will restrict people getting to them.

Ewloe Club is seeking to develop their site, If this were to happen more than 100 parking spaces would disappear

Only solution is more parking restrictions, but these take time to set up and cause yet more issues.

Problem is the building of premises where public transport is inadequate for the additional needs.

Hawarden Community Council

Objects on the grounds that there is insufficient car parking proposed for the number of staff predicted. This area already suffers from a severe case of parking for existing commercial premises.

Highways Development Control Manager

No objection to principle of commercial development on this land. Has concerns regarding potential number of employees in comparison to on-site car and cycle parking provision. Proposed car parking provision in line with maximum standard by LPGN11 and cycle provision meets minimum standards, however, with a total of 49 car parking spaces and storage of 6 cycle and 2 motorcycles this accounts for less than 50% of anticipated number of employees. Previous development in area has resulted in significant off-site parking issues and recommends any consent is conditional on submission and approval of a full travel plan and transport implementation strategy.

Proposed road extension, turning head and site entrance comply with highway standards and should be constructed to adoptable standard. Recommends any permission include suggested conditions.

Head of Environmental Protection

No adverse comments to make regarding the proposal.

Welsh Water/Dwr Cymru

Requests if minded to grant planning consent for the development that suggested conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru /Welsh Water's Assets.

Natural Resources Wales

Do not object to the proposal.

A Groundsure report has been supplied, which does not highlight any potential contaminative historic use at the site. Not providing detailed site specific advice or comments with regards to land contamination issued for the site.

Recommends seek further advice from Authority's internal ecological advisor regarding possible effects on all species and habitats listed in Section 42 of the natural environment and rural communities (NERC) Act 2006.

The Coal Authority

Considers that the content and conclusions of Phase II Geo-Environmental Investigation Report (August 2014) and Geotechnical Report (October 2001) are sufficient in demonstrating that the application site is, or can be made safe and stable for the proposed development. Coal Authority withdraws its objection. Further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

SP Energy Networks

Have plant and apparatus in the area. Advised to contact them before any development takes place.

Wales & West Utilities

No objections. However, apparatus may be at risk during construction works and should the development be approved requires the promoter of the works to contact them to discuss their requirements.

Airbus

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

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

1 letter of objection received. The grounds of objection being:-

- One of the few green spaces in this area for residents to walk dogs.
- Office will bring more traffic to area between 8 – 9 am and 5 – 6 pm has longer queues than many roads to Chester City Centre.
- Lack of car parking already and cars block bus stops and all spare places on road which do not have a double yellow line. Lack of bus routes through St. David's Park. Where would future staff park?
- There are offices which are empty and have been for some time between St. David's Park Hotel and the Busy Bee Nursery, can't these be looked at and rented before new offices are built. Don't need more offices.
- Why can't it be developed for something for the residents? Limited on restaurants, coffee shops. Locals have no where else to go and end up taking their money to Chester instead.

5.00 SITE HISTORY

5.01 4/1/17483

Outline application for business park, hotel, residential development, local centre, school, roads, open space and associated development – Granted 9th December 1988.

Adjoining Site

046531

Erection of a pub restaurant with ancillary bedsit accommodation – Granted 5th February 2010.

045816

Erection of a pub restaurant with ancillary bedsit accommodation – Refused 12th June 2009. Appeal withdrawn.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR2 – Transport & Communications.

STR3 – Employment.

STR8 – Built Environment.

GEN1 – General Requirements for Development.

GEN2 – Development Inside Settlement Boundaries.

D1 – Design Quality, Location & Layout.

D2 – Design.

D3 – Landscaping.

AC4 – Travel Plans for Major Traffic Generating Developments.

AC13 – Access & Traffic Impact.

AC18 – Parking Provision & New Development.

EM2(3) – High Quality Site Allocations – St. David's Park, Ewloe.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP14 – Derelict & Contaminated Land.
EWP15 – Development of Unstable Land.
EWP16 – Water Resources.

Local Planning Guidance Note No. 11 – Parking Standards.

National Planning Policy
Planning Policy Wales (Edition 6, February 2014).

As the development is for a high quality office building and the site is allocated as such by virtue of Policy EMP2(3), the proposal is considered acceptable in principle in planning policy terms.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of approximately 3,065 m² of an open, flat, mown grassed triangular shared piece of land located on St. David's Park, Ewloe.

7.02 It is situated in between the existing pub and restaurant of The Running Hare to the north and a larger piece of open, flat, mown grassed to the south. It is bound to the east by the Cefn y Ddol Road and to the West by an extension to the road serving The Running Hare and the offices of HSBC and Dwr Cymru/Welsh Water.

7.03 The proposals involves the erection of a 2 storey office building for Verbier Holdings Ltd, car parking and landscaping to meet the current requirements of the company, as well as providing flexibility for there growth.

7.04 The building will measure approximately 44 m x 20 m x 9 m and will be constructed within materials common to the area including facing brick, cladding, curtain walling and timber. The building will be located along its Southern boundary.

7.05 The parking to be provided will be for 49 cars and 6 cycles and 2 motorcycles and will be located to the East and North of the site.

7.06 The proposals also involve a road extension, construction of a turning head and site entrance.

7.07 The company will employ 122 people full time and will operate 8 am – 6 pm Monday to Friday.

7.08 Issues

The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms, the highway implications, the effects upon the character and appearance of the area and the stability of the land to construct

the development from previous coal mining workings.

7.09 Principle of Development

The site is located within the settlement boundary for Ewloe and allocated for high quality B1 (office) uses by virtue of Policy EM2(3) within the adopted Flintshire Unitary Development Plan. Therefore the principle of this prestige office development is considered acceptable in principle in planning policy terms.

7.10 Highway Implications

Access to the site will involve an extension of the existing service road into the site which currently serves The Running Hare and the offices of HSBC and Dwr Cymru Welsh Water. Parking within the site will be for 49 cars, 6 cycles and 2 motorcycles. The company will employ 122 people full time staff and will operate 8 am – 6 pm Monday to Friday.

7.11 The proposed road extension, turning head and site entrance comply with highway standards and provided that they are constructed to adoptable standard, the Highways Development Control Manager consider these to be acceptable in highway terms.

7.12 In terms of car parking provision, this is in accordance with the maximum standard imposed by Local Planning Guidance Note 11 – Parking Standards and the cycle provision meets minimum standards as these are based on the gross floor area of the development. However, with a total of 49 No. car parking spaces and storage for 6 no. cycle and 2 no. motor cycles this accounts for less than 50% of the anticipated number of employees. The previous developments in this area has resulted in significant off-site parking issues. The Highways Development Control Manager has recommended the submission and approval as a condition on any planning permission granted, a travel plan which will force the operator of the development to consider all modes of transport to the site which will result in a reduction of the number of vehicles arriving on site and the subsequent demand for parking spaces. The inclusion of a Transport Implementation Strategy will cover the requirement to undertake any additional work required to implement the Travel Plan whether this be the provision of additional pedestrian/cycle routes, improved public transport, implementation of their own shuttle bus service, additional on-road parking restrictions or whatever means is required.

7.13 Character & Appearance of Area

The site is located in a visually prominent open area on an existing Business Park amongst other 2-3 storey, high quality, contemporary designed office buildings.

7.14 The building will be 2 storeys in height and be of a contemporary design and of materials common to the area including facing brick, cladding, curtain walling and timber.

- 7.15 The concept of the buildings external aesthetic is intended to display the hard consistent furnish of the masonry and cladding against the natural variety of the timber. The detailing along the flashings, copes and windows, as small and defined areas of artificial materials, would be dark grey to emphasise the difference between it and the natural materials.
- 7.16 The buildings immediately adjacent to the development are 2-3 storeys in height with the site very open centrally. The boundary treatment is currently a timber knee rail which the Applicant intends to reinstate once the works are completed to demark the boundary.
- 7.17 There are no trees on site currently and therefore none to be removed as part of the works.
- 7.18 It is proposed to introduce 5 new trees with small pockets of diverse planting. The planting is intended to increase the biodiversity of the site as well as enhance the visual appearance of the developments.
- 7.19 Given the above, it is considered that the developments will be in keeping with area as a Business Park.
- 7.20 Stability of Land - Coal Mining
Within the site and surrounding area these are coal mining features and hazards which need to be considered in the determination of the application.
- 7.21 The Coal Authority previously objected to this planning application as the Applicant had failed to submit the required Coal Mining Risk Assessment in support of their application.
- 7.22 The applicant has now submitted a Phase II Geo-Environmental Investigation Report and Geotechnical Report which have been assessed by the Coal Authority.
- 7.23 The site is located to the east of the fault on the site and the Phase II Report concludes that shallow mine workings do not pose a risk to the proposed development. Therefore, no specific remedial measures are recommended to address coal mining legacy. The Coal Authority now therefore withdraw their objection.

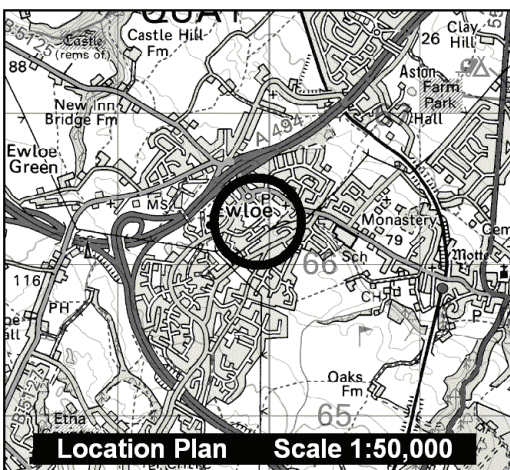
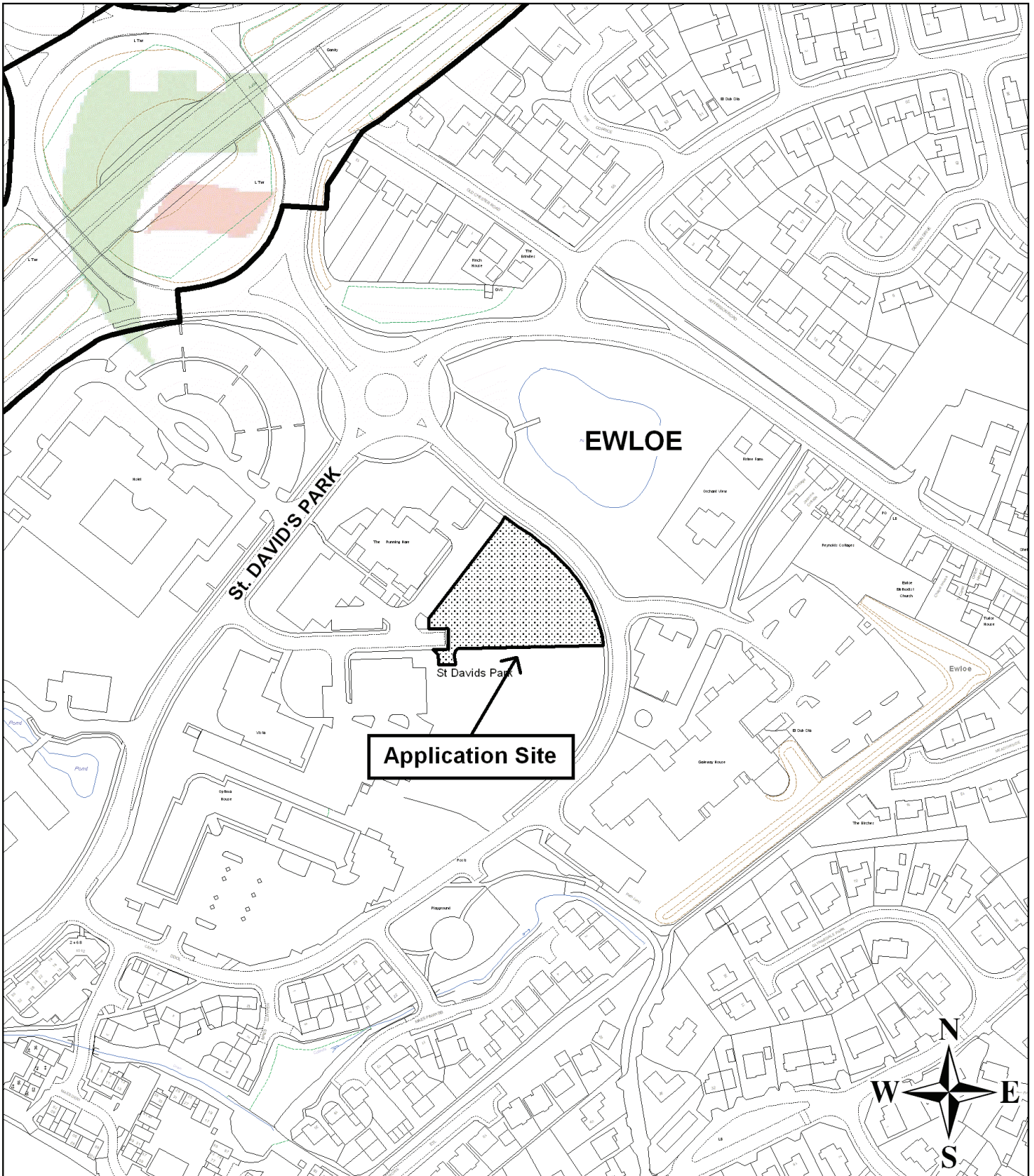
8.00 CONCLUSION

- 8.01 For the above reasons it is considered that the proposals are acceptable in planning terms.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic

society in furtherance of the legitimate aims of the Act and the Convention.

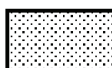

Contact Officer: Alan Wells
Telephone: (01352) 703255
Email: alan.wells@flintshire.gov.uk

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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	1:2500
OS Map ref	SJ 2966
Planning Application	52507

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **8TH OCTOBER 2014**

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

SUBJECT: **FULL PLANNING APPLICATION FOR THE ERECTION OF A DWELLING AT LAND ADJACENT TO 21 MARNEL DRIVE, PENTRE.**

APPLICATION NUMBER: **051742**

APPLICANT: **MR IAN POWELL**

SITE: **LAND ADJACENT TO 21 MARNEL DRIVE, PENTRE, DEESIDE**

APPLICATION VALID DATE: **6th FEBRUARY 2014**

LOCAL MEMBERS: **COUNCILLOR MRS G.D. DISKIN**
COUNCILLOR A.G. DISKIN

TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **REQUESTED BY COUNCILLOR MRS G.D. DISKIN DUE TO OVER-DEVELOPMENT AND OVERLOOKING OF NEIGHBOURING PROPERTY**

SITE VISIT: **NOT REQUESTED**

1.00 SUMMARY

1.01 This is a full application for the erection of a two storey dwelling with the main matters for consideration being the design of the dwelling and the resulting residential/visual impact.

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

2.01 Conditions

1. Time limit on commencement
2. To be built in accordance with plans and particulars
3. Sample materials to be submitted.

3.00 CONSULTATIONS

3.01 Local Member
Councillor Mrs G D Diskin
Requested committee determination.

Councillor A G Diskin
No response received at time of writing.

Hawarden Community Council
Concerned that it might cause overlooking of the adjacent property (in response to original planning consultation prior to re-design).

Head of Assets and Transportation
No objection.

Head of Public Protection
No adverse comments.

Welsh Water/Dwr Cymru
No objection.

Coal Authority
Site located within a Coal Authority Informative Area

SP Energy Networks
Submitted a plan showing the Manweb equipment within the area of interest, together with the current electrical safety awareness document and contacts document. The plan demonstrates that there is no equipment within the planning application boundary.

4.00 PUBLICITY

4.01 Neighbour Notifications
3 letters of objection received from the owners/occupiers of the neighbouring property who are objecting on the following grounds (in response to the planning application as originally submitted prior to re-design):

- Questioning ownership;
- Overlooking garden;
- Loss of privacy (exacerbated by land levels);
- Highway safety;
- Potential damage to tree roots causing instability and/or structural issues in the future;
- Surface water run-off;

- Flooding;
- Development does not harmonise with the site and its surroundings; and
- Impact upon water and drainage.

5.00 SITE HISTORY

5.01 No planning history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development

Policy D2 – Design

Policy HSG3 - Housing on Unallocated Sites within Settlement Boundaries

Policy AC18 – Parking Provision and New Development

Policy EWP16 – Water Resources

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full application for the erection of a dwelling which was originally submitted as a large dormer style bungalow. Following negotiations with officers amended plans have been received that show a complete re-design of the dwelling, which is now a two storey dwelling with integral garage.

7.02 Site Description and Proposed Development

The site currently forms part of the garden for no. 21 Marnel Drive which sits in a corner position. The proposal introduces a new dwelling in the corner and separates the existing plot into two fairly equal sized plots. To the right-hand side of the plot this leaves the existing property and garage with the new boundary running alongside the existing garage and widening to the rear to create private amenity space of approximately 180 sq. metres and off-road parking provision to the front of the dwelling.

7.03 The proposed dwelling is orientated to face down the driveway, rather than toward one of the existing dwellings and provides off-road parking provision to the front of the dwelling. Again, the new dwelling has approximately 180 sq. metres of private amenity space to the rear.

7.04 Planning Policy

The proposal is for a new dwelling on an unallocated site within a settlement boundary. The settlement of Pentre is a Category B settlement that currently has a growth limit of just 0.5%. Given that a Category B settlement has an upper growth limit of 15% this planning application is considered acceptable in planning policy terms.

7.05 Design and Appearance/Residential Impact

The proposed dwelling is two storey with a single storey element to the left-hand side that comprises of an integral garage with the kitchen behind it. The dwelling has three bedrooms and a bathroom at first floor with living room, study and kitchen/diner at ground floor. There is very limited potential for overlooking neighbouring properties given that the front elevation has a door and study window at ground floor and a bathroom (obscured glazing) and bedroom at first floor. There is a distance of 22 metres from the study and bedroom window to the neighbouring dwelling, 19 Marnel Drive, which complies with Local Planning Guidance Note No. 2 'Space Around Dwellings' that specifies a minimum distance of 12 metres given that they are habitable rooms facing a flank wall.

7.06 The proposed dwelling has been designed to have consistent roof lines with the neighbouring properties on both sides, which has demonstrated through the submission of a streets scene drawing and section through the site.

7.07 Infrastructure

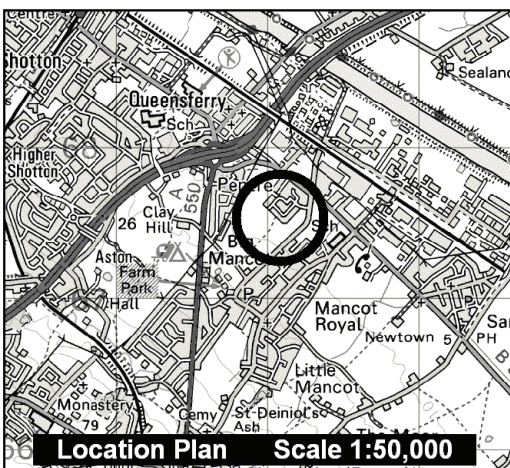
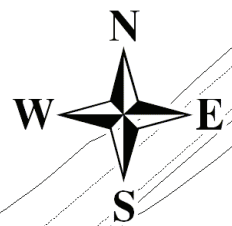
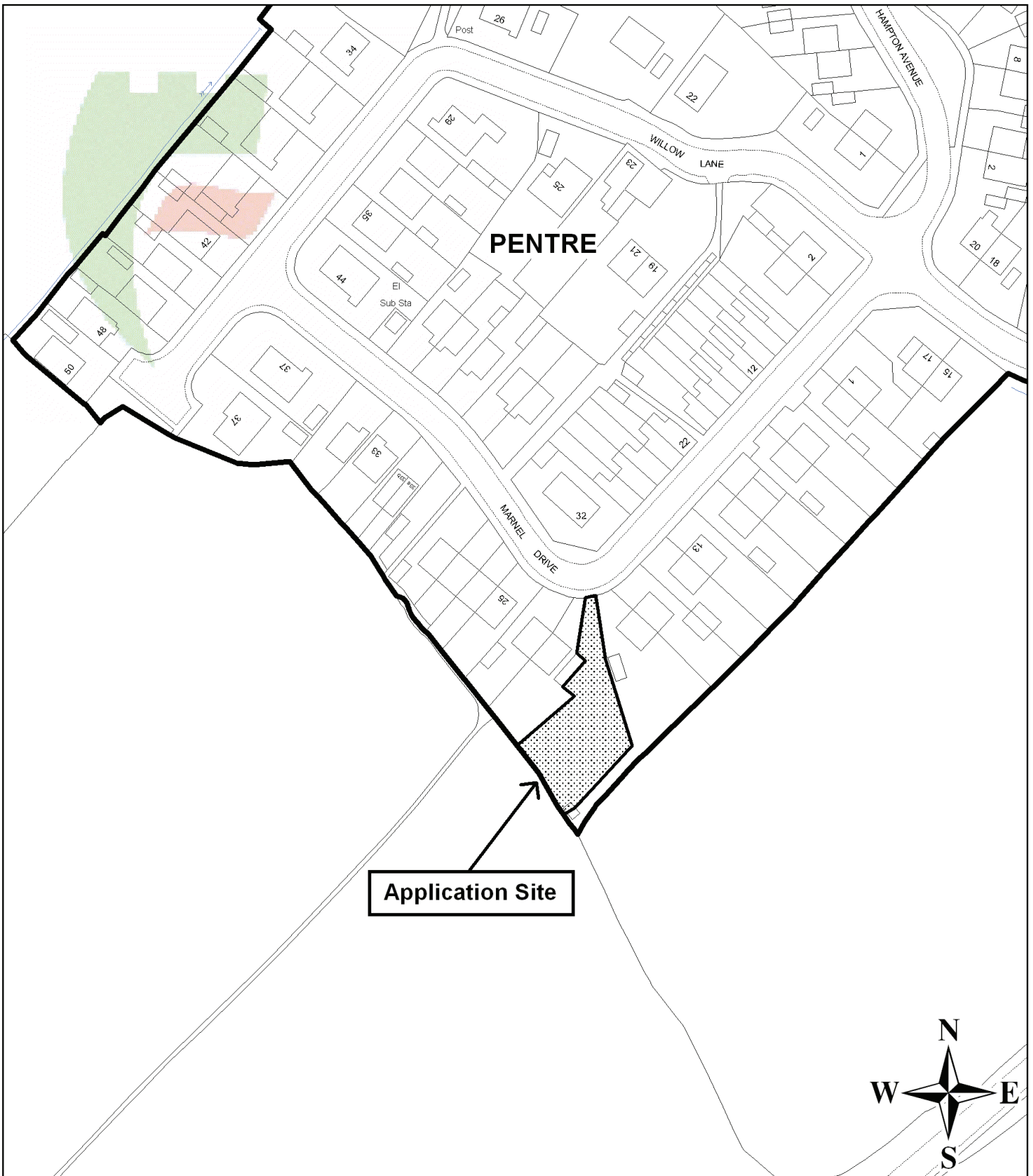
Welsh Water confirmed that the proposed development as it was originally submitted (connecting to the mains) would overload the existing public sewerage system and therefore objected to the development. The applicant then entered into discussions with Welsh Water directly and later submitted details regarding the installation of a domestic sewage treatment plant within the application site. Welsh Water have since confirmed that they withdraw their previous objection and raise no objection to the scheme as amended.

8.00 CONCLUSION

8.01 The proposed development is considered acceptable in both principle and design, subject to the conditions listed.



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: Lauren Eaton-Jones
Telephone: (01352) 703299
Email: Lauren_Eaton-Jones@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	1:1250
OS Map ref	SJ 3267
Planning Application	51742

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **8TH OCTOBER 2014**

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

SUBJECT: **FULL APPLICATION – CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO DEAL WITH A CHANGE IN LEVELS TO THE REAR OF PLOTS 52 – 56, FIELD FARM LANE, BUCKLEY (PARTLY RETROSPECTIVE)**

APPLICATION NUMBER: **052401**

APPLICANT: **PERSIMMON HOMES NORTH WEST**

SITE: **LAND AT FIELD FARM LANE, BUCKLEY**

APPLICATION VALID DATE: **16TH JULY 2014**

LOCAL MEMBERS: **COUNCILLOR MRS C. ELLIS**

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

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ASSESS IMPACT OF DEVELOPMENT ON THE PRIVACY/AMENITY OF OCCUPIERS OF EXISTING PROPERTIES**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application which is partly retrospective proposes the construction of earthworks and retaining structures to deal with a change in levels to the garden areas at the rear of plots 52 – 56, Field Farm Lane, Buckley.
- 1.02 For Members information, this application is a resubmission of a previous application for the construction of earthworks and retaining structures within the rear garden areas of the aforementioned plots.

This was refused under Code No. 051537 by Members (contrary to officer recommendation) on 26th June 2014, following consideration at the Planning & Development Control Committee Meeting on 18th June 2014. This previous application is now subject of an appeal lodged with the Planning Inspectorate which is to be determined by way of an informal hearing during November 2014.

1.03 This current application has been resubmitted to allow reconsideration of the proposal by Members, with additional 3D imagery provided, in order to supplement the previous application and illustrate in more detail the potential impact of development on the privacy/amenity of occupiers of existing properties in particular Field Farm.

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

- 2.01
1. Time limit on commencement.
 2. In accordance with approved plans.
 3. The works hereby approved in respect of plots 55 & 56 shall be commenced within one month of the date of this permission and completed to the satisfaction of the Local Planning Authority within one month of the commencement of site works.
 4. The fence/wall/hedgerow and retaining structures as marked in red on the attached plan shall be retained in perpetuity at a minimum height of 1.8 m.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Mrs C.A. Ellis

Request planning committee determination in order to assess the relationship of development on the privacy/amenity of occupiers of existing properties.

Buckley Town Council

The Council reiterates concerns previously made in that:-

1. There is still an overlooking aspect issue regarding Field Farm.
2. The building is still overbearing and too close to Field Farm.
3. The work that has been carried out on the property does not have the relevant planning permission as it is outside the agreed footprint by 1.5 metres.
4. There will be an adverse impact on the public footpath that runs immediately alongside the property.

Environment Directorate

(Rights of Way)

Public Footpath 21 crosses the site. The applicant may be required to apply for a temporary closure order, to protect the public during

construction.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification Neighbour Notification

One letter of objection received from the occupiers of Field Farm, the main points of which can be summarised as follows:-

- Proposed dwelling is sited closer to Field Farm, than initially approved which exacerbates impact on privacy/amenity.
- A 1.5 m wide raised area to the rear of Plot 56 would enable it to be used as a 'sitting out area' which would lead to overlooking. This should be reduced to a maximum of 0.9 m to restrict its usage.

5.00 SITE HISTORY

5.01 036776

Outline – Residential Development – Approved 12th May 2004.

042356

Reserved Matters – Erection of 139 dwellings, roads, public open space and all associated works – Refused 31st May 2007.

043841

Reserved Matters – Residential development of 79No. dwellings and 24 No. apartments – Withdrawn 8th October 2007.

044085

Variation of Condition No. 2 attached to planning approval reference 036776 to extend the time for the submission of reserved matters and commencement of development – Approved 7th December 2007.

046805

Reserved Matters – Residential development consisting of 89 No. two strong dwellings, open space, roads and associated works – Permitted 8th August 2010.

050382

Substitution of 9 No. house types (plots 43-48 and 54-56) – Permitted 7th March 2013.

051537

Construction of retaining wall within the rear gardens of Plots 52 – 56. Refused 26th June 2014. Appeal to the Planning Inspectorate with informal hearing arranged for 18th November 2014.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy GEN1 – General Requirements for Development.
Policy GEN2 – Development Inside Settlement Boundaries.
Policy D1 – Design Quality, Location and Layout.
Policy D3 – Landscaping.

It is considered that the proposal generally complies with the above Policies and guidance.

7.00 **PLANNING APPRAISAL**

7.01 Introduction

This full application which is partly retrospective proposes the retention and modification of existing retaining structures to provide raised and tiered garden areas to the rear of 5 No. Plots (52 - 56) within the Persimmon Homes, Field Farm development at Field Farm, Buckley. The properties the subject of this application have a common rear site boundary with existing bungalows to the south at Nos 6-16 Aberllanerch Drive, with plot 56 also being located to the east of an existing detached dwelling Field Farm which is accessed through the estate development. The line of Public Footpath 21 linking the development to Aberllanerch Drive runs between the curtilage boundaries of plot 56 and Field Farm.

7.02 Background

By way of the background of planning history at this location which is referred to in paragraph 5.00 of this report, the overall site comprising 4.5 hectares in area has the benefit of planning permissions for the erection of a total of 90 dwellings. Three of the plots the subject of this application (54, 55 & 56) have been the subject of a substitution of house type application, this being permitted under Code No. 050382 on 7th March 2013 with development having been undertaken in accordance with this permission. The approved garden areas associated with plots 52 – 56 of the development as initially permitted were, given the difference in site levels, sloping in nature from the rear of the dwellings to the common site boundary with Aberllanerch Drive.

7.03 Proposed Development

Following the committee site visit undertaken by Members on 12th May 2014 in respect of application 051537, the feedback obtained resulted in an amendment to the scheme from that initially submitted. These changes have been incorporated into this current application with accompanying 3D imagery and it is proposed to:-

- a. Retain the ground levels and log retaining walls/steps already constructed to the rear of Plots 52 – 54 to allow for the use of the garden on two levels.
- b. Incorporate a revised platform approximately 1.5 m wide immediately to the rear of plots 55 & 56 with steps down to access a sloping garden area as initially proposed as part of

the originally approved estate layout. It is not proposed to provide any additional tiers within these garden areas. A 1.8 m screen between the raised platform and Field Farm is proposed and 2 m high screen boundary fence defining the western site curtilage boundary is proposed with supplemental hedgerow planting in front. In addition a 2 m high screen fence on the rear boundary with properties 14/16 Aberllenerch Drive is proposed.

7.04 Main Planning Considerations

The main issues to be taken into account in consideration of this application are:-

- Visual impact associated with the proposed retaining structures and raising/tiering of the garden areas.
- Position of Plot 56 relative to Field Farm and impact of development on the privacy/amenity of the occupiers of Field Farm and Aberllanerch Drive.
- Impact on public footpath 21 the line of which is adjacent to plot 56 and Field Farm.

7.05 Visual Impact

The rear garden areas associated with plots 52-54 of the development are enclosed with a substantial hedgerow, screening the development from the rear of Nos 8/10/12 Aberllanerch Drive. The new gardens associated with Nos 55 & 56 however, are visually more prominent as there is limited screening/planting on the common site boundaries of these plots with 14/16 Aberllanerch Drive and Field Farm on the opposite side of Public Footpath 21.

7.06 It is considered that the tiered garden areas associated with Plots 52 – 54 are acceptable in the context of the immediate environs with the proposed modifications to plots 55 & 56 helping to retain the existing sloping topography of the garden areas.

7.07 Impact on Privacy/Amenity

Particular concerns have been raised by the occupiers of Field Farm to the position of Plot 56 of the development and whether the dwelling is in the correct position in accordance with the previously approved plans.

7.08 It has been established by officers that the dwelling is in the correct position relative to the site boundaries of the estate development. Whilst concern has been raised that the dwelling on plot 56 is 5 m closer to Field Farm than approved, it is actually 1.8 m closer to this existing property, as Field Farm was shown on the initial plans to be approximately 1.8 m further away from the site boundary than its actual siting.

7.09 On this basis no enforcement action can be taken as the dwelling on

Plot 56 is accurately positioned relative to the site boundaries in accordance with the previously approved site layout.

7.10 Whilst the concerns raised by the occupiers of Field Farm are duly noted in this respect, it is considered that the impact on amenity can be addressed through this application, with improved screening/landscaping incorporated to help prevent overlooking and soften the impact of development along the boundary with Field Farm.

7.11 Impact on Public Footpath 21

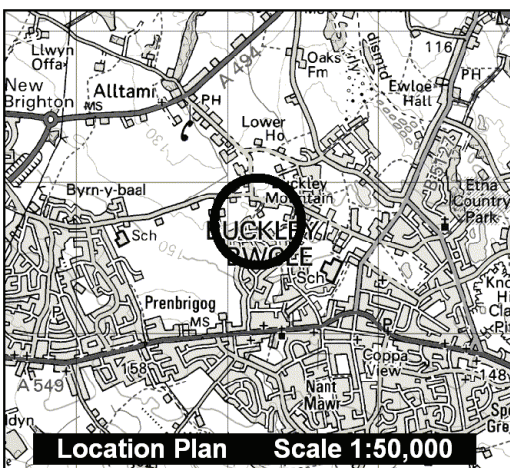
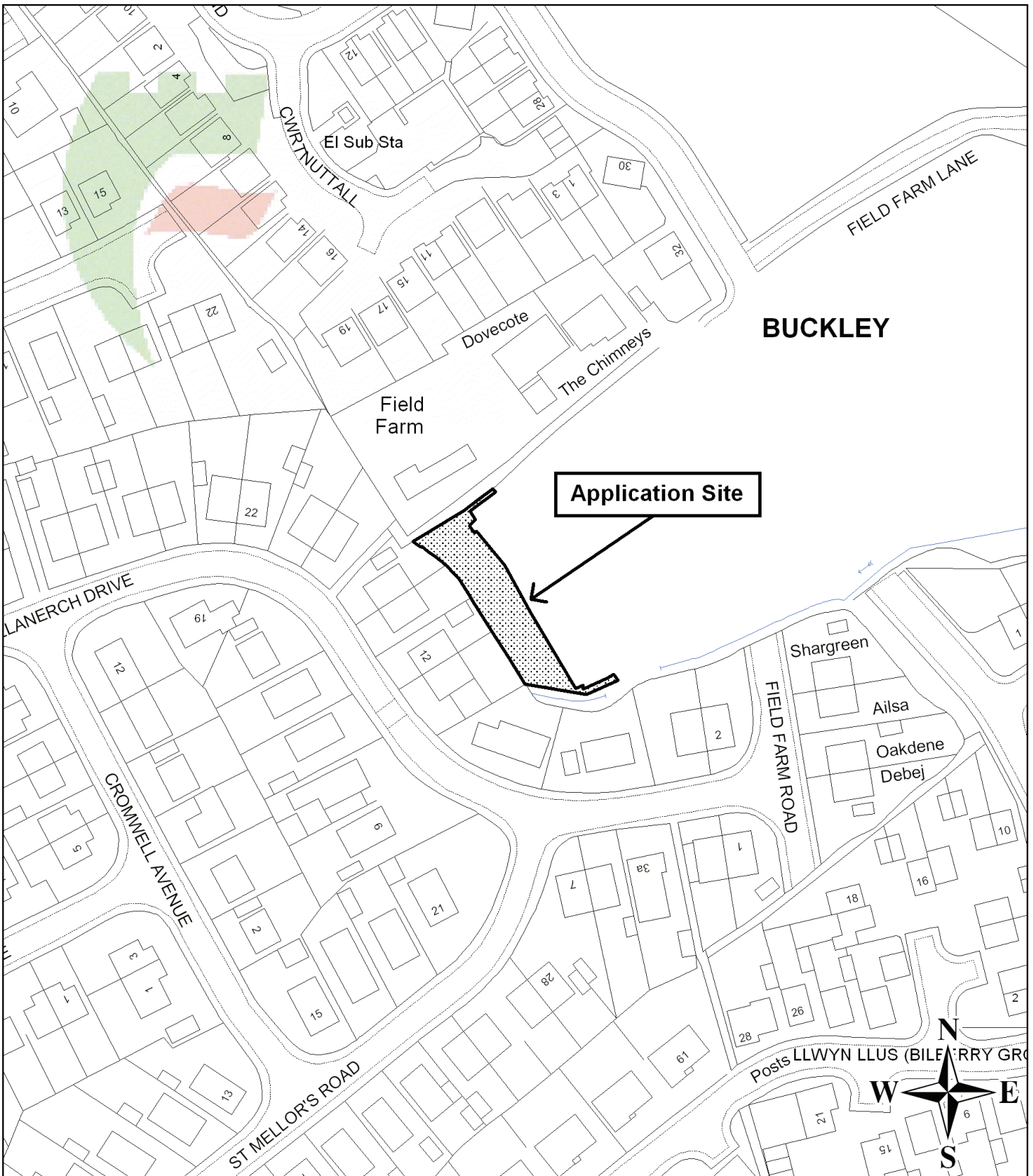
Public Footpath 21 runs alongside the western site boundary of plot 56, between it and Field Farm. During site construction work on plot 56, the footpath has been the subject of a temporary closure. Consultation on this application has been undertaken with the Public Rights of Way Section in order to consider the impact of the proposed development on the footpath and its users. It is considered that given the extent of changes proposed with introduction of associated screening/landscaping on the boundary of plot 56 adjacent to the footpath that the nature/extent of these works may again oblige the footpath to be closed whilst the works are undertaken. This would require the applicant to contact the Rights of Way Section before proceeding with any further site works.

8.00 CONCLUSION

8.01 In conclusion, it is maintained that the plans submitted as part of this application in respect of plots 55 & 56 provides an acceptable solution to ensuring that the privacy/amenity of the occupiers of Field Farm/Aberllanerch Drive are safeguarded. If Members are mindful to grant permission this should in my view be subject to the incorporation and retention of associated boundary treatment/landscaping to ensure that the privacy/amenity of the occupiers of Field Farm/Aberllanerch Drive are safeguarded in perpetuity. I therefore recommend accordingly.

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

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



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 2764

Planning Application **52401**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **8 OCTOBER 2014**

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

SUBJECT: **OUTLINE – RESIDENTIAL DEVELOPMENT OF LAND TO THE REAR OF BODOWEN SURGERY, HALKYN ROAD, HOLYWELL, FLINTSHIRE.**

APPLICATION NUMBER: **052349**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **LAND TO THE REAR OF BODOWEN SURGERY, HALKYN ROAD, HOLYWELL, FLINTSHIRE.**

APPLICATION VALID DATE: **3 JULY 2014**

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

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

REASON FOR COMMITTEE: **COMMITTEE DETERMINATION HAS BEEN REQUESTED BY THE LOCAL MEMBER DUE TO CONCERNS IN RELATION TO OVER DEVELOPMENT, TRAFFIC GENERATION AND DRAINAGE CAPACITY CONCERNS.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application is submitted in outline with all matters of detail Reserved for future consideration and approval. The application is accompanied by an indicative layout and parameters of the scale of the proposed development are set out in the accompanying Design and Access Statement. However, these are purely indicative and members are reminded that this application concerns itself solely with the principle of the development of this site for residential purposes.

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

- 2.01
1. Outline - Time limit
 2. Outline - Details of reserved matters
 3. In accord with approved plans
 4. Outline - Submission and approval of site levels
 5. No access formation until scheme agreed.
 6. Access to each plot to be in accordance with standard detail for single or paired residential access.
 7. Submission of siting, layout and design of means of access
 8. Submission of detailed layout, traffic calming, signing, design, surface water drainage, street lighting and construction of internal estate road.
 9. Scheme for parking and turning facilities to be submitted and agreed.
 10. Garage fronts to be set back 5.5m from rear of footway or 7.3m from edge of carriageway.
 11. Gradient of road for first 10m to be 1 in 24 and maximum of 1 in 15 thereafter.
 12. Scheme for positive means to prevent surface water run off on to Highway to be submitted and agreed.
 13. Public rights of way to be marked out and safeguarded during course of development.
 14. No development until a construction traffic management plan is submitted and agreed.
 15. Foul and surface water discharges drained separately
 16. Surface water not allowed to connect, directly or indirectly to public sewerage system
 17. Land drainage run-off shall not be permitted to discharge, directly or indirectly into public sewerage system
 18. Contaminated Land Report submitted and approved identifying any land contaminants and if found any remediation/mitigation measures prior to commencement of development.
 19. Prior to commencement, a bio-security risk assessment to be submitted and agreed.
 20. Scheme for comprehensive integrated drainage system to be submitted and agreed. Such scheme to include surface water regulation system.

3.00 CONSULTATIONS

3.01 Local Member : Councillor P. J. Curtis

Requests that the application is determined by the Planning and Development Control Committee in view of his concerns in relation to;

- the overdevelopment of the site;
- the extra traffic generated by the development; and

- the capacity of the existing drainage system to accommodate the proposed development.

Holywell Town Council

Objects on the following grounds:

- No environmental report on the site available (to assess any land contamination relating to past use) prior to consideration of the proposal;
- Traffic/highway and public safety concerns for users of the B5432 Halkyn Road and the Holywell Hospital car park in particular, also in relation to access to adjoining land;
- Compounding of drainage/flooding problems due to lack of capacity of the existing sewerage system.

Highways Development Control Manager

No adverse comments. Requests the imposition of conditions.

Notes that the site is crossed by Public Bridleway 25. Advises that this route must be protected during the course of development. Advises of the potential need for a Temporary Closure Order during development works.

Pollution Control Officer

Requests that a condition requiring a land contamination survey, and associated remediation strategy if required, is attached to any grant of planning permission.

Welsh Water/Dwr Cymru

No objections. Requests the imposition of conditions in relation to the design of the proposed drainage scheme.

Natural Resources Wales

No objections. Requests the imposition of conditions in relation to the need for a bio-security risk assessment to be undertaken and the need for a surface water regulation scheme to be agreed.

Public Open Spaces Manager

Requests that a commuted sum of £1100 per dwelling is sought towards to off site recreation provision.

Education Capital Planning Manager

Advises that the primary and secondary school within the catchment of which the site is located all have in excess of 5% surplus places. Accordingly, and in line with the guidance set out in Supplementary Planning Guidance Note 23 : Developer Contributions to Education, no sum towards educational needs is sought.

Members are reminded that the applicable schools (Ysgol Uwchradd Treffynnon, Ysgol Perth- yr-Terfyn and Ysgol-y-Fron) have been the subject of a £30M investment in a new 21st century school campus at the existing Ysgol Uwchradd Treffynnon site and therefore contributions towards those schools is catered for via this project.

Coal Authority

No objections. Standing advice applies.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site notices and neighbour notification letters.

4.02 At the time of writing 1No. response has been received from North Wales Police Architectural Liaison Officer who advocates that the detailed design to be submitted as the Reserved Matters, should accord with Secured by Design.

5.00 SITE HISTORY

5.01 The wider site and its surroundings have extensive historical planning permission relating to the former Council depot, development of the Bodowen Surgery and the adjacent Holywell Community Hospital. The applications listed below reflect the site history in relation to residential development (and related) proposals at the application site.

038071

Outline – Residential Development
Withdrawn 18.05.2005

040220

Outline – Residential Development
Permitted 20.04.2007

040213

Construction of car park and roundabout including lighting columns.
Permitted 27.2.2006

045212

Variation of condition 2 attached to 40220
Permitted 12.12.2008

047926

Outline – Erection of 15 dwellings
Permitted 19.9.2011

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR1 - New Development
- Policy STR4 - Housing
- Policy GEN1 - General requirements for development
- Policy GEN2 - Development inside settlement boundaries
- Policy HSG3 - Housing on unallocated sites within settlement Boundaries.

The proposals would comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises approximately 0.45 hectares of vacant, overgrown land, located adjacent to and between the public car park to Holywell Hospital and Holywell Football Club. The site is accessed via a shared point of access from Halkyn Road and lies to the south-east of Holywell Town Centre. The site is located to the rear of Bodowen Surgery and set within the wider context of an established residential area. It is bounded to the west by a newly constructed car park, to the east by the playing fields, to the north, fields and woodlands and to the south by Holywell Hospital.

7.02 The Proposed Development

The proposal is an outline application with all matters reserved for subsequent approval for residential development. An illustrative layout has been submitted showing the construction of 10, 4 bedroom 2 storey detached dwellings. The access has been indicated to be off the internal access road serving the hospital, car park and football club which in turn is off Halkyn Road.

7.03 The Main Issues

The main issues for consideration in the determination of this application are:

- the principle of the development in planning policy terms;
- the impact of the proposals upon highway safety;
- the capacity of drainage infrastructure to accommodate the development;
- the implications of any historical contamination upon the site; and
- impacts upon residential amenity.

7.04 Principle of Development

As the site is located within the settlement limit for Holywell, a Category A settlement within the Flintshire Unitary Development Plan, the principle of residential development upon the site is considered acceptable.

- 7.05 In addition, Members should be aware that the planning permission granted under application reference 047926 remains extant at the time of the submission of this application.
- 7.06 Highway Issues
Access to the site will be off the existing road which runs down to the Football Club. This road also serves the hospital and public car park, all of which are served via Halkyn Road.
- 7.07 In principle, the Highways Development Control Manager has examined the proposals and, as a matter of principle, raises no objection to the proposals on highway safety grounds. Conditions are requested to be imposed in relation to matters of detail to be addressed as part of any future Reserved Matters application.
- 7.08 Drainage Impacts
Both the Natural Resources Wales and Dwr Cymru/Welsh Water have been consulted upon the drainage aspects of the proposal. They both advise that both notes and conditions are placed upon any planning permission being granted in terms of both surface and foul water drainage of the site.
- 7.09 No objection to the proposals has been raised by Dwr Cymru/Welsh Water in relation to system capacity concerns.
- 7.10 Impacts upon Residential Amenity
The nearest residential properties lie approximately 70m to the north of the site. Given this distance, it is considered that both the existing and proposed occupiers of the development will not be significantly detrimentally affected by the proposals.
- 7.11 Land Contamination
The Pollution Control Officer has advised that due to historical lead mining activities within the area, a condition should be placed upon any grant of planning permission requiring a site investigation being undertaken to identify any potential contaminants from this use and indeed all previous uses and if found identify how these can be remediated against. I propose to condition accordingly.
- 7.12 Recreation and Open Space
Members will note that the Public Open Spaces Manager is seeking a contribution of £1,100 per dwelling to be used in lieu of on site play and recreation provisions.
- 7.13 Such contributions are usually sought by way of a Section 106 or other legal agreement. However, as the applicant is the Council and with the land likely to be sold off to a potential developer, these contributions can be sought as a condition of sale of the land.

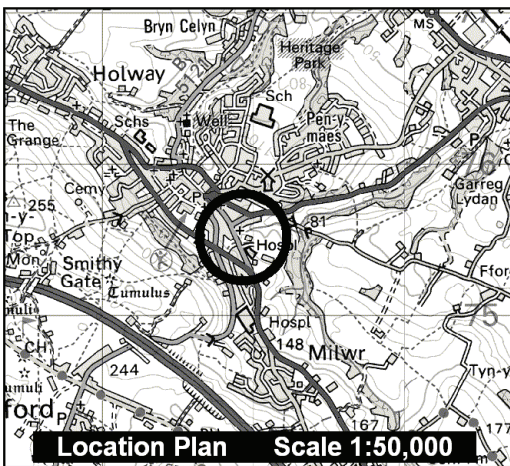
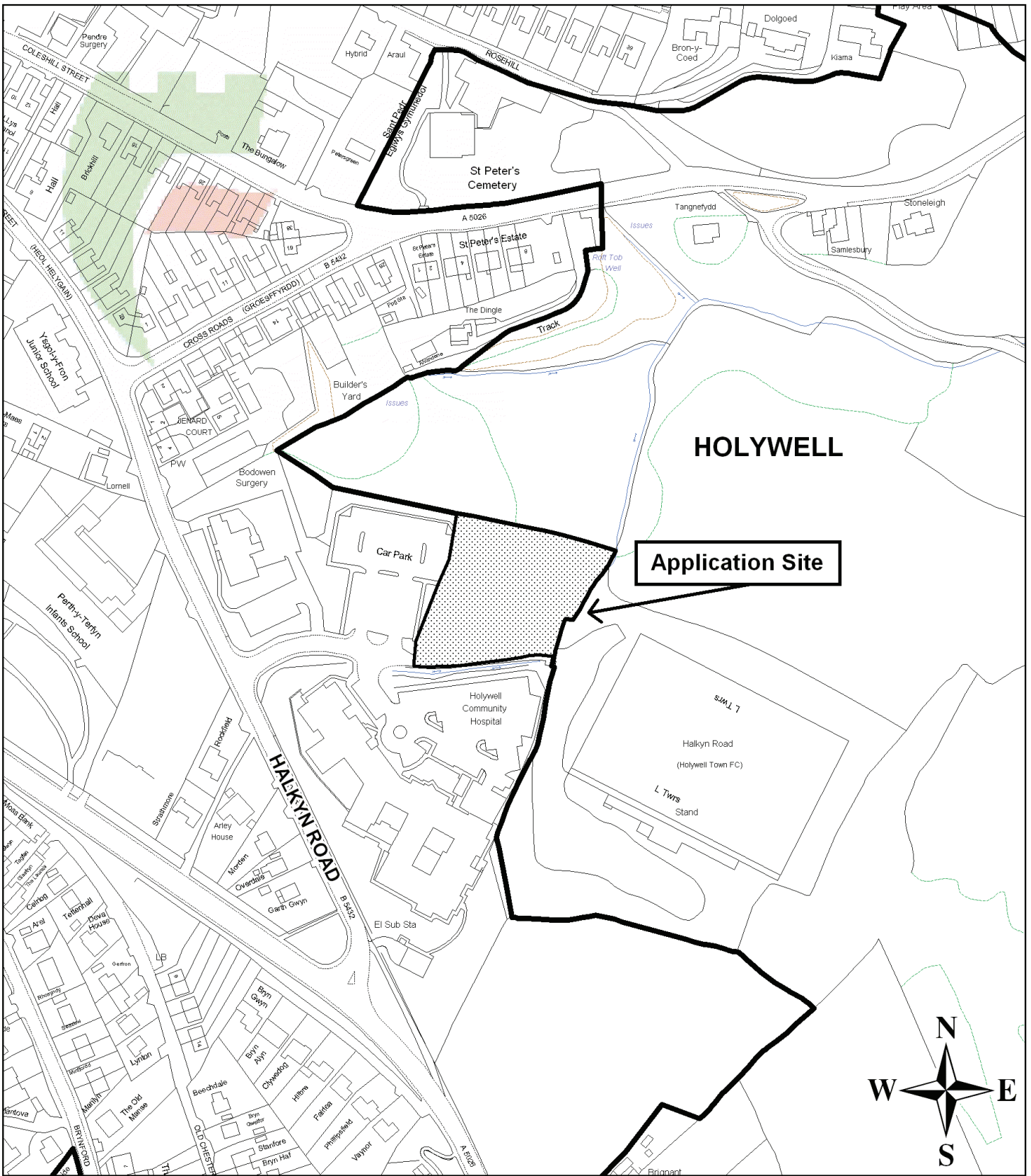
8.00 CONCLUSION

8.01 I consider that the proposal is acceptable in principle and the development proposed would be acceptable at this location meeting the Council's requirements. I therefore recommend accordingly.

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

Contact Officer: 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						
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Legend Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary	<table border="1"> <tr> <td>Map Scale</td> <td>1:2500</td> </tr> <tr> <td>OS Map ref</td> <td>SJ 1975</td> </tr> <tr> <td>Planning Application</td> <td>52349</td> </tr> </table>	Map Scale	1:2500	OS Map ref	SJ 1975	Planning Application	52349
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FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: 8TH OCTOBER 2014

REPORT BY: CHIEF OFFICER (PLANNING AND ENVIRONMENT)

SUBJECT: ERECTION OF 2 NO. 3 AND 2 AND A HALF STOREY BLOCKS TO CREATE 20 NO. SELF CONTAINED RESIDENTIAL UNITS; PROVISION OF ACCESSES OFF GLANRAFON ROAD AND CHAPEL STREET; HARD AND SOFT LANDSCAPING AND ALL OTHER ASSOCIATED WORKS AT OLD BAKERY, GLANRAFON ROAD, MOLD.

APPLICATION NUMBER: 052105

APPLICANT: WALES AND WEST HOUSING ASSOCIATION

SITE: OLD BAKERY, GLANRAFON ROAD, MOLD.

APPLICATION VALID DATE: 06.05.14

LOCAL MEMBERS: COUNCILLOR H BATEMAN

TOWN/COMMUNITY COUNCIL: MOLD

REASON FOR COMMITTEE: SIZE OF DEVELOPMENT

SITE VISIT: NO

1.00 SUMMARY

- 1.01 This is a full planning application for there erection of 20 apartments in two blocks on land at the Old Bakery, Glanrafon Road, Mold. It is considered that the proposed scheme will enhance the setting of the Conservation Area and the adjacent Listed Buildings. The form and design of the building has taken into account the existing built form and accords with the Council's Standards for Space Around Dwellings. It is considered the provision of car parking spaces is

acceptable taking into account the location of the site in a town centre and in close proximity to public transport and a public car park.

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

- 2.01 Subject to entering into a S106 agreement unilateral undertaking or early payment for the following contributions;
- £733 per unit in lieu of onsite open space provision

Conditions

1. Time commencement
2. In accordance with plans
3. Materials
4. Surface water regulation system including runoff rates and attenuation details
5. Obscure glazing in northern elevation of block C at ground floor
6. Detailed landscaping to include seating area and treatment of bin store, cycle store provision
7. Windows and door details
8. Details of siting, layout and design of means of access
9. The formation and construction of the access shall be agreed prior to any works on site
10. Parking to be completed prior to occupation and retained
11. Positive means to prevent surface water run-off onto the highway
12. The remaining existing access from Glanrafon Road shall be closed off
13. Construction Traffic Management plan
14. Scheme for cycle storage to be provided
15. Land contamination investigation
16. Bats – reasonable avoidance measures and mitigation

3.00 CONSULTATIONS

3.01 Local Member
Councillor H Bateman

Agrees to the determination of the application under delegated powers. Would request that the open space contribution is paid upfront rather than 50% occupation as the play equipment in the adjacent play area is in a poor state of repair and some equipment has been removed due to its poor condition.

Mold Town Council

The Council would support the application if the proposed developments were reduced to two storeys. The Council believes two storey's would be more fitting with the surrounding buildings and would result in less units requiring less parking spaces.

Highways Development Control

No objections subject to the imposition of the following conditions;

- Details of siting, layout and design of means of access
- The formation and construction of the access shall be agreed prior to any works on site
- Proposed access shall be in accordance with standard residential detail
- Parking to be completed prior to occupation and retained
- Positive means to prevent surface water run-off onto the highway
- Construction Traffic Management plan
- Scheme for cycle storage to be provided

Environmental Protection Manager

No objections in principle to this application however, the development area is a former industrial and bakery site and as such there is some justification that contamination could be present in all or part of the site, which residential development could be vulnerable to. Therefore recommend a condition requiring a land contamination investigation.

Welsh Water/Dwr Cymru

No response received at time of writing.

Natural Resources Wales

The site is in Zone A as defined by TAN15 Development and Flood Risk and shown on the Welsh Government's Development Advice Map, however NRW's Flood Map for Surface Water shows that some of the site is at risk of surface water flooding.

The proposed development has potential to increase flood risk to developments off site as it will increase surface area of impermeable ground this reducing percolation and increasing rapid surface water runoff.

The submitted infiltration tests show that soakaways may be feasible on this site, however no information has yet been submitted regarding the size required to accommodate the surface water runoff volumes on site. A condition should be imposed requiring the submission of a surface water regulation system prior to the commencement of development. The plan should include information on how rates of runoff will be restricted and how volumes will be attenuated on site.

Wales and West Utilities

No objection however there is apparatus in the area that may be at risk from construction works.

Head of Play Unit

Request a commuted sum of £733 per unit in lieu of on-site open

space.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification
None received.

5.00 SITE HISTORY

5.01 045635

Outline application - regeneration of the site with 18 number apartments including ancillary amenity space and parking areas.
Approved 17.02.11

043417

Outline Application - regeneration of site for 22 No apartments, 2 No offices and covered parking area - refused on 11/2/08 due to the siting, scale, height and massing representing overdevelopment of the site and that the development would disturb archaeological remains.
Refused 11.02.08

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 Land

EWP17 - Flood Risk

HE1 – Development Affecting Conservation Areas

HE2 – Development Affecting Listed Buildings and their Settings

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 20 apartments in two blocks on the Old Bakery site off Glanrafon Road, Mold.

7.02 Site Description

The site is within Mold Town Centre and is bounded by the Conservation Area directly opposite the site and to the east. There are a number of Grade II listed buildings within the vicinity of the site which include, the School House opposite and properties along Wrexham Street.

7.03 There are two vacant buildings on the site, one is the former bakery a brick built building situated directly on Glanrafon Road and a large corrugated sheet workshop located to the rear of the site. The remainder of the site remains open in nature. The site can currently be accessed from both Glanrafon Road and Chapel Street.

7.04 The site is bounded by Glanrafon Road to the north, with the access to the public car park opposite the site. Directly to the east of the site are three storey terraced buildings with commercial uses on the ground floor, in the form of a taxi office and cafe and residential accommodation above. To the west of the site on Glanrafon Road is a two storey funeral directors and to the south west is Chapel Street which is a predominately residential area. To the west of the funeral directors is a play area off Glanrafon Road. To the south of the site is a social club building and associated hardstanding.

7.05 Proposal

It is proposed to erect 20 apartments in two buildings. The initial application was for 21 units in three blocks of apartments predominately three storey in nature however following discussions with the applicant and the conservation officer this has been amended to 20 apartments in two blocks. One block on Glanrafon Road comprises 14 apartments, 12 one bed and 2 two bed, with a drive through access through the building to a parking court behind. This is three storeys in height, reducing to two and a half storey at the end of the building nearest to the funeral directors. These would be managed by Wales and West Housing Association.

7.06 There is a separate apartment block in the south west corner of the site which is two and three storey providing 6 one bedroom units. This would be managed by First Choice Housing Association and is to provide supported independent living for adults with learning difficulties. There is therefore a communal kitchen/lounge area with staff welfare facilities on the ground floor of this block.

7.07 The proposed scheme is access off Glanrafon Road with a parking court of 16 spaces and a further 3 spaces off chapel Street, providing 19 spaces in total. There are 3 bin stores in separate locations on the site and a landscaped area between the two blocks.

Issues

Principle

- 7.08 The application site is a brownfield site in Mold town centre which is a Category A settlement which is a focus for development. The principle of residential development is therefore acceptable and is considered sustainable development due to its location in the town centre and utilisation of a brownfield site.
- 7.09 Archaeology
The requirement of an archaeological investigation was an issue in the first application (043417) on this site however the previous outline application (045638) was accompanied by an archaeological Evaluation report following on-site investigations. This concluded that there was no evidence that the area lay within the historic core of medieval Mold and nothing of significance was uncovered.
- 7.10 Design and Massing
The site is adjacent to the Conservation Area of Mold Town Centre and a number of Listed Buildings. Careful consideration and negotiations have therefore been undertaken in relation to the design and massing of the building.
- 7.11 A previous scheme on the site was refused due to overdevelopment and following this an outline permission with indicative elevations and floorplans was approved for 18 apartments. A condition on this scheme was that the current façade of the bakery should be retained in any new build. At the time of the previous application the Old Bakery building was in a better structural condition than it is now. This principle was therefore explored within the current scheme, however the building line of the current building is directly onto Glanrafon Road and there was a desire to set back the proposed residential units from the road in order to have some private defensible space in the form of low wall or railings. Furthermore the old bakery building is not Listed and is outside the Conservation Area. It was therefore concluded in discussions with the applicant and the Conservation Officer that this did not warrant retention and could also comprise the design of the new building.
- 7.12 The proposed apartment block A on Glanrafon Road varies in height with a graduating roof line and is traditional in design. The part of the building nearest Wrexham Street is three storey and is adjacent to existing three storey buildings. The roof line drops down in the stair wells and there is the introduction of gabled dormers in the fly over with the access underneath. The height of the building then reduces to two and half storey with further gabled dormers in the part of the building closest to the funeral directors which is a two storey building.
- 7.13 The elevations would be a mixture of brick and render with cills and headers to the window and a tiled roof. It is considered that the proposed massing and design of the building complements the street scene and the surrounding traditional terraced vernacular. It is not considered that the proposed properties would cause any significant

overlooking problems due to the commercial nature of the uses surrounding the site. Internally there is the potential for overlooking between ground floor bedroom on Block A and the communal reception/staff area in Block B. It is therefore proposed to condition obscure glazing in the windows in the elevation of block B that faces block A to prevent any overlooking as there are other windows on other elevations in this communal area. However, it is likely that residents with ground floor bedrooms would have blinds or other window coverings.

7.14 Apartment block B is of a more contemporary design. It is predominantly two storey with one apartment creating a third floor in one aspect of the built form on the south east corner of the block facing the car park and the adjacent social club. The part of the building closest to Chapel Street is two storey. This block is also of brick and render with a tiled roof. The separation distances between the closest elevation of block B with habitable rooms to the front of the Chapel Street properties is 13m. The proposed building is set back within the site and is at an angle. The overlooking is across a road and a parking area. It is therefore considered that this distance is acceptable as it would be more than the distance across a road of traditional terraced properties which is 10 metres elsewhere in locality. It would also only affect the end 2 properties on Chapel Street.

7.15 The Funeral Directors also has two large windows which overlook the site at the rear, however these are already obscure glazed, so there would be no conflict between the existing and proposed uses.

7.16 It is considered that the form and design of the proposed buildings is in keeping with the site and its surroundings and will enhance the setting of the Conservation Area and the Listed Buildings within the vicinity of the site.

7.17 Parking and Access

The proposed development has a principle access from Glanrafon Road to a central parking court to the rear providing 16 spaces. There is a second access off Chapel Street providing 3 spaces. This provides a total of 19 spaces for 20 apartments. The site is within the town centre of Mold and is directly opposite a public car park. There are regular bus services along Wrexham Street which is within close proximity to the application site. Also due to the intended use of the 6 units by First Choice for adults with learning difficulties, it is likely the occupants would not have cars and therefore parking requirements would be for staff associated with this use only. These units could however be occupied in a different way in the future, but it is considered that the parking provision is sufficient and in accordance with Council policies. It is therefore considered that the slight reduction in car parking spaces from the Council's Standards of 1.5 per apartments is acceptable and is in line with Policy AC18 of the Adopted Flintshire Unitary Development Plan.

S106 contributions

7.18 An education contribution is not required as there are less than 5 two bedroom apartments. It therefore does not meet the threshold.

7.19 An open space contribution of £733 per unit is required in accordance with the Council's Local Planning Guidance Note in lieu of on-site provision. This figure is reduced as the scheme is for apartments. There is a play area adjacent to the site and the Local member has highlighted that the play equipment in this play area is in need of urgent upgrading. He has requested that the open space money is paid up front, rather than on occupation of a defined number of units. This can be negotiated through the terms of the S106 agreement or through up-front payment if the applicant is agreeable.

7.20 Ecology

The previous application was accompanied by a bat survey which was undertaken in 2007. This found the presence of a small pipistrelle bat roost in the extension part of the Old Bakery Building adjacent to the funeral directors. Since that survey however the lean to roof of this building has been partially removed and the extension is no longer enclosed. The other buildings on the site were assessed to have a low potential for bats. No further evidence has been put forward with this application to demonstrate that there are no bats on the site, it is therefore reasonable to take a precautionary approach and assume bats are still using the building. A scheme of reasonable avoidance measures in the demolition of the buildings is therefore required by condition and a scheme of mitigation through the provision of suitable bat boxes on the proposed development.

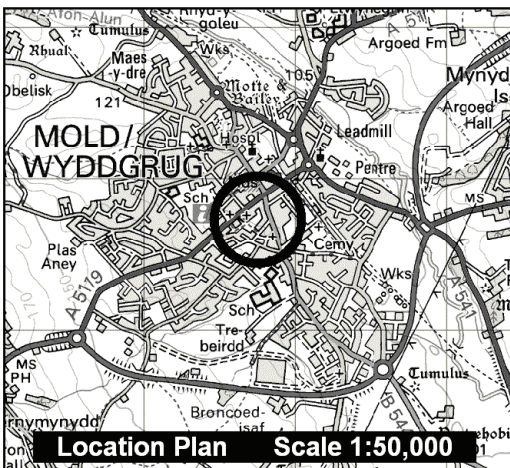
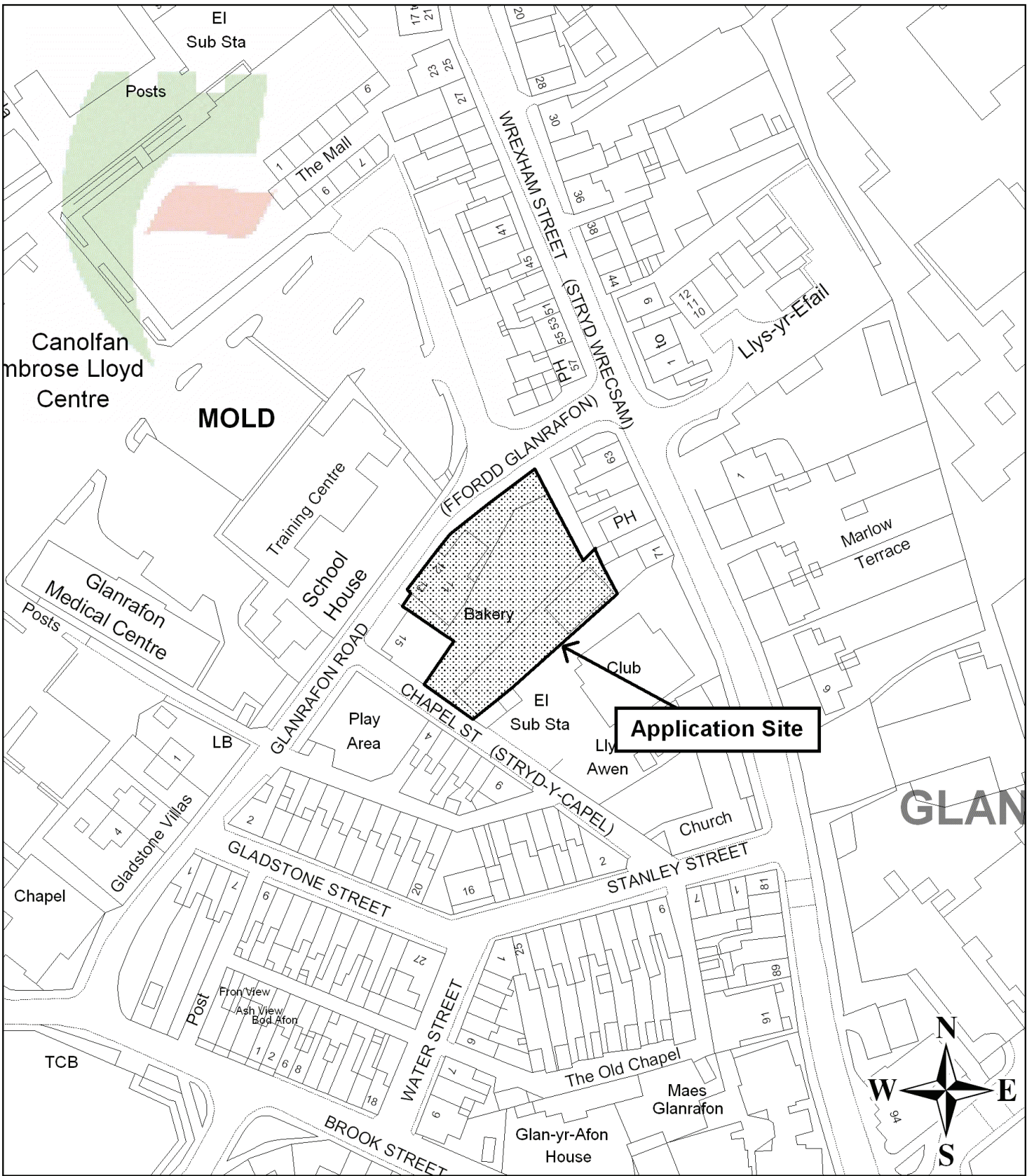
8.00 CONCLUSION

8.01 It is considered that the proposed scheme will enhance the setting of the Conservation Area and the adjacent Listed Buildings. The form and design of the building has taken into account the existing built form and accords with the Council's Standards for Space Around Dwellings. It is considered the provision of car parking spaces is acceptable taking into account the location of the site in a town centre and in close proximity to public transport and a public car park.

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.

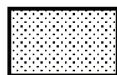
Contact Officer: Emma Hancock
Telephone: (01352) 703254
Email: emma.hancock@flinthshire.gov.uk

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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 2363
Planning Application	52105

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 8 OCTOBER 2014**

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

SUBJECT: **052334 - GENERAL MATTERS CONSTRUCTION OF A NEW CREMATORIUM, ASSOCIATED CAR PARK, ACCESS ROAD AND ANCILLARY WORKS, LANDSCAPING, GARDENS OF REMEMBRANCE AND AREA FOR NATURAL BURIALS ON LAND AT KELSTERTON LANE/OAKENHOLT LANE, NEAR NORTHOP**

1.00 APPLICATION NUMBER

1.01 052334

2.00 APPLICANT

2.01 Memoria Ltd.

3.00 SITE

3.01 Land at Kelsterton Lane/Oakenholt Lane, Near Northop

4.00 APPLICATION VALID DATE

4.01 25th June 2014.

5.00 PURPOSE OF REPORT

5.01 Members may recall at the Planning & Development Control Committee held on 18th June 2014, that authority was obtained for the holding of a Special Planning & Development Control Committee to determine a planning application submitted under Code No. 051043 for the erection of a crematorium on land to the south of Tyddyn Starkey, Starkey Lane, Northop.

5.02 Following that meeting a separate application has been submitted under Code No. 052334 by Memoria Ltd for the erection of a crematorium on land at Kelsterton Lane/Oakenholt Lane, Near

Northop.

- 5.03 As both applications propose a similar development and in view of the complex site selection issues and siting criteria involved in assessing such a facility, there would be some merit in considering both applications at the same committee. The purpose of the report is therefore to seek authority for the Special Planning Committee (which is anticipated to be held in November 2014) to also consider application ref. 052334, providing that it is in the view of the Chief Officer (Planning and Environment) ready to be determined.

6.00 REPORT

- 6.01 The procedure for determining major applications is in accordance with the policy approved by the Planning Committee on 7th July 1999 (minute number 98). This policy provides that, where the Committee considers an application to be of major significance, the application will be dealt with by a special meeting of the Committee. The policy also provides for interested parties to be given the opportunity of making oral representations to the Committee as part of the decision making process.

- 6.02 Although both of these applications must be considered separately, they are both developments of major significance and issues of local and regional importance will be raised which will require careful consideration for the following reasons:-

- i. The proposals by competing operators have generated significant interest both within and outside the County, the outcome of which will have an effect not only locally but also at a sub-regional level.
- ii. It would be reasonable to undertake a comparison of the two sites, in greater detail than that already undertaken, in order to inform Members of the competing merits of each proposal..

7.00 RECOMMENDATIONS

- 7.01 That the Special Planning & Development Control Committee to be convened to determine planning application 051043 also consider application 052334, if it is deemed by the Chief Officer (Planning and Environment) to be ready for determination.

Contact Officer: Mark Harris
Telephone: (01352) 703269
Email: robert.mark.harris@flintshire.gov.uk