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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

13 January 2015

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Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 21ST JANUARY, 2015 at 1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

A G E N D A

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

- 4 **MINUTES** (Pages 1 - 26)

To confirm as a correct record the minutes of the meeting held on 17 December 2014.

- 5 **ITEMS TO BE DEFERRED**

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

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

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

REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 21 JANUARY 2015

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	052064 - A	Outline Application - Demolition of Former Youth Centre and Redevelopment of Site for 5 No. Detached Dwellings at Former Youth Centre, Groomscoft, Hawarden (Pages 27 - 36)
6.2	051826 - R	Full Application - Erection of a Single Wind Turbine (45 m Hub Height, 67 m Blade Tip Height) Two Metering Units, Access Track, Assembly and Crane Areas at Ty Coch, Crossways Road, Pen y Cefn, Caerwys. (Pages 37 - 54)
6.3	052396 - A	Full Application - Erection of Wind Turbine (26 m High to Blade Tip) at Park View Garage, St. Asaph Road, Lloc, Holywell (Pages 55 - 66)
6.4	051580 - R	General Matters - Full Application - Erection of 3 No. Class B1 Industrial Units and Associated Car Parking and Amended Vehicular Access at Unit 2, The Haven Garage, The Nant, Pentre Halkyn (Pages 67 - 78)
6.5	048042	General Matters - Outline Application - For the Demolition of 'Sunnyside' and 66A Mold Road and the Erection of 58 Houses Including Details of Access, Appearance, Layout and Scale at Land Rear of 66A Mold Road, Mynydd Isa, Mold. (Pages 79 - 92)

Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.6	051394	Appeal by Mr. M. Price Against the Decision of Flintshire County Council to Refuse Planning Permission for an Extension to Dwelling and Associated Works at Deer Lodge, Cymau - Allowed (Pages 93 - 96)
6.7	051885	Appeal by Ms A. Wynn Against the Decision of Flintshire County Council to Refuse Planning Permission for the Demolition of an Existing Garage and Erection of a Two Storey Extension with Garage on Ground Floor at 1 Gordon Terrace, King Street, Mold - DISMISSED. (Pages 97 - 102)

PLANNING AND DEVELOPMENT CONTROL COMMITTEE **17 DECEMBER 2014**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 17 December 2014

PRESENT: Councillor David Wisinger (Chairman)

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

SUBSTITUTIONS:

Councillor: Jim Falshaw for Alison Halford and Ron Hampson for Billy Mullin

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillor Clive Carver - agenda item 7.8. The Chairman exercised his discretion to allow Councillor David Mackie to speak as Local Member on agenda 7.5.

The following Councillor attended as an observer:

Councillor: Haydn Bateman

APOLOGY:

Councillor Ian Dunbar

IN ATTENDANCE:

Chief Officer (Planning and Environment), Development Manager, Interim Team Leader Policy, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Planning Support Officer, Housing & Planning Solicitor and Committee Officer

Democracy & Governance Manager for agenda items 6, 7.1 and 7.2

102. DECLARATIONS OF INTEREST

Councillor Ray Hughes declared a personal and prejudicial interest in the following applications because he was a School Governor at Castell Alun High School:-

Agenda item 7.2 – Outline application – Proposed re-development for the erection of 12 dwellings including demolition of existing outbuildings and creation of new access at Bank Farm, Lower Mountain Road, Penyffordd (052377)

and

Agenda item 7.6 – Renewal of outline planning permission 046361 to allow residential development at Former Laura Ashley Unit, Pontybodkin Hill, Leeswood (052599)

Councillor Clive Carver declared a personal interest in the following application because he lived in a property on Overlea Drive:-

Agenda item 7.8 – Removal of Condition No. 6 attached to Planning Permission Ref: 030805 at Overlea Drive, Hawarden (052429)

In line with the Planning Code of Practice, the following Councillors declared that they had been contacted on more than three occasions on agenda items 6 and 7.1:-

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Carol Ellis, David Evans, Jim Falshaw, Ron Hampson, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips, Mike Reece, Gareth Roberts, David Roney, Carolyn Thomas, Owen Thomas and David Wisinger

Agenda item 6 – Planning application 052369 by Aldi Stores Limited for food store at Broughton Shopping Park

Agenda item 7.1 – General Matters – Full application for a foodstore (Use Class A1) and 5 three bedroom affordable houses (Use Class C3) with associated car parking, access, servicing and landscaping at Broughton Shopping Park, Broughton (052369)

Councillor Jim Falshaw referred to agenda item 052645 (Teapot Café & Sundawn Garden Centre, Llwybr Hir, Caerwys) and said that as he had expressed a view on the application without first indicating that it was his preliminary view, he would not vote on the application. The Democracy & Governance Manager explained that Councillor Falshaw had agreed not to vote because he had predetermined his stance on the application.

103. LATE OBSERVATIONS

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

104. MINUTES

The draft minutes of the meetings of the Committee held on 29th October and 12th November 2014 had been circulated to Members with the agenda.

29th October 2014

Councillor Owen Thomas felt that Councillor Jim Falshaw had misunderstood the proposal being voted on and that the record which indicated that Councillor Falshaw had voted for refusal of the application should be amended to a vote against refusal. The Democracy & Governance

Manager explained that Councillor Falshaw had not asked to alter the way he had voted and therefore the record could not be amended.

12th November 2014

Councillor Mike Peers referred to the second paragraph on page 18 and suggested that the words “albeit in separate agenda items” be included after the word “reported” on the second line. He also suggested that the words “and on other sites in the Broughton locality” be included after the words “produced on the site” in the fourth line.

On being put to the vote, the amendments were agreed.

Councillor Jim Falshaw highlighted the fourth paragraph of minute number 94 on page 30 and explained that Councillor Clive Carver (the Local Member who had spoken at the meeting) had spoken to the Democracy & Governance Manager and Housing & Planning Solicitor on the issue. Councillor Falshaw suggested that the following words be deleted:-

“He referred to comments of a Civil Engineer with experience of drainage who had spoken at the Public Inquiry on the application and said that he gave particular weight to Condition 6.”

and replaced with:-

“He referred to the Planning Inspector having introduced himself at the Public Inquiry as a Civil Engineer with experience in drainage; therefore Councillor Carver would give particular weight to his Condition 6”.

The Housing & Planning Solicitor said that officers were satisfied with the proposed amendment.

On being put to the vote, the proposal to amend the minutes was CARRIED.

RESOLVED:

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

105. 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.

106. PLANNING APPLICATION 052369 BY ALDI STORES LIMITED FOR FOOD STORE AT BROUGHTON SHOPPING PARK

The Committee considered the report of the Chief Officer (Governance) in respect of this application. Additional comments received since the preparation of the report were circulated at the meeting.

The Democracy & Governance Manager detailed the background to the report and explained that following the vote to approve the application at the November 2014 meeting, the Chief Officer (Planning and Environment) advised that he would be seeking legal advice as he felt that the decision was a significant departure from policy. The Democracy and Governance Manager detailed the procedure as reported in paragraph 2.03 where he had considered written representations from the proposer and seconder (Councillors Mike Lowe and Richard Lloyd) and the Chief Officer (Planning and Environment). The decision of the Democracy and Governance Manager that the decision reached by the Committee on 12th November 2014 was a significant departure from policy and his reasons were detailed in paragraph 3.01. The report was therefore back before the Committee to allow them to give further consideration as to whether planning application 052369 should be granted or refused.

The Planning case officer detailed the background to the report and explained that the full application which included five affordable homes related to a site within the settlement boundary. This was the former compound site and had been allocated in the Unitary Development Plan (UDP) for housing and the adjacent site had an outline planning permission for 24 dwellings. The Council had recommended that this part be retained as green space to provide a buffer for the neighbouring residential properties but the UDP Inspector had felt that there was no reason why a residential site would not provide the same buffer. The officer referred to Technical Advice Note 1: Joint Housing Land Availability Study and stated that as at April 2013, the Council only had a 4.1 year land supply which was below the required five year supply. A recent Planning appeal for another site which was allocated for housing, but had a proposal for a petrol filling station, had been dismissed by the Inspector who concluded that the site was required for housing because of the deficiency in housing land supply. Officers considered that the same principle should be applied to this application and the recommendation was therefore one of refusal. Considerations on the retail impact of the development were reported in paragraphs 7.20 to 7.26. A Noise Assessment had been submitted with the application and had been reviewed by the Public Protection Manager. He had raised no objections to the siting of a food store subject to imposition of conditions for noise reduction measures, which would include a 2.5m high acoustic screen and a fully enclosed delivery bay, as set out in the Noise Assessment. The officer added that the existing bund around the site would be enhanced.

Mrs. J. Richards spoke against the application. She spoke of the applications at the previous meeting where it had been implied that Aldi would only develop the store in Buckley if approval was given to the store in

Broughton. She said that Aldi had confirmed on 11th December 2014 the Buckley store would go ahead even if this application was refused. She referred to the number of objections received to the proposal and said that Aldi had spoken of the large amount of support on social media that they had for the proposal, but Mrs. Richards felt this could not be proved. She also spoke of the development brief for the site. There was a shortfall in the housing supply even if this application was approved and there was no reason to allow affordable housing on the site as it could be located elsewhere. Mrs. Richards said that the site was unsuitable for the proposal and would create noise disturbance and a visual impact for the neighbouring residents.

Ms. J. Gabrilatsou, the agent for the applicant, spoke in support of the application. She said that the report to the 12th November 2014 had been fully debated and discussed and the decision had been reached in spite of the fact that the Council had a less than five year land supply. Aldi had sought other sites in the area but none had been available and officers had not recognised any. The proposal would produce a sustainable development if approval was granted. She reminded the Committee of the wider allocation for the site which was for 48 houses and that the adjacent site had outline planning permission for up to 29 houses; therefore the loss of houses would be modest if the retail store was built. Ms. Gabrilatsou said that she considered the vast majority of residents in Broughton were in support of the proposal which would provide 5 affordable homes, £6m investment to the area and bring £1m to the economy. No objections had been received to the design of the building and Ms. Gabrilatsou referred to Section 38 of the Planning and Compensation Act. She said that the material considerations had not changed since the last meeting.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He said that the application should not be judged in a popularity contest but based on planning policy and the UDP which had been voted upon democratically and the public should be able to rely upon it for assurance. He felt that a retail store in this location was unsuitable and that Aldi had purchased the site knowing that it was allocated for housing. Residents had purchased the nearby houses on the understanding that this site would be used for housing and not for a retail development which would create noise. Councillor Bithell added that he was not against Aldi but he felt that the store could be located within the retail park. He spoke of the lack of five year land supply and referred to the challenge regarding this issue on an application later in the agenda.

In indicating that circumstances had changed since the Inspector made the decision to allocate the site for housing, Councillor Ron Hampson said that the amount of housing in Broughton had increased but the facilities to support it, such as the proposed retail store, were not in place. He felt that there was a strong economic case for the proposal as Aldi had indicated that they would also be looking to provide stores in Buckley and Connah's Quay as well as this store in Broughton. This would result in an £18m investment in Flintshire and would create 120 jobs. The store in Broughton was needed and he

expressed his disappointment that the Committee had been asked to reconsider their decision to approve the application.

Councillor Mike Peers referred to the 4.1 year housing land supply that the Council had at April 2013 and said that there was sufficient housing available from windfall sites or sites already granted permission but not developed. He felt that density of sites had added to the problem and said that the proposal would result in the loss of only 25 houses if this part of the application was permitted for the retail store. He drew attention to Policy HSG1 and highlighted the significant growth rate for Broughton which was a Category B settlement. He referred to the Category A settlements of Mold, Holywell and Flint which all had a lower number of houses allocated for the area. Councillor Peers commented on the Planning Policy Wales where it was noted that developments should meet society's needs which he felt this proposal would. He queried whether there was a problem with the housing allocation formula and said that there was overwhelming public demand for the store. Councillor Owen Thomas concurred and said that existing sites were not being maximised because lower density rates were being applied.

Councillor Derek Butler referred to the large amount of emails that he had received on the proposal, some polite and some offensive. He felt that Aldi had not handled the planning process well and had spent 3.5 years bombarding the public, which he was appalled at. He said that if the site was to remain as an allocation for housing, this could take the growth figure for Broughton to over 23% which was an overprovision for the area. Councillor Butler spoke of two other options for the siting of the store; one in the retail park and the other opposite the Glynne Arms public house. He commented on the support for the scheme by Bloor homes but he felt that this was a red herring as they were preparing an application for 49 houses to replace the allocation on this site. He spoke of the overwhelming public demand for the store and said that the proposal could still be called in by Welsh Government if the scheme was approved.

Councillor Richard Lloyd said that he had been contacted by the Democracy & Governance Manager following the 12th November 2014 meeting. He said that a meeting had been requested but this had been refused. He felt that it was unfair that he and Councillor Mike Lowe as proposer and seconder of the proposal had been singled out to provide their reasons of why they felt that approval was not a significant departure from policy. The reasons that had been given for approving the proposal was that there were enough houses in Broughton, there were no surplus places in the schools, residents had difficulty in getting appointments at the local doctor's surgery and the proposal would create 40 jobs.

In response, the Democracy & Governance Manager said that the meeting that Councillor Lloyd had requested was a full Committee meeting, which following consultation with the Chairman had been refused. He explained the procedure that he had followed was his normal one in such situations and he had also explained to Councillor Lloyd why he had been asked for representations.

Councillor Gareth Roberts said that approval of the application was a significant departure from policy and that the meeting would give the Committee the opportunity to reconsider its decision. He agreed that this was not the correct location for a retail store and asked how other applications for proposals other than housing on sites allocated for housing could be refused if this was permitted.

Councillor Carol Ellis said that the previous decision had been made democratically and that she would vote for approval as before. She agreed that granting permission was a departure from policy but the proposal was to meet society's needs and should be permitted as Broughton had too many houses with limited facilities.

On the issue of a call-in by Welsh Government, the Chief Officer (Planning and Environment) advised that he had just received notification [a note had been brought into the Council Chamber by an officer] that the decision would not be called-in if approval was granted at this meeting.

In response to the comments made, the officer confirmed that the Council currently had a 4.1 year land supply. She added that the same principle had been applied for this application as for the appeal decision in Connah's Quay referred to earlier which the Inspector had dismissed so the land could be retained for housing.

The Interim Team Leader Policy said that the calculation for the land supply was based on the residual method but if the past completions method was used then the Council had a land supply in excess of five years. However, the fact that the Authority were not currently shown to have a sufficient land supply was a material consideration in the determination of the application. He reminded Members that over 800 units would need to be permitted for Flintshire County Council to achieve its five year land supply.

The Development Manager reiterated the fact that the objections were not to an Aldi store in Broughton but to the development on this site. He said that there were alternative sites available and that the lack of a five year land supply was a critical consideration. He added that most Members would be faced with proposals for development on unallocated sites within their areas at some stage and that if allocated sites for housing were given up for other development it would make it very difficult to refuse these.

Councillor Carol Ellis requested a recorded vote and was supported by the requisite five other Members.

In summing up, Councillor Chris Bithell reiterated his earlier comments that the proposal was against UDP policy and that other land was available for the siting of the store.

On being put to the vote, planning permission was granted by 13 votes to 7 with the voting being as follows:-

FOR – REFUSING PLANNING PERMISSION

Councillors: Chris Bithell, David Cox, Christine Jones, Mike Reece, Gareth Roberts, David Roney and David Wisinger

AGAINST – REFUSING PLANNING PERMISSION

Councillors: Marion Bateman, Derek Butler, Carol Ellis, David Evans, Jim Falshaw, Ray Hughes, Richard Jones, Richard Lloyd, Ron Hampson, Mike Peers, Neville Phillips, Carolyn Thomas and Owen Thomas

Councillor Richard Jones sought clarification on the timing of the response from Welsh Government about the decision not being called-in. In response, the Chief Officer (Planning and Environment) said that he was aware the application had been referred to Welsh Government but that the response from them had not been received until after the start of this meeting. They had stated in their letter that it was felt that the proposal was 'not considered to be of more than of local interest'. The Democracy and Governance Manager said that WG applied a different test on whether to call in an application than the Council's test for referring it back to Committee as a significant departure from policy.

RESOLVED:

That planning permission be granted subject to a Section 106 Agreement and to the conditions to be agreed under agenda item 7.1 at this meeting.

107. **GENERAL MATTERS - FULL APPLICATION FOR A FOODSTORE (USE CLASS A1) AND 5 THREE BEDROOM AFFORDABLE HOUSES (USE CLASS C3) WITH ASSOCIATED CAR PARKING, ACCESS, SERVICING AND LANDSCAPING AT BROUGHTON SHOPPING PARK, BROUGHTON (052369)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. 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 report provided further information on the proposed conditions and Section 106 agreement or unilateral undertaking to be applied to the development. The times proposed by Aldi for opening hours and delivery times had been reduced by the officer following concerns from local residents. Insufficient detail about the existing landscape bund had been provided with the application so a condition had been included for a landscaping scheme to be submitted. The installation of an enhanced scheme of double glazing on the proposed dwellings was also included in the conditions.

Councillor Derek Butler proposed the recommendation to grant permission in accordance with the heads of terms and conditions set out in paragraphs 6.03 and 6.04 which was duly seconded. However, he felt that further conditions to transfer the bund to the neighbouring residents and for deciduous trees to alleviate the visual impact be included to address some of the concerns of the objector. The Housing & Planning Solicitor advised that a request for the transfer of land could not be conditioned and the Development Manager indicated that as part of condition 18 for submission of a landscaping scheme a suitable mix of evergreen species could be required.

Councillor Richard Jones suggested that the Local Member and/or adjacent Ward Member should be involved in any discussions about details of noise abatement schemes. The Development Manager confirmed that this could be undertaken.

In response to a query from Councillor Owen Thomas about the opening hours being restricted to 8pm, the Development Manager confirmed that this was an enforceable condition.

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 or Unilateral undertaking covering the following contributions and requirements in respect of the five affordable dwellings:-

- i. contribution of £1,100 per dwelling in lieu of on-site open space provision for enhancements to open space provision in the locality
- ii. contribution of £12,257 for capacity improvements to Broughton Primary School which has less than 5% surplus spaces
- iii. clauses to ensure the dwellings are made affordable in perpetuity and are occupied in accordance with an approved allocations policy, to the immediate locality in the first instance

108. OUTLINE APPLICATION – PROPOSED RE-DEVELOPMENT FOR THE ERECTION OF 12 DWELLINGS INCLUDING DEMOLITION OF EXISTING OUTBUILDINGS AND CREATION OF NEW ACCESS AT BANK FARM, LOWER MOUNTAIN ROAD, PENYFFORDD (052377)

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

The Chief Officer (Planning and Environment) explained that for consistency with recent applications, the proposal had been assessed by an

Independent Planning Consultant; his recommendation to approve the application was supported by the Chief Officer (Planning and Environment). He referred Members to paragraphs 7.06 and 7.07 where it was reported that a Direction remained in place directing the Council not to grant planning permission on application 050003 or “any development of the same kind as that which is the subject of that application on any site which forms part of, or includes the land to which that application relates”. Therefore should the Committee grant approval of the application, it would have to be referred to Welsh Ministers under the Direction.

Mr. Rhys Davies, detailed the background to the report and highlighted paragraph 1.03 where the main issues for consideration in determining the application were reported. He highlighted the late observation on the issue of drainage and explained that a response had also been received from Mr. D. Parry who was the Chair of Penyffordd and Kinnerton Labour Group who felt that the proposal did not comply with policy. He detailed the responses received to the consultation exercise which were in section 3 of the report and highlighted the site history section where all applications on the site were detailed. Clwyd-Powys Archaeological Trust had asked that an additional condition be included that a photographic survey be carried out if the application was approved. Mr. Davies said that the applicant had indicated that there had been material changes since the 2005 refusal of the called-in application by Welsh Government particularly on the issue of sustainability as bus stops were now in place outside the site and a footpath was proposed to link the site to Penyffordd. Other factors included that the Council could not demonstrate a five year housing land supply and the site was now classified as previously developed land. Light industrial permission had been implemented which was not the case in 2005 so that was a significant material change since the previous refusal. He referred to Planning Policy Wales guidance about permitting sustainable developments which this site now was due to the provision of the bus stops, half hourly bus services and the proposed footpath link to Penyffordd. Mr. Davies commented on an appeal decision in South Wales which was allowed for a site on the edge of a village which provided an idea of how policy for such sites was now viewed.

Mr. Davies also spoke of an additional change in the approval of the strategic business park at Warren Hall in Broughton which included provision for a cycle route; this was also a significant change since 2005. He highlighted paragraph 7.12 of the report about Meadowslea Hospital and also referred to the 4.1 year land supply (using the residual method) that the Council was deemed to have. Mr. Davies requested that a time limit of two years for the commencement of the development be imposed along with limiting the maximum number of properties on the site to 12 if the application was approved. He also referred to the light industrial/commercial use but said that there was no evidence to question the information provided that there was no market for such a use. In summary, he said that:-

- the site was not viable for light industrial use;
- the Council had a shortfall in the five year land supply;

- there had been a change to planning policy since the previous refusal in 2005
- the site was now classed as being in a sustainable location

He recommended approval of the proposal pending the call-in from Welsh Government.

The Democracy & Governance Manager confirmed with Mr. Davies that the three extra conditions being requested were:-

1. Photographic survey (as requested in the comments from Clwyd-Powys Archaeological Trust)
2. Implement the decision within 2 years of approval
3. Limit the number of dwellings to 12

Mr. D. Parry spoke against the application. He said that the site was outside the settlement boundary, did not comply with planning policy and the Local Member for the Penyffordd ward was against the proposal. He said that the site could not be classed as previously developed land as no work had been undertaken on the site. He raised significant concern about whether there was need for more houses in the area and on the issue of the sustainability of the site, he said that the bus stops would have been provided outside the site anyway so could not be connected to the proposal.

Councillor Chris Bithell moved refusal of the application, against officer recommendation, which was duly seconded. He referred to the history of the site and said that the original application in 2000 was also for 12 dwellings, so in that respect, the proposal was the same. He felt that what was being proposed was a new hamlet in the open countryside which the Council's policies did not permit. Councillor Bithell spoke of the proposals for light industrial use on the site which would then allow the area to become brownfield land and raised concern that the report did not include any evidence of whether the site had been marketed for such uses. He felt that the comment that the site was now on a bus route was not a material change as this service had been in place at the time of the 2005 refusal decision.

Councillor Gareth Roberts spoke of other sites which had bus stops and footpaths in the locality but said that this did not make them sustainable. He felt that the application should be refused and tested on appeal as if it was permitted, it could result in similar proposals in the open countryside. He added that as the site was outside the settlement boundary, it could not be classed as brownfield land. He queried how landbanking could be prevented and said that it was not appropriate to allow an application just because the site was untidy. He felt that a condition to restrict to 12 dwellings could not be imposed and that based on the Council's guidelines of 30 dwellings per hectare, upto 27 properties could be built on the site. Councillor Roberts said that if the application was approved, it would throw the UDP into confusion and he raised concern about the 4.1 year land supply when in fact the Council had approximately 14.2 years supply if the past completions method of calculation was used.

Councillor Owen Thomas felt that the report of the officer indicated that the application complied with policy and should therefore not be refused. He added that this was an opportunity to add 12 houses to the 4.1 year land supply for the County.

Councillor Derek Butler felt that the report contained red herrings particularly on the issue of the Meadowslea Hospital site which he felt this proposal could not be compared to. He concurred that the bus service was in place in 2005 and that the issue of Warren Hall Business Park should not be considered when determining this application. He felt that there were no policy reasons to permit the application and he referred to lack of evidence about the light industrial use of the site.

Councillor Richard Jones said that the site was outside the settlement boundary but was not in the open countryside and as it was now sustainable, accessible and was a previously developed site, it should be permitted. There were bus stops now outside the site and Councillor Jones did not feel that the proposal would create a new hamlet. The site would be linked by a footpath to the village of Penyffordd and complied with policies. Councillor Mike Peers said that the site was located in the Kinnerton Ward, not Penyffordd as earlier stated, and the Local Member was in favour of the proposal. He felt that the report was factual, highlighted paragraphs 7.11 and 7.12 and commented on the need to consider the site as sustainable which was different from the application in 2005. The site was not in the open countryside and was acceptable in planning policy terms.

Councillor Ron Hampson said that the common sense approach was to approve the application. He referred to its close proximity to the former White Lion public house development and said that the proposal for 12 houses was acceptable. Councillor Carolyn Thomas felt that an affordable housing element had not been explored in the report. She queried what policies needed to be applied to the development which had been referred to as a new hamlet in the countryside. She also felt that the sustainability of the bus stops near the site should not form part of the planning consideration as they could be removed at any time. Councillor Carol Ellis commented on the references to Meadowslea hospital and the proposals that the bed places as a result of the closure would be split between Wrexham and Deeside hospitals; both wards had since been closed, so she felt that the proposal had not benefitted local people. She added that the application should be approved.

In response to a comment by Councillor Roberts about whether all sites within a one mile distance of a village would be permitted, Mr. Davies spoke of the interpretation in Planning Policy Wales guidance used by an appeal inspector on a specific application that a one mile walk with a footpath from one site to another was acceptable. In referring to comments made by the Planning Inspector during the Meadowlea hospital application process that the site was "in and around the settlement boundary", Mr. Davies had felt that even though the site was not within the settlement boundary, it was sustainable because of the bus stops and proposed footpath. The site was

now previously developed land and was sustainable which he reiterated was different to the 2005 application. He did not have any evidence that the bus stops would be removed and felt that the investment in the new bus stops was an indicator that the route was a key route that was not under threat. With reference to the trigger in the UDP for affordable housing, the threshold was 25 dwellings or a site of 1 hectare; neither of these factors applied to this proposal. He commented on the evidence provided on the marketing of the site and he confirmed his earlier comment that the site was previously developed land.

In summing up, Councillor Bithell felt that the brownfield designation did not apply to this site and that the information that the site had been used for light industrial use was questionable. It had not been proved or demonstrated that the site had been marketed and the building did not have any architectural merit. He felt that approval would create a new hamlet in the countryside and should therefore be refused.

Councillor Gareth Roberts requested a recorded vote but was not supported by the requisite five other Members.

On being put to the vote, the proposal to refuse the application was LOST. Councillors Gareth Roberts and Chris Bithell asked that it be recorded in the minutes that they had voted for refusal of the proposal.

The Chief Officer (Planning and Environment) reminded the Committee that the application would be referred to Welsh Ministers under the Direction.

RESOLVED

That planning permission be granted subject to:-

- the conditions detailed in the report of the Chief Officer (Planning and Environment),
- the three additional conditions requested by the Independent Planning Consultant (photographic survey, limit number of dwellings to 12 and implement permission within 2 years of approval)
- the completion of a Section 106 Obligation to cover the payment of commuted sums in respect of Education Provision (in accordance with the provisions of SPG 23), on site play provision (in accordance with the provisions of LPG 13) and the construction of a footpath link between the site and the village of Penyffordd
- the application being referred to Welsh Government under the Direction.

After the vote had been taken, Councillor Hughes returned to the meeting and the Chairman advised him of the decision.

109. FULL APPLICATION – RESIDENTIAL DEVELOPMENT TO PROVIDE 10 NO. TWO BEDROOM APARTMENTS AND 4 NO. ONE BEDROOM APARTMENTS AND ASSOCIATED PARKING AT NEW INN, STATION ROAD, SANDYCROFT (052570)

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 15 December 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 explaining that the application had been deferred from the 12th November 2014 meeting in order for a site visit to be undertaken and to obtain comments from Welsh Water. She referred the Committee to a number of late observations that had been received which included objections on the grounds of the 3 storey buildings being higher than the current dwellings in the area, whether the properties would be connected to a septic tank system and whether the New Inn was a listed building. A petition of 218 signatures objecting to the proposal had also been received. In response, the officer confirmed that the building was not listed. Welsh Water had provided a sewer plan and the applicant's agent had indicated that discussions with Welsh Water were being undertaken about connecting to the mains or a private treatment plant would be installed if this was not feasible. The apartments would be in two blocks of two and three storey and because the site was within Zone C1, the proposals indicated that the ground floor of the development would be used solely for vehicle parking. In response to a query from Queensferry Community Council about access to Boughton Brook, Natural Resources Wales (NRW) had provided a plan of how they could gain pedestrian and vehicular access when needed and had asked for an additional condition that access for NRW maintenance operatives to Boughton Brook be maintained in the future.

Mrs. S. Stevens spoke against the proposal as she felt it did not comply with Local Planning Guidance note 2 on Space around dwellings as the separation distances should be over 22 metres, which they were not. The guidance did not relate to three storey properties but did cover differing height levels which indicated that the distances should be a minimum of 27 metres which would not be achieved. She raised concern at the overlooking aspect from the living rooms on the first and second floors which would have an impact on the amenity and the building would overshadow the gardens of existing properties. Mrs. Stevens felt that adequate screening could not be provided and that the proposals were not in keeping with the character of the area. The drainage issues had not been resolved and the installation of a private treatment plant would not address the concerns raised. She suggested that two storey buildings would reduce the impact on the area and added that there were no other three storey dwellings in the village.

Mr. E. Roberts, the agent for the applicant, spoke in support of the application. He felt that the proposal complied with all of the relevant planning

policies including space around dwelling guidance and no objections had been received from statutory consultees. The concerns that had been raised about the flood risk area had been addressed. He referred to the lack of a five year supply stating a specific need for 1 and 2 bed homes, which would benefit local people and meet demand from Broughton Park and Airbus.

Councillor Derek Butler proposed refusal of the application against officer recommendation which was duly seconded. Whilst he was not against the development in principle he felt that the middle section of the proposal was out of character with the area and that two storey buildings would be more in keeping.

Councillor Mike Peers was not in favour of the application in its current form and raised concern at the overlooking into neighbouring properties from the second floor of the building because of the design which included ground level parking. He suggested that a dormer roof with velux windows would resolve some of the issues raised and said that he was not against the principle of development on the site but disagreed with the current proposals on the grounds of overlooking and the impact on the area. Councillor Chris Bithell raised concern at the comments in paragraph 7.14 that residents could be trapped in the upper floors in the event of a flood. Councillor Richard Lloyd concurred that the proposals were not in keeping with the area and would result in properties of differing heights to existing dwellings. He also agreed that space around dwellings was insufficient due to the height of the proposed building.

In referring to paragraph 7.10, Councillor Richard Jones queried whether the properties should be built in flood zone C1 as he did not feel that it had been demonstrated that they had been justified in relation to TAN 15. He added that three storey dwellings were out of keeping with the area.

In response to the comments made, the officer commented on the impact on the character of the area. It was reported that the three storey element would not be out of character with the overall streetscene because of the varying roof heights in the area. She provided details on the pedestrian and vehicular access to Boughton Brook requested by NRW. She also explained that because of the angle of the building to existing properties, the separation distance at the furthest point was 34 metres with only a small part of the development only achieving 23 metres, so it was considered that the distances adequately addressed the concerns raised about amenity and overlooking.

In summing up, Councillor Butler said that his reasons for refusal were that the proposal was out of character with the streetscene, and because of issues relating to height, flooding and impact on the amenity of existing residents.

RESOLVED:

That planning permission be refused on the grounds of the proposal being out of character with the streetscene, overdevelopment in terms of height and its impact on amenity, and flood risk issues.

110. FULL APPLICATION – CHANGE OF USE OF THE SUNDAWN GARDEN CENTRE TO A PLANT HIRE DEPOT, INCLUDING THE DEMOLITION OF THE EXISTING GARDEN CENTRE BUILDINGS, THE ERECTION OF A WORKSHOP BUILDING AND THE CONVERSION OF THE TEAPOT CAFÉ FOR USE AS ANCILLARY OFFICE ACCOMMODATION AT TEAPOT CAFÉ & SUNDAWN GARDEN CENTRE, LLWYBR HIR, CAERWYS (052645)

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 15 December 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 in referring Members to the late observations, explained that Natural Resources Wales had withdrawn their objection and therefore the reason for refusal in paragraph 2.02 should be omitted.

Mrs. L. Dainty spoke against the application. She felt that the proposal would not enhance or harmonise with the area and would be more appropriate in an industrial area. It would be out of character and screening would not address the concerns that it would impact on the visual amenity of the area. It was felt that the amenity of the residents would be affected because of the opening hours and the noise that the business would create. She said that traffic leaving the site would not be able to rejoin the A55 westerly direction without either going to junction 29 on the easterly side to rejoin the A55 or by using a small country lane and crossing a bridge. This was a cause for concern along with the design of junction 29 which would require improvements for heavy goods vehicles to access.

Mrs. J. Coxon, the agent for the applicant, spoke in support of the application. She said that the site, which was enclosed on three sides with the fourth side being the A55, was currently a garden centre and café. The proposal would allow an existing business to expand and would create eight new jobs. Mrs. Coxon said that the site would be screened off from public view, would not have an impact on residential amenity or highway safety and complied with Policy EM4. The concerns of NRW had been addressed and the proposal would significantly reduce the number of vehicle movements when compared with the current use.

Councillor Jim Falshaw proposed approval of the application, against officer recommendation, which was duly seconded. He felt that the proposal would safeguard the future of the site and would allow the business to

expand. The site had been marketed since 2011 but there had been little interest in continuing the business as a café and garden centre. The existing café building would be used as an office and the proposed building for this scheme would be on a smaller footprint than the existing garden centre. The site was 2.3 metres from the Area of Outstanding Natural Beauty (AONB) but would not have an effect on the AONB. The scheme had been designed to ensure that concerns about potential contamination run off had been addressed.

The Chairman advised Councillor Falshaw that as he had predetermined his position on the application and confirmed that he would not vote on the application, although he could speak as Local Member he could not move a proposition. He then sought a further proposal.

Councillor Chris Bithell proposed the recommendation of refusal which was duly seconded. He said that the proposal did not lend itself to this location and would be more suited in an industrial setting and that the land could not be classed as a brownfield site. The site could not be screened, particularly from the A55 and the proposal would result in an industrial building in the open countryside which was not acceptable.

Councillor Gareth Roberts said that the current use of the site was appropriate but the proposal before the committee today was not. The site would be visible from the AONB which was a material consideration and he concurred with the earlier comments about the difficulty of joining the A55 in a westerly direction.

Councillor Owen Thomas felt that there would not be an issue with the height of any proposed new building if the current building was removed and replaced. He felt that the access was ideal access to the A55 as vehicles could use a nearby road to cross the bridge over the A55 near to junction 29. He added that the current business use was no longer viable and that in his opinion, it was an ideal site for the proposed purpose.

Councillor Richard Jones agreed that the application should be refused but felt that it was a brownfield site and did not comply with Policy EM4 because it was not in keeping with its immediate surroundings. Councillor David Cox spoke about the egress of the site and concurred that re-joining the westerly direction of the A55 would be a problem. He said that the road and bridge referred to by Councillor Thomas were narrow and would be difficult for larger vehicles to use. He agreed that the proposal would be more appropriate in an industrial setting.

In response to the comments made, the officer highlighted paragraph 7.13 where the details of Policy EM4 were reported. The proposal did not meet the policy, particularly on the issue of highways and what was proposed was a more industrial style building compared to what was currently in place and would be out of character with the area.

The Development Manager added that paragraph 7.12 reported that as the application site had an established existing lawful use as a garden centre, the area could be considered as brownfield land.

RESOLVED:

That planning permission be refused for the reasons detailed in paragraph 2.01 of the report of the Chief Officer (Planning and Environment).

111. FULL APPLICATION – ERECTION OF OFFICE (B1) AND STORAGE (B8) BUILDING WITH ASSOCIATED LANDSCAPING AND PARKING AT VISTA, ST. DAVID’S PARK, EWLOE (052803)

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

The officer detailed the background to the report and referred Members to the late observations where two additional conditions on landscaping were included. He spoke of the main issues to consider which included the highway and wildlife implications and the effects upon the character and appearance of the area. The proposed two access points were considered acceptable and the car parking provision was in accordance with the maximum standards in the Local Planning Guidance. However there was a shortfall of nine in the number of places compared to the proposed number of employees and a travel plan had been requested as a condition if the application was approved, which would force the operator to consider other means of transport.

Mr. C. Sparrow spoke in support of the application and said that the land had been purchased due to the rapidly expanding business. The building would be designed to create a modern comfortable building and local labour would be used during the construction of the building. He referred to proposals for green travel plans and in noting the condition requested in the late observations, said that it was anticipated that employees would park on the site but he hoped that they would not be restricted from parking elsewhere if needed.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He said that there were no grounds to refuse the application but raised concern about the parking problems in the area. He felt that the production of a travel plan was a pointless exercise and suggested that future developers on the site consider parking underneath the building. Councillor Richard Jones welcomed the proposal but concurred with Councillor Bithell about the problems of parking.

The Chairman exercised his discretion to allow the Local Member, Councillor David Mackie, to speak on the proposal. Councillor Mackie felt that

the parking situation in the whole area would get worse in the future and asked Members to include the condition that vehicles of users of the building must park within the site.

Councillor Mike Peers said that there was a need to be satisfied that the users of the building did not park their vehicles on the road which would add to the already difficult parking problems. The number of spaces provided in the proposal was insufficient for the proposed number of employees and Councillor Peers therefore welcomed the suggestion for an additional condition. Councillor Richard Jones felt that the condition would not be enforceable and referred to the Section 106 for the payment of £4000 towards the consultation and making of a traffic regulation order to restrict on-street parking, which he felt would help to reduce the problem.

In response to the comments made, the officer said that the travel plan would be monitored and could be enforced unlike the condition proposed by Councillor Mackie. The Senior Engineer - Highways Development Control reminded Members that the number of parking spaces was based on the floor area of the building and not the proposed number of employees. The Development Manager said that the parking provision did meet the Council's standards and referred to a recent application on adjoining land which had also included less parking spaces than the number of employees. If this was of concern to Members he suggested that condition 16 could be amended to include the provision of appropriate on-site parking for employees.

Councillor Marion Bateman felt that there was an opportunity within the Local Development Plan (LDP) to look at individual sites and consider providing a 'Park and Ride' service.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), with condition 16 being amended to include the provision of appropriate on-site parking for employees, and subject to the applicant entering into a Section 106 Obligation or Unilateral Undertaking to secure the following:-

- Ensure the payment of £4,000 towards the Authority's costs of consultation and making of a traffic regulation order to restrict on-street parking

112. RENEWAL OF OUTLINE PLANNING PERMISSION 046362 TO ALLOW RESIDENTIAL DEVELOPMENT AT FORMER LAURA ASHLEY UNIT, PONTYBODKIN HILL, LEESWOOD (052599)

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

The officer detailed the background to the report and referred Members to the late observations where amendments to the agenda front sheet and conditions were reported. He explained that this was the third renewal of outline planning permission application since 2003 and it was considered that the site could potentially accommodate 15 dwellings. It was recommended that the timescale for the submission of a reserved matters application be restricted to 12 months (to the end of December 2015) to coincide with the end of the Unitary Development Plan (UDP) lifespan.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He felt that there was no reason to refuse the application but raised concern about the comments in paragraph 7.07 about other candidate site submissions coming forward within Leeswood and Coed Talon as part of the Local Development Plan (LDP) process. He also suggested that the time limit for submission of a reserved matters application should be five years and not the 12 months suggested by the officer.

Councillor Carolyn Thomas sought clarification on the educational contributions for Castell Alun High School. She felt that circumstances for places in the high school and Leeswood County Primary School could change up to the time of development and asked that the educational contribution be amended to cover both schools depending on surplus places when the development commenced. She also asked whether a policy change could be considered.

Councillor Mike Peers referred to paragraph 7.08 and the suggested number of dwellings that the site could accommodate based on the Council's guideline of a minimum of 30 dwellings per hectare. He also felt that the end date for the submission of a reserved matters application which was shown in paragraph 8.01 should also be included in the conditions detailed in the report.

In response to the comments made, the officer said that the site was vacant and in a derelict condition. This was the third application for renewal of outline permission and because the Council did not have a five year housing land supply, a 12 month deadline for submission of a reserved matters application was reasonable. It was felt that this could encourage the applicant to progress with the site but if it was not going to come forward then alternative sites in the area could be considered in the LDP. On the issue of educational contributions, it had been calculated that there was capacity at Leeswood Primary School and therefore this had not been included in the section 106 obligation. The officer confirmed that the condition for the time limit for submission of a reserved matters application should be up to the end of 2015.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) which includes the deletion of condition 7, and subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £55,407 towards additional secondary school places/improvements of Castell Alun High School, Hope and a commuted sum of £16,500 towards the enhancement of an existing recreational area within Leeswood.

After the vote had been taken, Councillor Hughes returned to the meeting and the Chairman advised him of the decision.

113. FULL APPLICATION – ERECTION OF 4 DWELLINGS (i) SUBSTITUTION OF HOUSE TYPE ON PREVIOUSLY APPROVED 1 PLOT 38; (ii) SUBSTITUTION OF SUB-STATION WITH ADDITIONAL DWELLINGS; (iii) ERECTION OF 2 DWELLINGS (RE-PLAN OF PLOTS 19 & 20 PHASE 2) AT CAE EITHIN, VILLAGE ROAD, NORTHOP HALL (052406)

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 proposal, for four bedroomed properties, was for:-

- i. the substitution of house type on previously approved Phase 1 plot 38
- ii. substitution of sub-station with additional dwelling
- iii. erection of 2 dwellings (re-plan of plots 19 and 20 Phase 2).

There were adequate separation distances between the existing and proposed dwellings and no objections had been received to the proposals.

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

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 supplementary Section 106 agreement or unilateral undertaking to link this development with the requirement for the affordable housing provision and the open space and education contributions as required by 048855 and 052388.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of

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

114. REMOVAL OF CONDITION NO. 6 ATTACHED TO PLANNING PERMISSION REF: 048032 AS AMENDED BY PLANNING PERMISSION REF: 030805 AT OVERLEA DRIVE, HAWARDEN (052429)

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 it had been deferred from the meeting on 12th November 2014 to allow advice to be provided by Dwr Cymu/Welsh Water in relation to the upgrade works that were presently being undertaken. The information had been sought and had been summarised within paragraph 7.08 of the report.

Councillor David Mackie spoke against the proposal on behalf of Hawarden Community Council to express their concerns about future drainage problems in the Mancot and Pentre areas if the condition was removed.

Councillor Derek Butler proposed the recommendation to delete Condition 6 in its entirety which was duly seconded.

The Local Member, Councillor Clive Carver, spoke against the proposal to remove the condition. He explained that at the Planning Committee meeting on 12th November 2014, he had stressed the fact that the Planning Inspector, who had introduced himself as a Civil Engineer with experience in drainage, had been explicit in his Condition 6. It stated that no development should commence until a scheme of improvement to the off-site drainage in Mancot Lane had been submitted to and approved in writing by the local planning authority. Councillor Carver felt that removal of Condition 6 at this stage was premature as the required works had not been completed and he added that to date, 17 dwellings on the site were occupied which was in breach of Condition 6. He had discussed the issue with Planning officers in July 2014 and was told that Welsh Water had confirmed that they would not have any concerns regarding potentially overloading the existing system if no more than ten properties were connected to the drainage system. However, Welsh Water had now advised that they would manage potential flooding issues during construction works by undertaking over pumping of flows to regulate flows within the system (this was reported at paragraph 7.08). Councillor Carver felt that Redrow wanted the condition removing so that they would not continue to breach it even though the requirements had not been met. He also referred to a resident in Saltney who had breached a planning condition in relation to the height of a fence and had been ordered to pay costs as well as being a conditional discharge and compared this to Redrow appearing to be breaching the condition without any penalties. He felt that consistency on this issue was important.

Councillor Mike Peers felt that part of the reason for deferral, which was to ask Welsh Water what would happen if the works were not completed by 31st March 2015, had not been responded to. However, it was reported in paragraph 7.08 (e) that the works would be completed by early February 2015. He felt that the condition should not be removed until the works had been undertaken due to grave concerns that had been expressed and proposed an amendment to the proposal that the condition remain in place until confirmation was received that the works had been completed.

In response to the comment from Councillor Carver about the breach of planning conditions relating to a fence in Saltney, Councillor Richard Lloyd clarified that the issue did not relate to the height of the fence but to the fact that the fence had been erected without permission.

The officer explained that the condition imposed by the Planning Inspector had been suggested by Welsh Water as the statutory undertaker. Agreement had been reached between the developer and Welsh Water that the scheme of off-site works would be undertaken in advance of the commencement of the development of the site. Welsh Water had programmed this part of the upgrade scheme to be carried out alongside another unrelated piece of system upgrade works; it was anticipated that this would be completed by March 2015. However, the outstanding works which were the subject of this condition were intended to be completed earlier than this and therefore Welsh Water did not have any objection to the removal of the condition as the need for it was no longer in existence.

In response to a comment by the Chief Officer (Planning and Environment) that non-compliance of the condition would not result in any harm, Councillor Peers suggested that there would also not be any harm to leave the condition in place. The officer felt that to retain the condition could be seen as unreasonable behaviour.

RESOLVED:

That planning permission 048032, as amended by permission 050805 be amended by the deletion of Condition 6 in its entirety.

115. GENERAL MATTERS – PROPOSED AMENDMENT TO SECTION 106 AGREEMENT – MORRISON’S SUPERMARKET, HIGH STREET, SALTNEY (045999)

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

The Development Manager detailed the background to the report explaining that part of the Section 106 Agreement following granting of planning permission in August 2009 required Morrisons to transfer a plot of land to the Council for the erection of a new library building to serve Saltney. The agreement required the land to be transferred back to Morrisons if the library building had not been built within seven years of the date of the

permission. The report sought agreement to renegotiate the Section 106 Agreement with Morrisons to allow the land to be retained by the Council beyond the August 2016 cut-off providing that it was used for some benefit of the Community. A meeting had taken place about a prospective use and the Town Council had suggested a memorial garden.

Councillor Richard Lloyd proposed the recommendation in the report which was duly seconded. He queried who would pay for the transfer and maintenance of the land and suggested that a First World War commemorative bench be included in the proposed Memorial Garden. The Development Manager responded that details of payment could be discussed with Morrisons.

RESOLVED:

That the Chief Officer (Planning and Environment) be given delegated authority to re-negotiate the clause within the existing Section 106 Agreement entered into in connection with planning permission ref. 045999, to allow the land to be developed for community use (subject to the relevant planning permission being obtained).

116. APPEAL BY NOTEMACHINE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE INSTALLATION OF AN ATM AT 18 HIGH STREET, MOLD (051948)

RESOLVED:

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

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

RESOLVED:

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

118. APPEAL BY ANWYL CONSTRUCTION COMPANY LIMITED IN RESPECT OF LAND AT OLD HALL ROAD/GREEN HILL AVENUE, HAWARDEN

The Housing & Planning Solicitor introduced the report to update and advise the Committee in light of advice received from the Local Planning Authority's Barrister.

Councillor Richard Jones proposed the recommendation in the report which was duly seconded.

RESOLVED:

That in light of legal advice, the Local Planning Authority should proceed on the basis of the recommendation contained in the officer's report.

119. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 30 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 5.24 pm)

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Chairman

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **21ST JANUARY 2015**

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

SUBJECT: **OUTLINE APPLICATION – DEMOLITION OF FORMER YOUTH CENTRE AND REDEVELOPMENT OF SITE FOR 5 NO. DETACHED DWELLINGS AT FORMER YOUTH CENTRE, GROOMSCROFT, HAWARDEN.**

APPLICATION NUMBER: **052064**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **FORMER YOUTH CENTRE, GROOMSCROFT, HAWARDEN.**

APPLICATION VALID DATE: **25TH APRIL 2014**

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

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

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ASSESS THE ADEQUACY OF THE PROPOSED ACCESS AND IMPACT OF DEVELOPMENT ON EXISTING RESIDENTS IN PROXIMITY TO THE SITE**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This outline application submitted by Flintshire County Council, proposes the demolition of the former youth centre at Groomscroft, Hawarden and redevelopment of the site by erection of 5 No. dwellings. 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 Conditions

1. Outline – Reserved matters.
2. Outline – Time limit.
3. Materials to be submitted and approved.
4. No development shall commence until detailed scheme for the provision of a turning facility within the site has been submitted to and approved.
5. Parking/turning facilities to be provided prior to the occupation of any dwellings and thereafter retained.
6. Positive means to prevent the run-off of surface water onto the highway to be provided.
7. No development including site clearance to commence until a Construction Traffic Management Plan has been submitted and approved.
8. No land drainage run-off to discharge into public sewerage system.
9. No surface water to connect into public sewerage system unless otherwise approved.
10. Foul/surface water discharges to be drained separately.
11. No development shall commence unless and until a scheme has been submitted and agreed that satisfies the policy and planning guidance requirements relating to Public Open Space provision.
12. No development shall commence unless and until a scheme has been submitted and agreed to satisfy the policy and planning guidance requirements relating to educational provision.

3.00 CONSULTATIONS

3.01 Local Member

Councillor A.M. Halford

Request site visit and planning committee determination in order to assess the adequacy of the proposed access and impact on the privacy/amenity of occupiers of existing properties.

Councillor D.I. Mackie

No response received at time of preparing report.

Hawarden Community Council

The Council objects to the construction of additional residential properties in the Hawarden settlement which has met its housing growth requirement. Further the Council objects to the loss of a facility for the youth of the area.

Highways Development Control Manager

No objection and recommend that any permission be subject to

conditions in respect of access, parking and the submission of a Construction Traffic Management Plan.

Head of Public Protection

No response received.

Dwr Cymru/ Welsh Water

Recommend that any permission includes conditions in respect of foul, surface and land drainage.

Public Open Spaces Manager

Request a commuted sum payment of £1,110 per dwelling to enhance existing Public Open Space in the community in lieu of on site recreational provision.

Capital Projects & Planning Unit

Request a commuted sum payment of £12,257 towards primary school provision at Hawarden Village VA School.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

4 No. letters of objection received, the main points of which can be summarised as follows:-

- Inadequacy of access to serve residential development.
- Access road is already constrained due to residents parking and is in a poor state of repair to facilitate additional traffic movements.
- Detrimental impact on privacy/amenity of occupiers of existing properties.

5.00 SITE HISTORY

5.01 None relevant.

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 D1 – Design Quality, Location and Layout.

Policy D2 – Design.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

Policy HSG8 – Density of Development.

Policy CF1 – Retention of Existing Facilities.
Policy IMP1 – Planning Conditions & Planning Obligations.

Additional Guidance

Local Planning Guidance Note 2 – Space About Dwellings.
Local Planning Guidance Notes 13 – Open Space Requirements.
Local Planning Guidance Note 22 – Planning Obligations.
Local Planning Guidance Note 23 – Developer Contributions to Education.

7.00 PLANNING APPRAISAL

7.01 Introduction

This outline application proposes the demolition of the former youth centre at Groomscroft, Hawarden and redevelopment of the site by the erection of 5 No. dwellings. All matters including access, layout, scale, appearance and landscaping are reserved for subsequent approval.

7.02 The site the subject of this application amounts to approximately 0.2 hectares in area and currently accommodates a two storey, brick structure with garage that was previously used as a youth centre. Vehicular access to the site is obtained from Groomscroft an existing unadopted road from the junction with The Highway.

7.03 Proposed Development

Although the application is in outline form (with all matters reserved for subsequent approval) an indicative site layout plan has been submitted as part of the application. The site layout indicates the erection of 5 No. detached dwellings which front onto a private drive arrangement which forms an extension to Groomscroft.

7.04 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.
- b. Principle of the demolition of the former youth centre.
- c. Proposed scale of development and impact on character of site/surroundings.
- d. Adequacy of access to serve the development; and impact on privacy/amenity of occupiers of existing and proposed dwellings.
- e. Leisure/educational requirements arising from the development.

7.05 Planning Policy

The site is located within the settlement boundary of Hawarden as defined in the adopted Flintshire Unitary Development Plan (UDP).

Within the UDP, Hawarden is classified as a Category B settlement, which has a growth band of 8 – 15% over the plan period (2000 – 2015). As at April 2014 Hawarden has experienced a growth of approximately 9.9% and therefore the principle of development for general housing market demand, is considered to be acceptable at this location.

- 7.06 Principle of Demolition of Former Youth Centre
For Members information the youth centre was previously used by a number of client groups including a play group, youth club, table tennis club, a meeting place for brownies and a Barnardos office.
- 7.07 The Council's Estates department have advised that the above user groups have subsequently found alternative accommodation, relocating in 2012/13, with the youth centre building being completely vacated in January 2014. All services to the building have now been terminated. In these circumstances there is no requirement to seek the retention of the building in accordance with Policy CF1 – Retention of Existing Facilities in the adopted Flintshire Unitary Development Plan.
- 7.08 Although not statutorily listed as being of special architectural/historic character an assessment of the character of the building has been undertaken by the Council's Design & Conservation Officer. This has taken into account the quality of the building relative to its age, architectural value, historic interest, condition and contribution to the local street scene.
- 7.09 Having regard to the above, it has been concluded that the building does not appear to be of significant importance, quality or contextual value to warrant local or national listing and therefore its retention could not be justified on the above grounds.
- 7.10 Scale of Development/Impact on Character of Site/Surroundings
The character of existing development along Groomscroft is defined by a mix of detached and semi-detached properties set within fairly substantial curtilage areas.
- 7.11 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 at 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.
- 7.12 The scale of development however, is established taking into account the site's configuration the proposed access and its relationship to existing properties. In addition the detached properties would be sympathetic to and reflective of the mix of house types/forms of

existing development along Groomscroft. The form of frontage development is also referenced by the two pairs of semi-detached properties adjacent to the site and the detached property which is located opposite.

7.13 Adequacy of Access & Impact on Privacy/Amenity

Consultation on the acceptability of the proposed access to serve the development has been undertaken with the Highways Development Control Manager. It is considered that given the site's previous usage with the level of associated vehicular movements (some of which occurred on five days per week), that in comparison a redevelopment of the site on the scale proposed would be acceptable at this location.

7.14 The concerns/objections relating to the level of vehicular usage having a detrimental impact on the privacy/amenity of occupiers of existing properties are duly noted. It is not considered however having regard to the history of development at this location, that this would be so unacceptable in order to warrant refusal of the application. It is however recognised that the configuration of the access which is obtained past existing properties, is such that in order to minimise the impact of development during construction works on the privacy/amenity of occupiers of existing properties, that any permission is subject to the imposition of a condition requiring the submission/approval of a Construction Traffic Management Plan. This will enable the hours of work and timing of deliveries and main construction traffic arrivals to be controlled in order to seek to address the concerns highlighted.

7.15 In addition and although submitted in outline, with an indicative site layout plan, it is recommended that in order to obtain improved parking/turning facilities to the existing properties that the site layout be modified. Whilst the site can satisfactorily accommodate 5 No. dwellings this will require the re-positioning and reduction in the footprints of a number of the units but this can be adequately controlled at reserved matters stage if Members are mindful to grant permission for the development.

7.16 Leisure/Educational Requirements

Consultation on the application has been undertaken with the Council's Public Open Spaces Manager and Capital Projects and Planning Unit. As it is not possible for the Council to enter into a Section 106 Obligation with itself, in the circumstances I propose conditions to ensure that no development can commence without meeting their requirements.

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. Given the sites previous usage, there is no objection

from the Highways Development Control Manager or Dwr Cymru Welsh Water. It is however recognised that any permission is subject to the requirements of the Council's Public Open Spaces Manager and Capital Projects and Planning Unit respectively, arising from the development. I recommend the imposition of planning conditions to prevent the commencement of development unless or until these requirements have been met.

- 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.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

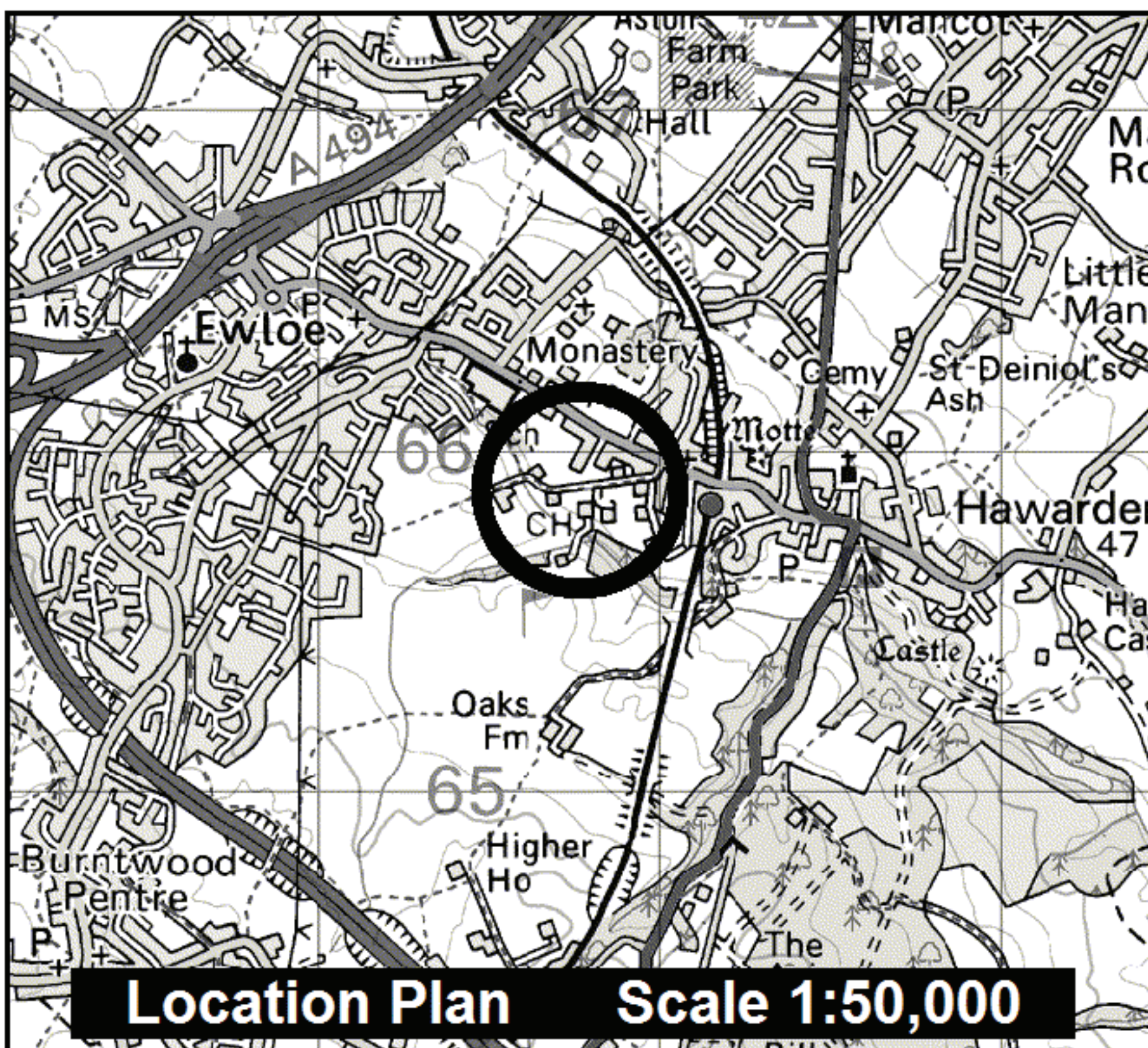
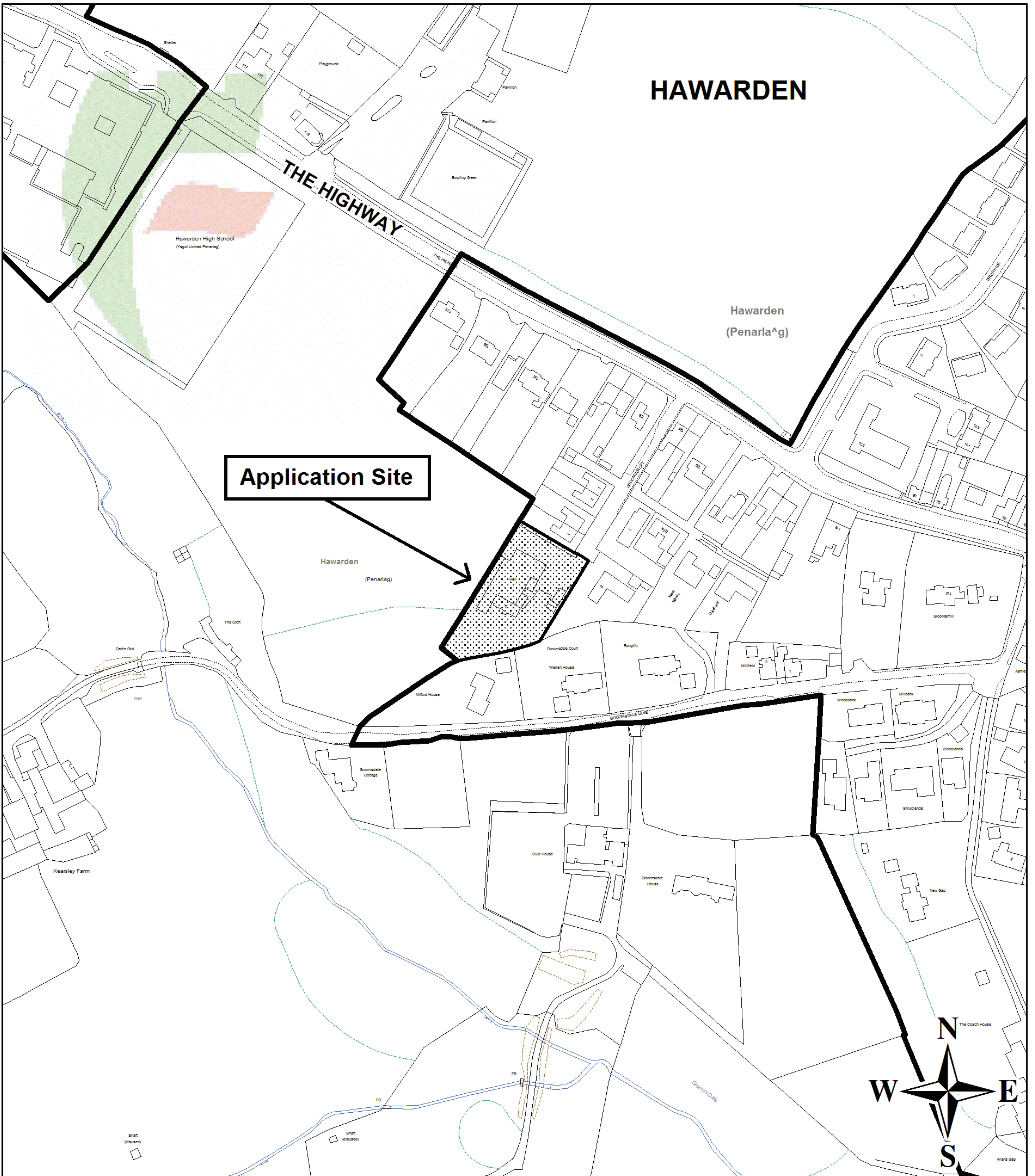
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

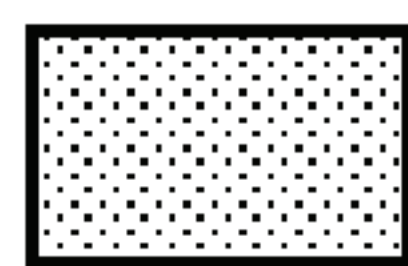
Contact Officer: Mark Harris
Telephone: (01352) 703269
Email: Robert_M_Harris@flintshire.gov.uk

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 3065

Planning Application **52064**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 21 JANUARY 2015**

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

SUBJECT: **FULL APPLICATION - ERECTION OF A SINGLE WIND TURBINE (45 M HUB HEIGHT, 67 M BLADE TIP HEIGHT) TWO METERING UNITS, ACCESS TRACK, ASSEMBLY AND CRANE AREAS AT TY COCH, CROSSWAYS ROAD, PEN Y CEFN, CAERWYS.**

APPLICATION NUMBER: **051826**

APPLICANT: **MR. DAVID READ**

SITE: **TY COCH, CROSSWAYS ROAD, PEN Y CEFN, CAERWYS.**

APPLICATION VALID DATE: **24TH FEBRUARY 2014**

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

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

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

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application is for the erection of a single wind turbine (67 m blade tip height), two metering units, access track, assembly and crane areas at Ty Coch, Crossways Road, Pen y Cefn, Caerwys.
- 1.02 The main issues for consideration are the effects upon the landscape

character of the area including the nearby Clwydian Range and Dee Valley Area of Outstanding Natural Beauty and the impact upon the setting of the listed buildings of Ty Coch and at Plas Cerrig Farm.

1.03 It is considered that due to the height, nature and location of the proposal it would have a detrimental impact upon the landscape character of the area and adjoining AONB and setting of the listed buildings of Ty Coch and at Plas Cerrig Farm.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01
1. It is considered that due to the height, nature and location of the proposal it would have a detrimental impact upon the landscape character of the area, including the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty and thereby contrary to Policies EWP4, STR1, STR7, GEN1, GEN3, L1 & L2 of the Adopted Flintshire Unitary Development Plan.
 2. It is considered that due to the height, nature and location of the proposal it will have a detrimental impact upon the setting of listed buildings of Ty Coch and Plas Cerrig Farm and thereby contrary to Policy HE2 of the Adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member
Councillor J.E. Falshaw

Requests both that the application be referred to Planning Committee and a site visit be undertaken. The reasons being that the development would have a significant impact on the AONB sensitive area. Height 218 ft is significant in comparison to other farm turbines within same locality.

Caerwys Town Council

Objects to the application for the followings reasons and concerns:-

- Adverse impact to visual amenity on edge of AONB. Industrial scale development in a very rural area.
- Impact and damage to trees and hedgerows during delivery of proposal and subsequent construction.
- Impact to hedgerows and other features in connecting proposal to National Grid.
- Effect on local area of all lorries removing estimated 300 tons of soil from site on narrow roads.

- Effect of construction and operation of turbine on aquifer.

Highways Development Control Manager

Recommends any permission includes suggested conditions.

Environment Directorate

Public Footpath 12 crosses the site but appears unaffected by the development. Path must be protected and free from interference from the construction.

Head of Public Protection

ETSU 97 Noise Assessment shows all non involved properties are under the 35 dBA threshold. Ty Coch Farm is under 45 dBA threshold for involved properties. No objection in principle but advises suggested conditions are imposed upon any permission.

Welsh Government Transport

As Highway Authority for A55 trunk road directs any permission include suggested conditions.

Denbighshire County Council

Has the following observations:-

- Concerns regarding impact on the setting of the AONB (including views from within the AONB and on views into the AONB), Offa's Dyke National Trail and on views from the Local Highway Network and particularly A55 which is a key transport route into Denbighshire and North Wales and a major visitor gateway.
- Strategic level, concerns relating to view from A55, key gateway into North Wales, where it would be viewed against backdrop of the AONB. Landscape Assessment shows turbine would be dominant feature and both tower and blades would break skyline. Proposal is out of scale to its agricultural setting and would have a detrimental impact on views into the AONB and therefore an adverse impact on character and special qualities of the landscape designation.
- Introduce large turbine development into area of North Wales not currently influenced by wind energy development, which would contribute to perceived sporadic spread of 'one-off' medium/sub-local authority scale turbines, which will have strategic implications upon the ability to conserve the integrity of wider valued landscapes in longer term.

Clwydian Range & Dee Valley AONB JAC

Notwithstanding reduction in overall height of turbine (from 79 m to 67 m) from previous application, remains of the view that height and scale of the proposal will have a harmful impact on the AONB and its setting. Views eastwards from higher ground of AONB will be

significantly interrupted by a large industrial structure in an open landscape. Also, important views of the AONB, from the A55 will be harmed. None of these views currently compromised by discordant large scale wind turbine development, and JAC is concerned that allowing the proposal of this size would set a precedent which would further undermine the setting of the AONB. Notes this would be first large scale wind turbine visible from the A55 as the principal road access into North Wales and considers will have a strategic impact on visitors' perception of both the protected landscape and wider area. Therefore objects to application.

National Resources Wales

No response received to date.

Welsh Water/Dwr Cymru

No public sewers in area. Application does not propose to connect to public sewer and therefore there are no further comments.

Clwyd-Powys Archaeological Trust

From cultural heritage point of view, primary impacts will be received by two nearest Grade II listed buildings at Ty Coch and Plas Cerrig Farm. Magnitude of effect for both properties is high with level of impact determined to be Substantial Adverse. Views of proposal limited from each of the properties are partly masked by low vegetation, but turbines would be prominent on the northern skyline. Views from both properties to the south already compromised by two sets of crossing electricity pylons and a tall distant transmitter mast. Primary view from Ty Coch is to the south. Primary views from Plas Cerrig Farm complex are east-west. Do not consider these primary views to be compromised, but Local Planning Authority should note the predicted Substantial Adverse visual impact when making their decision.

CADW

Some potential for this proposal to be visible from a large number of designated Scheduled Ancient Monuments. However, in Cadw's opinion, due to the limited scale of the proposals, being only a single turbine of 67 m height to blade tip, any visual impact is unlikely to be significant. This proposal would not therefore be considered to adversely impact on the settings of the above monuments.

Also in Cadw's opinion, although the proposed turbine may be visible from Bryngwyn Hall and Pantasaph registered historic parks and gardens, its scale and distance from them together with the intervening topography and vegetation, means that any visual impact would be minimal.

Civil Aviation Authority

No response received to date.

Ministry of Defence – Safeguarding

No objections to the proposed development.

National Air Traffic Services

No response received to date.

National Police Air Service

Concern is regarding another significant obstruction along our access route in poorer weather. However, concede that the location would be known to us and it may be possible to avoid or circumnavigate them. Request to display aviation obligation lights during hours of darkness and periods of poor light and visibility.

Liverpool John Lennon Airport

After reviewing the Line of Sight of Assessment submitted previously by the developer that the proposal is unlikely to affect operations at the Airport and therefore have no objections.

Airbus

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

Clwyd Badger Group

No response received to date.

North East Wales Wildlife

No response received to date.

North Wales Wildlife Trust

No response received to date.

RSPB Cymru

No response received to date.

British Horse Society

No response received to date.

Ramblers Association

No response received to date.

Wales & West Utilities

Have apparatus in area. Advise developer to contact them before proceeding with any works.

SP Energy Systems

Have plant and apparatus in area. Advise developer to contact them before proceeding with any works.

CPRW

Objects to the application on the following grounds:-

- Proposal is a large industrial structure which will produce a totally unacceptable feature which will dominate the surrounding landscape.
- Wind turbine, one of most ineffective ways to generate power.
- Further scars on the landscape will be the access track and erection of two utilitarian design units.
- Development would remain a dominant feature to blight the landscape over many years and would be far from a temporary structure.
- Ty Coch and Plas Cerrig Farm are two Grade II listed buildings which will be over-dominated by the proposal due to its size and resulting in an unacceptable adverse impact upon their settings.
- Area considered to be sensitive with respect to controlled waters.
- Movement of the wind turbines blades will have a detrimental impact upon the existing natural features within the landscape.
- Adversely affect the AONB to a significant degree due to its size and form and cannot be mitigated against.
- Detrimentally affect residential amenity. Not all nearby properties are included in the LVIA.
- Cumulative wind turbine/wind farm locations map is outdated. No mention is made of a planned turbine development on adjacent land at Ffrith y Garreg Wen.
- Loss of hedgerows and trees which will also lead to altering the landscape of the area.
- Public right of way will be affected.
- No justification can be put forward by the development that would outweigh the substantial harm that would be caused to the open countryside along with significant adverse impact upon visual and residential amenity and settings of listed buildings.
- No details given as to where connection to the grid is to be undertaken. May result in the erection of an overhead line in the open countryside.
- Local roads not suitable to take the wide loads of the delivery

vehicles of the turbine.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

5 letters of objection received. The grounds being:-

- Site is within a highly sensitive area of environmental, landscape and heritage importance.
- Being 67 m in height, turbine is of such size to be impossible to minimise its environmental impact at this location.
- Not sensitive to the needs of the local community.
- Would over dominate and severely impact upon the character and appearance of the area through adverse visual intensity.
- Impact upon emergency services lying as it does on the route of the air corridor used by Police helicopter.
- Would distract drivers using the A55.
- Eyesore on main tourist route to North Wales.
- Impact upon geese, lapwings and curlews and newts.
- Impact upon health and community with its continuous whine and shadows caused.
- Government policy is now to encourage off shore rather than on shore wind farms.
- If granted, would set a dangerous precedent and lead to a proliferation of similar applications in the locality which the Council would find difficult to refuse. Lead to the destruction of one of most beautiful areas of countryside in the entire county.
- Will be detrimental to visual amenity which is close to an AONB on both sides.
- Turbines are totally uneconomical and one on its own is even more uneconomical, so will this be start of a major development in the future. Applicant will receive £22,000 p.a. an amount to encourage other landowners.
- Removal of an ancient hedgerow.

- Cause disruption to local traffic due to size of transport to bring sections to site.
- Size is more suitable for sites at sea for remote areas.
- Set a precedent.
- Effect on wildlife and local people.
- Danger to public safety due to proximity to a busy route and flight path of emergency vehicles.

5.00 SITE HISTORY

5.01 050077

Erection of wind turbine with a 55.6 m hub, a 24 m blade, giving an overall ground to blade tip height of 79.6 m and two metering units – Withdrawn 10th March 2014.

Adjoining Site – West

049042

Outline – Secure truck parking facility with ancillary development – Refused 16th March 2012 and dismissed on Appeal 1st March 2013.

047840

Outline – Secure truck parking facility with ancillary development – Withdrawn 10th May 2011.

043612

Outline – Secure trunk parking facility with ancillary and complementary development – Refused 11th February 2009.

Adjoining Site – North East

050880

Erection of an anemometer mast (up to 80 m) for the temporary period of three years – Refused 5th June 2013 and allowed on Appeal 4th February 2014.

034132

Siting of shelter – Granted 3rd September 2002.

96/15/472

Certificate of lawfulness – Granted 15th October 1997.

651/86

Continuation of use as a gliding club – Withdrawn 22nd December 1986.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
STR1 – New Development.
STR6 – Tourism.
STR7 – Natural Environment.
STR8 – Built Environment.
STR10 – Resources.
GEN1 – General Requirements for Development.
GEN3 – Development in the Open Countryside.
D1 – Design Quality, Location & Layout.
D2 – Design.
D3 – Landscaping.
D4 – Outdoor Lighting.
TWH1 – Development Affecting Trees & Woodlands.
TWH2 – Protection of Hedgerows.
L1 – Landscape Character.
L2 – Area of Outstanding Natural Beauty.
WB1 – Species Protection.
WB4 – Local Sites of Wildlife & Geological Importance.
HE2 – Development Affecting Listed Buildings & Their Setting.
HE4 – Buildings of Local Interest.
HE6 – Scheduled Ancient Monuments & Other Nationally Important Archaeological Sites.
AC2 – Pedestrian Provision & Public Rights of Way.
AC12 – Airport Safeguarding Zone.
AC13 – Access & Traffic Impact.
EWP1 – Sustainable Energy Generation.
EWP4 – Wind Turbine Development.
EWP12 – Pollution.
EWP13 – Nuisance.
EWP16 – Water Resources.

National Policy

- Planning Policy Wales Edition 7, July 2014.
Technical Advice Note (TAN) 5: Nature Conservation & Planning (2009).
Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010).
Technical Advice Note (TAN) 8: Renewable Energy (2005).
Technical Advice Note (TAN) 11: Noise (1997).
Technical Advice Note (TAN) 12: Design (2009).
Technical Advice Note (TAN) 13: Tourism (1997).
Technical Advice Note (TAN) 18: Transport (2007).

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

on landscape and amenity etc. These are addressed in the appraisal below.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises part of a field used for the grazing of livestock which forms part of Ty Coch Farm. The site area is 0.469 ha and is generally flat. It is located approximately 280 m to the North East of the existing farm complex of buildings of Ty Coch. These buildings front onto the Northern side of Crossways Road. This road in turn is located off the B5122 which leads to Caerwys. The site is surrounded on all sides by other agricultural land.

7.02 The proposed development consists of the erection of an Enercon E-44 wind turbine with a maximum 500 kw output capacity. The turbine is a modern design with a tapered tubular tower and three blades attached to a nacelle containing the generator and gearbox. It will have a 45 m hub height with a 22 m blade, giving an overall ground to blade tip height of 67 m. The turbine will be finished in a pale grey matt colour.

7.03 The transformer for the turbine is located within the tower base, with two container units located adjacent to the turbine to house the switch gear and a HV meter room for SP Energy Networks. These units will both measure 2.95 m x 3.05 m x 2.6 m (height to ridge). Connection cables to the local grid will be via underground ducting laid along the proposed and existing access roads.

7.04 A 410 m section of new access track across the applicant's fields will be constructed from a new vehicular access to be created on the Northern side of Crossways Road approximately 100 m westwards from the farm complex to the wind turbine.

7.05 The Applicant's aim to develop a sustainable renewable project on their farm to both reduce their financial overheads on the farm and also to contribute to the reduction of their carbon footprint.

7.06 It is proposed to use the wind turbine for 25 years. Where after the turbine and structures will be removed and the landscape reinstated using appropriate decommissioning and reinstatement practices.

7.07 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 and the effects upon the amenities of adjoining residents, the character and appearance of the landscape, the setting of scheduled ancient monuments and listed buildings.

7.08 Background

Members may recall that in August 2012, an application for the erection of a wind turbine with a 55.6 m hub, a 24 m blade, giving an overall ground to blade tip height of 79.6 m and two metering units was submitted under 50077 on the site. However, due to concerns from Liverpool John Lennon Airport that the turbine would adversely affect radar and objections from both Denbighshire County Council and the Joint Advisory Committee of the Clwydian Range and Dee Valley AONB regarding the landscape and visual impact, the application was withdrawn on 10th March 2013. Thus, the applicants have decided to submit a revised application for a smaller wind turbine reduced in height by 12 m.

7.09 Principle of Development

In terms of national guidance, Planning Policy Wales advises that the Assembly Government's aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible maintaining environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production.

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

- The contribution a proposal will play in meeting identified national, UK and European targets.
- The wider environmental, social and economic benefits and opportunities from renewable energy and low carbon development.
- The impact on the national heritage, the coast and the historic environment.
- The need to minimise impacts on local communities, to safeguard quality of life for existing and future generations.
- To avoid, mitigate or compensate identified adverse impacts.
- The impacts of climate change on the location, design, build and operation of renewable and low carbon energy development.
- The impacts of climate change on the location, design, build and operation of renewable and low carbon energy development.
- Grid connection issues where renewable (electricity) energy developments are proposed; and
- The capacity of and effects on the transportation network relating to the construction and operation of the proposal.

7.11 Welsh Government advises also that most areas outside strategic search areas should remain free of large wind power schemes. It states 'in these areas there is a balance to be struck between the desirability of renewable energy and landscape protection whilst that balance should not result in severe restriction on the development of wind power capacity, there is a case for avoiding a situation where

wind turbines are spread across the whole of a County’.

- 7.12 In terms of Local Planning Policy, the Flintshire Unitary Development Plan strategy identifies that sustainable development is a key theme running through the plan, in line with PPW. The vision for the plan is ‘to nurture sustainable development capable of improving the quality of life in Flintshire without causing social, economic, resource or environmental harm to existing or future generations’.
- 7.13 Policy STR10 provides guidance on the issue of resources and in term of energy, criterion e advises ‘utilising clean, renewable and sustainable energy generation where environmentally acceptable in preference to non renewable energy generation’.
- 7.14 Turning to the plan’s detailed policies, Policy EWP1 sets the scene by adopting a presumption in favour of renewable energy schemes subject to them meeting the other relevant requirements of the plan. The detailed guidance on wind turbine development is set out in Policy EWP4, which requires proposals to meet seven specific criteria. The main criteria in the context of this proposal being:
- a. “the development is not sited within, nor would have a significant adverse impact on, a sensitive area of national or regional environmental, landscape or heritage importance” and
 - b. “the development in conjunction with other wind turbines will not have a detrimental cumulative impact upon the landscape”.
- 7.15 It is clear that there is a positive approach taken by Welsh Government to renewable energy having regard to the issue of global warming and climate change. The clear message of both PPW and the Flintshire Unitary Development Plan is that renewable energy proposals should be permitted unless there are unacceptable impacts on landscape, nature conservation, residential amenity etc. Having regard to these factors it is considered that the current proposal fails to satisfy the relevant criteria in respect of landscape impact and this, leading to my recommendation of refusal, is addressed in more detail below.
- 7.16 Highway Implications
A new vehicular access is to be created onto Crossways Road approximately 100 m to the west of the existing farm complex at Ty Coch and a new access track from this to the wind turbine across the fields for both construction traffic and service vehicles. The Highways Development Control Manager offers no objections in highway safety terms. To both these aspects to the schemes provided the suggested conditions are placed upon any planning permission granted.
- 7.17 With regard to the proposed route for the transporting the elements of the structure to the site this has been submitted as a Traffic Management Plan. This identifies that the most appropriate route for

the transportation of the proposed wind turbine from the selected port to the site would be via the motorway and 'A' road network to Junction 31 of the A55, the B5122 and Crossways Road to the proposed site access. This has also been assessed by the Highway Department and Welsh Government who directs that any permission includes suggested conditions be placed upon any planning permission granted.

7.18 Amenities of Adjoining Occupiers

The nearest residential property to the proposal is the applicant's property at Ty Coch which lies approximately 260 m away to the North East of the site.

7.19 The Public Protection Manager has been consulted upon the application to advise upon the effects of the proposal in terms of noise disturbance and shadow flicker on the amenities of adjoining residents.

7.20 The Noise Assessment submitted with the application has been studied. The ETSU 97 Noise Assessment shows all non involved properties are under the 35 dBA threshold and Ty Coch Farm itself is under the 45 dBA threshold for involved properties. Therefore, the Public Protection Manager has no objection in principle to the proposed application but would advise that suggested conditions relating to restricted noise levels are placed upon any planning permission granted.

7.21 In terms of shadow flicker and its effects upon the amenities of adjoining residents, an assessment has been carried out by the Applicant which has been submitted as part of the application. It identifies that in the worse case scenario shadow flicker would only occur at three receptors, Plas Cerrig and Lludiart Cerrig to the west of the wind turbine and Ffrenics House to the east, which are anticipated to have 8.48, 3.25 and 1.23 hours per year respectively at each of the receptors. These figures are negligible and thus the proposal is unlikely to have a significant detrimental impact upon the amenities of these adjoining occupiers in terms of shadow flicker.

7.22 Character & Appearance of Landscape

The site is located on generally flat land within open countryside, identified as the Trelawnyd Plateau under the LANDMAP landscape classification system. The proposed position of the turbine is approximately 800 m south of the A55, 680 m east of B5122 and 350 m north of Crossroads Road. It is also located in close proximity to Footpath 12 and other public footpaths/bridleways. It is therefore considered to enjoy a prominent position.

7.23 It is located also in a rural area, where the agricultural landscape is generalised by gently undulating countryside with an open character which is largely devoid of hedgerows and trees. The Clwydian Range

and Dee Valley Area of Outstanding Natural Beauty lies approximately 3,700 m to the south and 2,920 m to the south west of the site respectively.

- 7.24 The site lies in an area classified as having high value on LANDMAP in terms of the historic environment and landscape which in this location is largely undamaged and interrupted by large scale, visible developments and which contains historic features of national importance.
- 7.25 Wind turbines by nature are alien features in the landscape and their impact increases in relation to their height, blade diameter and movement. In this instance it is also significant that the National Police Air Service would require the structure to be illuminated during periods of darkness and poor visibility, thus adding to its visual impact.
- 7.26 Due to the proposal's height, proximity to the A55, B5122, public footpaths and the open nature of this part of the landscape, it is considered it would be visible from a number of public viewpoints.
- 7.27 As the proposal is to be located also close to the Clwydian Hills Area of Outstanding Natural Beauty, views of it would also be seen into it and out of it.
- 7.28 Both Policies L1 & L2 of the Flintshire Unitary Development Plan seeks to protect the landscape of this area and beyond. The development would alter the local character of the site, introduce uncharacteristic features into the rural setting and lower the landscape quality.
- 7.29 Given the above, it is considered that the impact of the proposal on the landscape character of the area and views into and out of the nearby Clwydian Range and Dee Valley Area of Outstanding Natural Beauty would be significant and totally out of keeping. It would be visually detrimental to these areas and result in an unacceptable and "alien" form of development within the open countryside and this landscape setting, which includes views into and out of part of the AONB and beyond.
- 7.30 Scheduled Ancient Monuments
The proposed development is located in the vicinity of a number of Scheduled Ancient Monuments. However, due to the scale of the proposals, any visual impact is unlikely to be significant. Thus the proposals, it is considered would not adversely impact on the settings of these monuments.
- 7.31 Siting of Listed Buildings
There are two Grade II listed buildings in relatively close proximity to the proposed turbine.

- 7.32 The farm buildings at Ty Coch comprise a dwelling and agricultural range dating from the C18 or early C19 and are listed as being a well preserved roadside farmstead of a type once common in Flintshire, retaining C19 character. The Ty Coch farmstead is the nearest listed building to the proposed turbine (approximately 260 m).
- 7.33 Plas Cerrig Farm is slightly further away from the proposed turbine (560 m) and contains three separately listed buildings within the complex. These are:-
- Barn, cartshed and granary (range) – listed as a C19 farm building dated from 1864 which forms part of an impressive farm group with the farmhouse and cowshed.
 - Cowshed – also dating from 1864, listed for its contribution to an impressive farm group with the farmhouse and range.
 - Plas Cerrig Farmhouse including attached former barn and bakehouse dating back much earlier than the outbuildings (1594), listed as a well preserved sub medieval regional house type improved as part of a visually strong C19 farm group.
- 7.34 The comments from the Clwyd-Powys Archaeological Trust concur with those from the Council's Built Conservation team and the magnitude of effect on these two historic farmsteads to be high and the level of impact to be substantial adverse. It is stated that the turbine would be prominent on the northern skyline from both and that views from both to the south are already compromised by electricity pylons and a transmitter mast. Therefore, any further impact in this respect should be resisted.

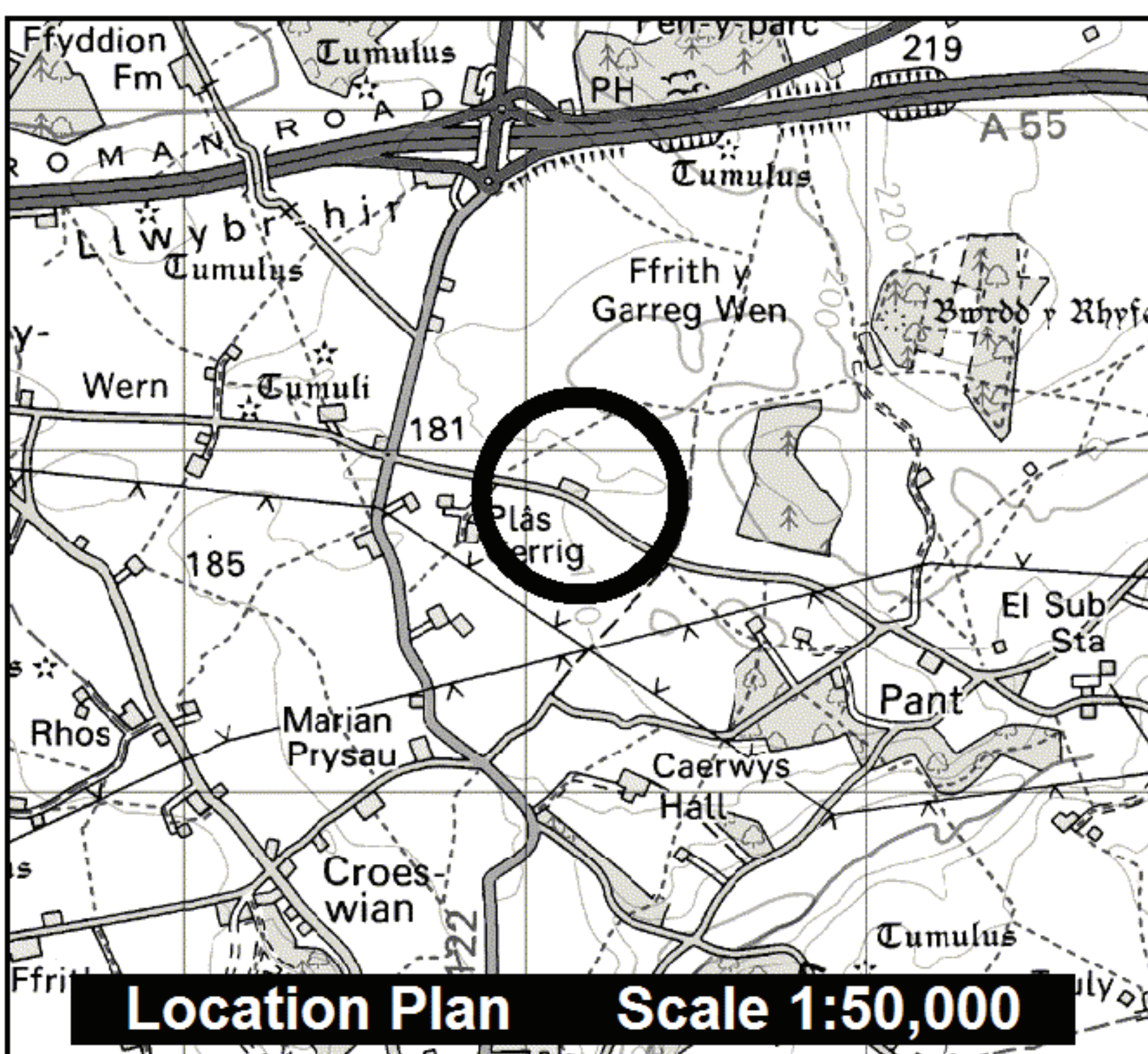
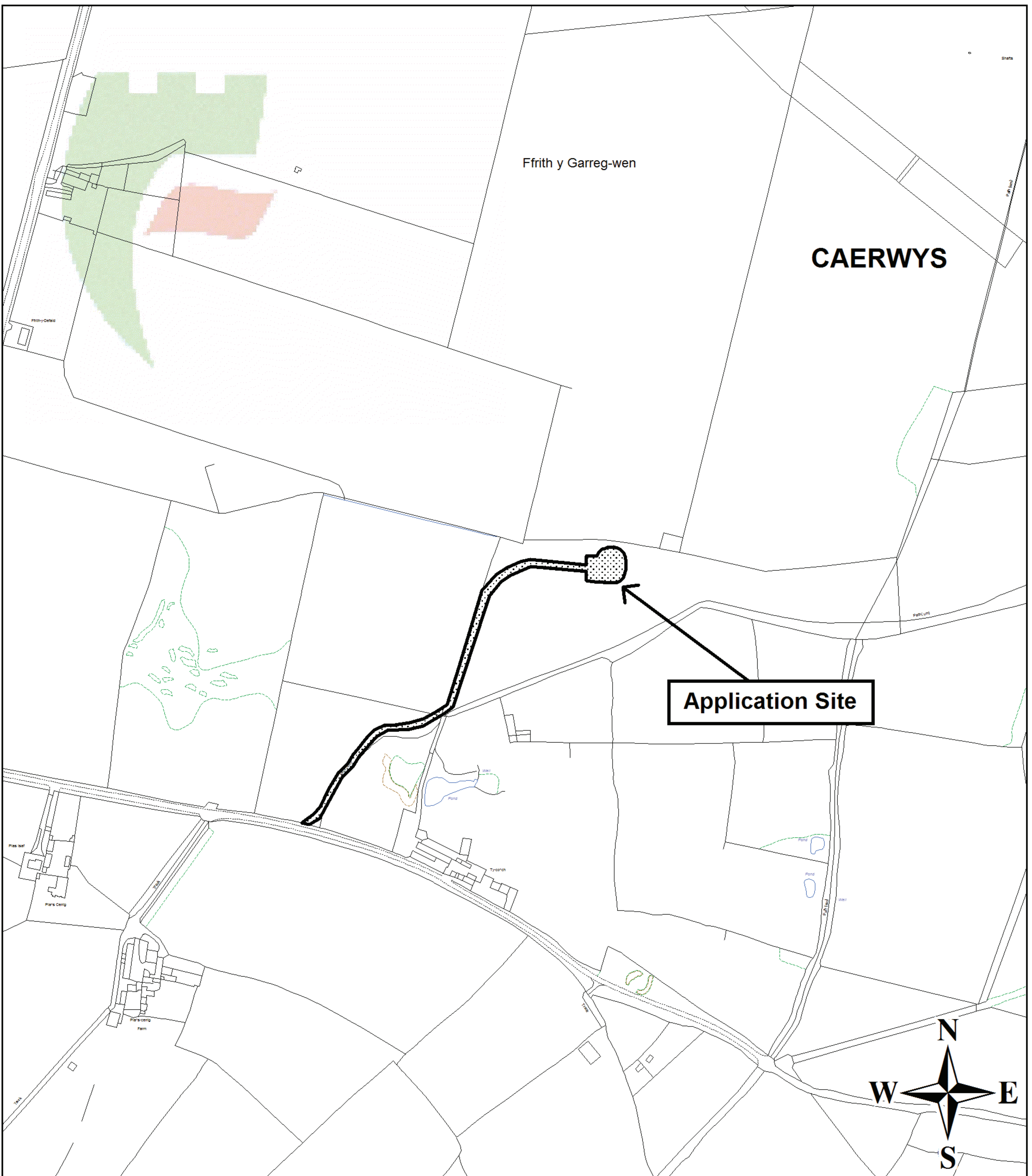
8.00 CONCLUSION

- 8.01 Although current national and local planning guidance encourages the use of renewable energy technologies and the proposed use of them by the Applicant is to be welcomed, it is considered that the proposed size of the wind turbine would have a significant detrimental impact upon both the historic and landscape environment.
- 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.

LIST OF BACKGROUND DOCUMENTS

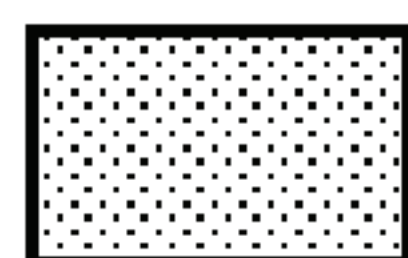
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:5000

OS Map ref SJ 1375

Planning Application **51826**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **21ST JANUARY 2015**

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

SUBJECT: **FULL APPLICATION – ERECTION OF WIND TURBINE (26 M HIGH TO BLADE TIP) AT PARK VIEW GARAGE, ST. ASAPH ROAD, LLOC, HOLYWELL.**

APPLICATION NUMBER: **052396**

APPLICANT: **MR. PETER DAVIES**

SITE: **PARK VIEW GARAGE, ST. ASAPH ROAD, LLOC, HOLYWELL**

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

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

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

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

SITE VISIT: **NO.**

1.00 SUMMARY

- 1.01 This application is for the erection of a 26 m high (to blade tip) wind turbine at Park View Garage, St. Asaph Road, Lloc. The main issue is the visual impact of the proposal upon the landscape in this location.
- 1.02 Given that it is located in close proximity to an existing 20 m. high telecommunications mast, buildings and the A55 expressway, it is considered that there will not be a significant increased detrimental impact upon the landscape in this location.

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

2.01 Conditions

1. Time commencement.
2. In accordance with approved plans.
3. Decommissioning of the site upon end cessation of use.
4. No exception below depth of water table.
5. Development not commenced until such time as a scheme for
 - i. The storage of oil/fuels.
 - ii. The proposed method of working (construction method statements).
6. Facilities provided and retained within site for loading, unloading, parking and turning of vehicles to ensure all vehicles enter and leave site in forward gear.
7. Ensure access gained from B5122.
8. Archaeological watching brief.

3.00 CONSULTATIONS

3.01 Local Member

Councillor J.E. Falshaw

Agrees to determination under delegated powers. Preliminary views of concern due to the visual impact upon the AONB.

Caerwys Town Council

Object to the application for the following reasons and concerns.

- Adverse impact to visual amenity on the edge of the AONB. This is an industrial scale development in a rural area.
- Impact and potential damage to trees and hedgerows during delivery and subsequent construction of the proposal.
- Impact to hedgerows and other features in connecting this wind turbine to the National Grid.
- Removal and potential adverse impact to the principal aquifer located in the immediate area.

Highways Development Control Manager

Recommends any permission to include suggested planning condition.

Planning & Environment (Rights of Way)

Public Footpath 25 crosses the site but appears unaffected by the development. Path must be protected and free from interference from construction.

Head of Public Protection

Studied manufacturer's reference material and have also studied information for noise emissions from this and other wind turbines. All information received indicates that a turbine of this design, size and position will not be audible at any neighbouring property at this location. Therefore no objections.

Welsh Government Transport

As Highway Authority for the A55 trunk road, directs that any planning permission should include suggested conditions.

CADW

No direct physical impacts upon nearby monuments, indirect impacts on their settings are a material consideration.

Number of Bronze Age barrows inter-visible. Crown Wood Barrow is closest. Proposed tip height of turbine has limited zone of influence and consequently a reduced effect on the setting of monuments.

Other modern, man made structures are visible to south of this monument and most significantly the A55 which introduces movement and noise to its setting. Impact not considered to be significant due to views in this direction already being compromised, the distance from the proposal and low height of the turbine.

Due to intervening distance, topography and vegetation, proposed turbine will not have an adverse impact upon the setting of the registered historic parks and gardens either.

Clwydian Range & Dee Valley AONB JAC

Given distance from AONB and limited height of proposal set against backdrop of larger development around A55 Caerwys Junction/Service Area, JAC considers impact on distant views from AONB will be minimal. Impact on views of AONB from A55 also be fleeting and limited. Therefore no objections in principle. Suggests local and distant impacts further reduced by suitable landscaping scheme to enclose and break up open character of entire site within applicant's ownership.

Would not want to see it setting a precedent for further applications for wind turbines in this locality.

Clwyd-Powys Archaeological Trust

Predicted Roman road course not confirmed during construction of A55. Possible may be located south of main road and would be appropriate to maintain a watching brief during construction of base of any hardstanding. Therefore recommends watching brief condition upon any planning permission granted.

Natural Resources Wales

No objections in principle to the proposed development subject to the inclusion of suggested conditions in any planning permission granted regarding impact upon the water table and prevent pollution of the water environment.

Denbighshire County Council Planning Section

Due to the size and location of the turbine, the Council have no objection to the proposal.

Civil Aviation Authority

No responsibilities for safeguarding sites other than its own property.

DOI Safeguarding

No response received to date.

Airbus

Has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. No aerodrome safeguarding objection to the proposal.

Liverpool John Lennon Airport

No objection.

National Air Traffic Services

No response received to date.

Dwr Cymru Welsh Water

No response received to date.

RSPB

No response received to date.

SP Energy Networks

Have plant and apparatus in vicinity. Developer advised to contact them before undertaking any construction works.

CPRW

Objects to this planning application on the following grounds:-

- Height will produce a very prominent and unacceptable feature within surrounding open countryside which will be emphasised by turbines rotating blades.
- No ecological survey has been undertaken (breeding Lapwings are a RSPB red list species).
- Impact upon heritage and cultural assets.
- Impact upon the hydrogeology of the area. Area is sensitive to

controlled waters.

- Telecommunications mast is erected no more than a maximum of 60 m away. Planning guidance indicates needs to be 100 m clearance from swept area of turbine blades.
- Belt of trees forms part of Northern boundary needs to be 50 m away. Questions whether this will be achieved.
- No information provided about effect on application systems.
- No cumulative assessment been made with regard to similar development that has been consented (051315 & 051825). Also 50880 that is intended to support a planning application to erect 3 turbines nearby.
- No information provided to the operational life or decommissioning of the proposal.

Ramblers Association

Does not appear to affect adjacent right of way. Caerwys 25 line should be safeguarded during any construction works.

Concerned to ensure that approval in this case is not seen as a precedent for industrial scale development in the same area.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

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

- Proper consultation of proposal not been carried out.
- Not sensitive to needs of community. The turbine would over-dominate and severely impact upon the character and appearance of area through adverse visual intensity.
- Impact upon adjoining occupiers in terms of noise and shadow flicker.
- Would set a dangerous precedent and would lead to a proliferation of similar applications in the locality which the Council would find difficult to refuse.
- Would have a detrimental impact upon geese and Lapwings.
- An EIA should be provided.
- Distract drivers and compromise road safety.

- Impact on emergency services as it is on the route of the air corridor used by Police helicopter.
- Provide an eyesore on main tourist route into North Wales.
- Government policy is now to encourage off shore rather than on shore wind farms.

5.00 SITE HISTORY

5.01 052254

Variation of Condition No. 3 from 3 to 5 years – Granted 26th August 2014.

051303

Retrospective subdivision into 2 No. A1 units – Granted 18th February 2014.

050802

Renewal of application Ref: 044850 for the erection of an extension to existing garage – Granted 2nd July 2013.

044850

Extension of existing garage – Granted 9th June 2008.

043933

Outline provision of an overnight lorry park including access details for a maximum of 20 vehicles together with toilet and washing facilities – Refused 20th December 2010 – Appeal allowed 12th May 2011.

042765

Change of use of garage to B1, B2, B8 uses – Withdrawn.

723/81

New bungalow and garage – Granted 14th September 1982.

Adjacent Site – North West

99/15/01023

Erection of telecommunications pole, antennas, cabin and ancillary equipment – Granted 21st December 1999.

Adjacent Site – Ffrith y Garregwen

050880

Erection of anemometer mast (up to 80 m in height) for temporary period of 3 years – Refused 10th September 2013 – Allowed on Appeal 4th February 2014.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
STR1 – New Development.
STR7 – Natural Environment.
GEN1 – General Requirements for Development.
GEN3 – Development in the Open Countryside.
D1 – Design Quality, Location & Layout.
D2 – Design.
L1 – Landscape Character.
L2 – Area of Outstanding Natural Beauty.
WB1 – Species Protection.
HE6 – Scheduled Ancient Monuments & Other Nationally Important Archaeological Sites.
AC13 – Access & Traffic Impact.
EWP1 – Sustainable Energy Generation.
EWP4 – Wind Turbine Development.

National

Planning Policy Wales Edition 6 (July 2014).

Technical Advice Note 5 Nature Conservation & Planning (2009)

Technical Advice Note 8 Renewable Energy.

The proposal is considered acceptable in principle in Planning Policy terms. The details of the proposal are addressed below.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises approximately 100m² of a piece of scrubland within the curtilage of Park View Garage.

7.02 It is located approximately 60 m to the South West of the existing building of the commercial vehicle repair business of Park View Garage.

7.03 The business itself is located to the West of other commercial buildings located to the South West of existing Caerwys Junction off the A55 Expressway.

7.04 The proposal is for the erection of a 20KW wind turbine mounted on a free standing galvanised steel tower. It is a three bladed horizontal propeller design. The height to the hub is 20 m with an overall height of 26 m. The proposal does not involve any ground based equipment or compound fencing. It is proposed that the energy generation from the turbine will cover the energy bills of the applicant's buildings on the site.

7.05 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 amenities

of adjoining residents and the effects upon the visual appearance of the area and the setting of Scheduled Ancient Monuments.

7.06 Principle of Development

Current National Policy as set out in PPW and TAN8 encourages the development of renewable energy technology subject to them not having a detrimental impact upon landscape character residential amenities etc.

7.07 In addition, the adopted Flintshire Unitary Development Plan also encourages the use of this type of energy generation under Policies EWP1 and EWP4 – Wind Turbine Development, subject to no significant adverse impact upon the visual amenity of the area, highways and amenities of adjoining residents.

7.08 Highway Implications

Access to the site will be gained via the existing road network and site access.

7.09 The traffic generated by the construction of the structure will be one ready mix concrete wagon together with one flat bed wagon delivering the structure on site for half a day.

7.10 Given the above, both Welsh Government Transport and the Council's Highways Department offer no objections upon highway grounds subject to the suggested planning conditions placed upon this recommendation to grant planning permission.

7.11 Amenities of Adjoining Residents

The nearest residential properties to the proposal are those on Crown Estate which lie approximately 250 m to the North East with the A55 expressway in between.

7.12 The Public Protection Manager has been consulted upon the application to advise upon the effects of the proposal in terms of noise disturbance and shadow flicker on the amenities of adjoining residents.

7.13 The manufacturer's reference material and information for noise emissions from this and other wind turbines have been studied. All of the information indicates that a turbine of this design, size and position will not be audible at any neighbouring property at this location and this is acceptable by the Public Protection Manager.

7.14 In terms of shadow flicker, again, given the size, design and location of the proposal away from residential properties there will be no detrimental impact upon the amenities of adjoining residents in this respect.

7.15 Visual Appearance & Character

The immediate landscape character and context for this development is a service area with a car repairs workshop, caravan and sales and café buildings located on the South side of the A55 expressway. Approximately 25 m to the North West of the site lies the existing 20 m high telecommunications mast. 50 m to the North West lies the A55 expressway which runs in an East-West direction. To the North East, approximately 400 m away lie the existing buildings of the BP Service Station and McDonalds. The Area of Outstanding Natural Beauty lies approximately 4,000 m to the West and 2,000 m to the South West.

7.16 Due to the limited size of the proposal and its location in close proximity to the existing telecommunications pole, complex of buildings to the East, A55 expressway to the North and complex of buildings to the North East, it is considered that the proposal will have a limited increased detrimental impact upon the immediate landscape character.

7.17 Given the distance of the site from the AONB and balanced against the limited height of the turbine set against the backdrop of the larger developed area around the A55 Caerwys Junction/Service Area, it is considered that the impact upon views from the AONB will be minimal. It is also considered that the impact on views of the AONB from the A55 will also be fleeting and limited by the 'urban' context of the built development which surrounds this junction.

7.18 Scheduled Ancient Monuments

Whilst there are to be no direct physical impacts upon a number of Scheduled Ancient Monuments nearby due to their distance from the proposal, indirect impacts upon their settings are a material consideration.

7.19 A number of Bronze Age barrows will be inter-visible with the proposed development. The monuments are likely to have been deliberately sited to command views across this landscape and are inter-visible with one another. The closest being Crown Wood Round Barrow, which is 250 m to the North of the site. This is the only monument likely to be affected in this case as a turbine of only 26 m to blade tip height has a limited zone of influence and consequently a reduced effect on the setting of surrounding monuments.

7.20 Other modern, man-made structures are visible to the South of Crown Wood Barrow including buildings, roads, lighting columns and the A55 expressway which introduces movement and noise to the setting of this monument. Although it is considered that the proposal will have a negative effect on the views from this monument, its impact is not considered significant due to the views in this direction already being compromised, the distance from the proposal and low height of the turbine.

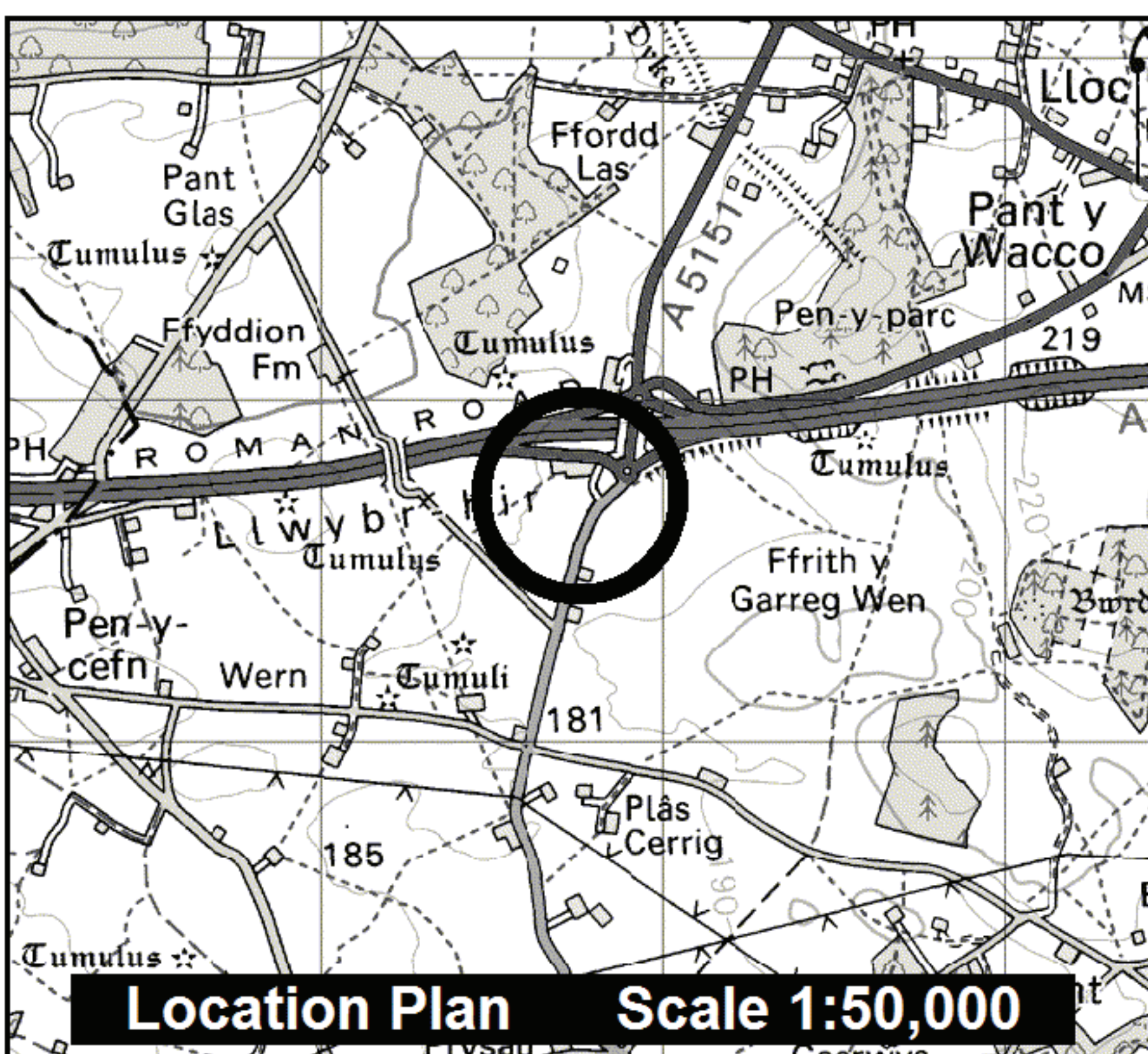
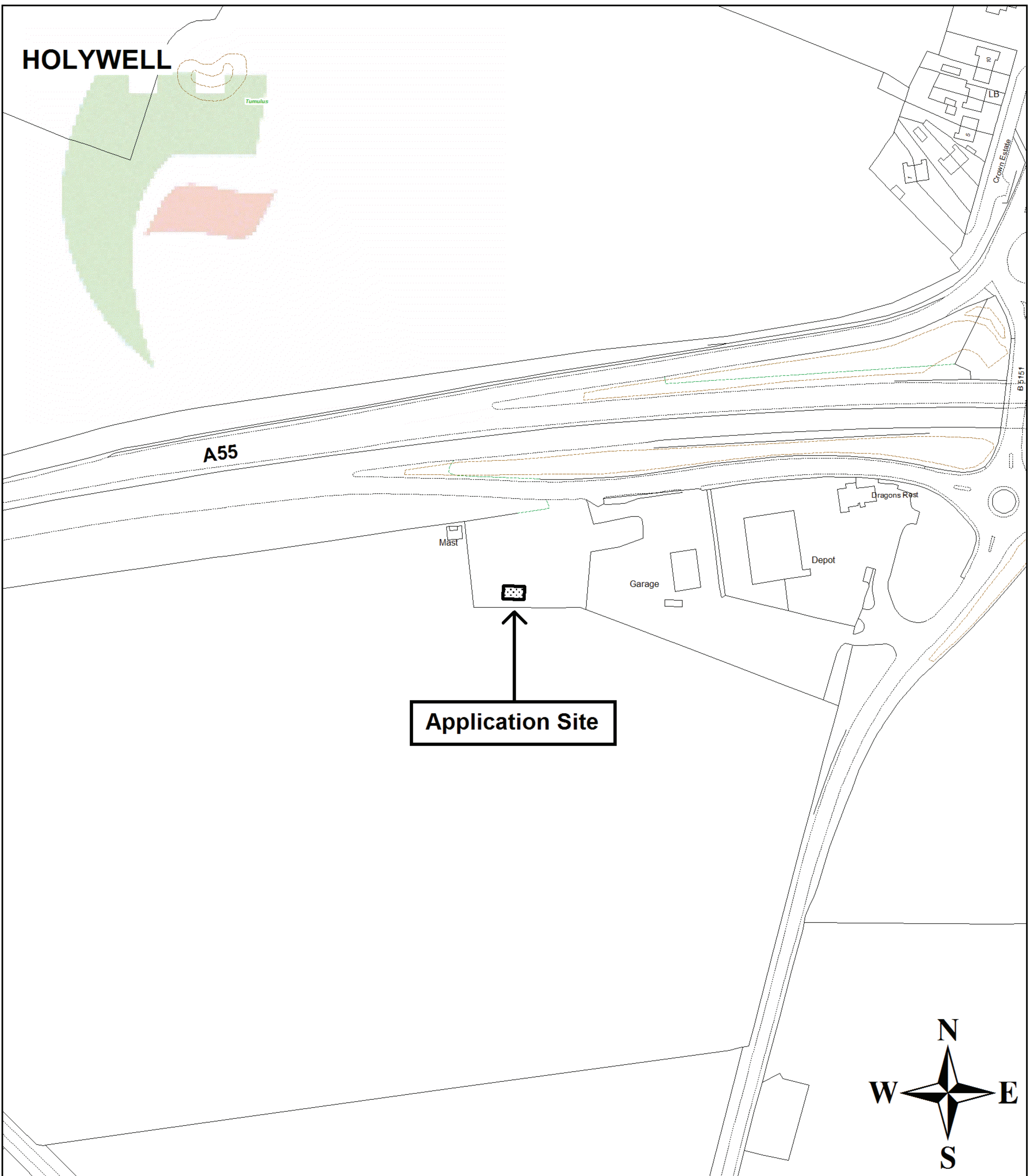
8.00 CONCLUSION

- 8.01 Given the above it is considered that the proposal will not have a significant detrimental impact upon highways, the effects upon the amenities of adjoining residents and the effects upon the visual appearance and landscape character of the area and Scheduled Ancient Monuments.
- 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.

LIST OF BACKGROUND DOCUMENTS

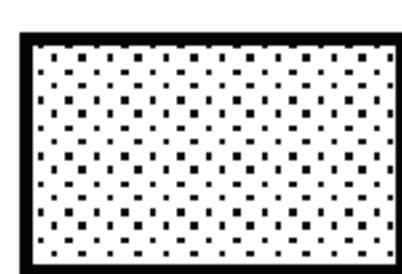
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National & Local Planning Policy
Responses to Consultation
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Email: alan_wells@flintshire.gov.uk



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 1275

Planning Application **52396**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 21ST JANUARY 2015**

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

SUBJECT: **GENERAL MATTERS - ERECTION OF 3 NO. CLASS B1 INDUSTRIAL UNITS AND ASSOCIATED CAR PARKING AND AMENDED VEHICULAR ACCESS AT UNIT 2, THE HAVEN GARAGE, THE NANT, PENTRE HALKYN**

1.00 APPLICATION NUMBER

1.01 051580

2.00 APPLICANT

2.01 THE NANT (NORTH WALES) LTD.

3.00 SITE

3.01 LAND AT BILLY JEAN'S CAFÉ,
UNIT 2, THE HAVEN GARAGE, THE NANT,
PENTRE HALKYN, HOLYWELL.

4.00 APPLICATION VALID DATE

4.01 30TH DECEMBER 2013.

5.00 PURPOSE OF REPORT

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

6.00 REPORT

6.01 Members may recall that consideration of this application was undertaken at the Planning & Development Control Committee held on 12th March 2014. It was resolved by Members that conditional planning permission be granted subject to the applicant entering into a

Section 106 Obligation to ensure that the permission was not implemented until such time as a related permission had been implemented. A copy of the report to the Planning & Development Control Committee held on 12th March 2014 is attached as Appendix A. Paragraphs 7.13 – 7.15 are especially relevant.

- 6.02 There have been repeated attempts by both the Planning and Legal Departments to secure the required agreement with the applicant since the resolution. However, this action has failed to secure the required agreement and the application remains undetermined.
- 6.03 In these circumstances it is considered that the proposal would be contrary to Policies GEN1, AC13, AC18 and IMP1 of the adopted Flintshire Unitary Development Plan.
- 6.04 As the purpose of the report is to obtain a resolution from Members as to the decision to be made on this application in the light of the failure on the part of the applicant to enter into the required S.106 Agreement, my recommendation that planning permission be refused.

7.00 RECOMMENDATIONS

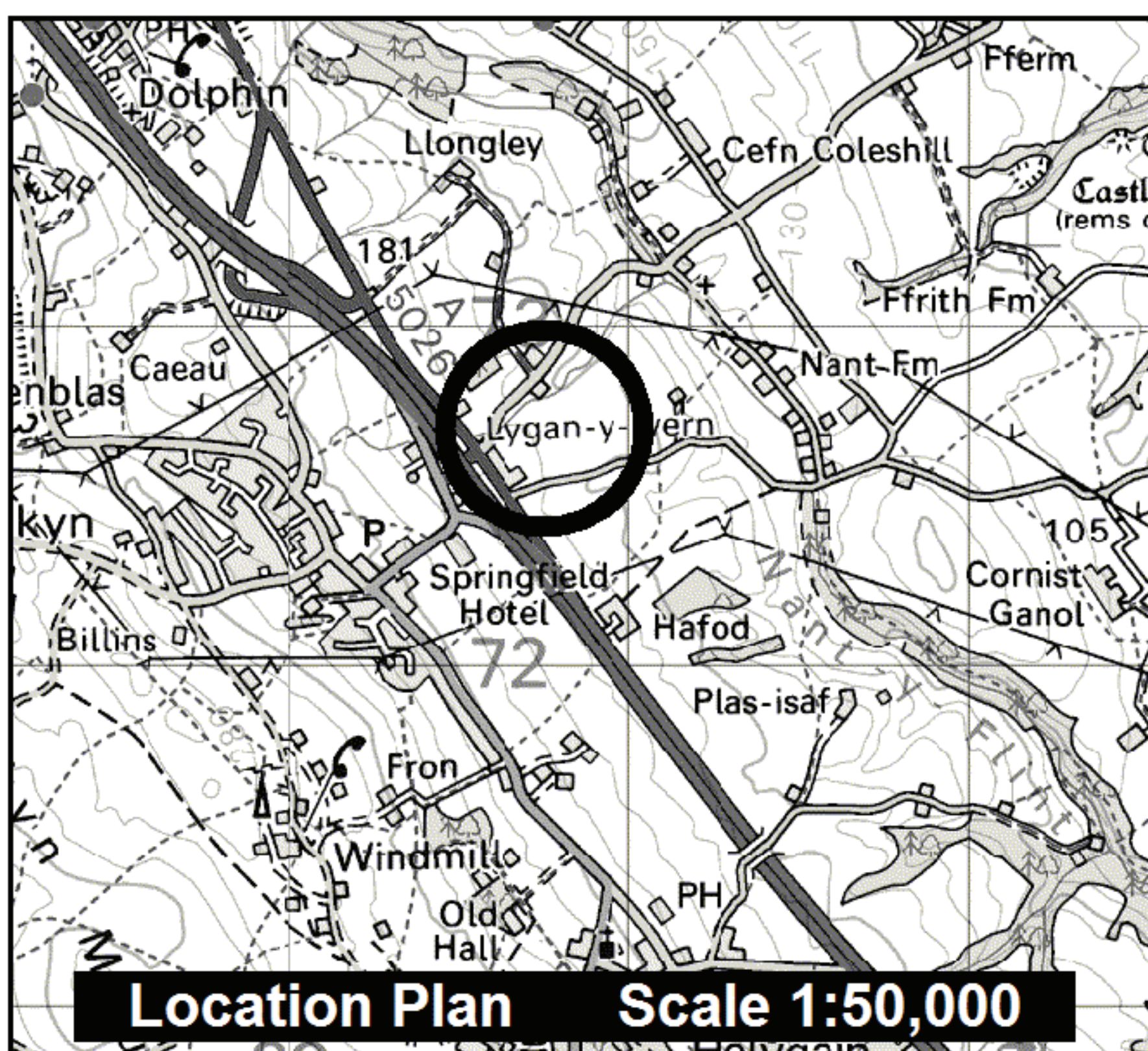
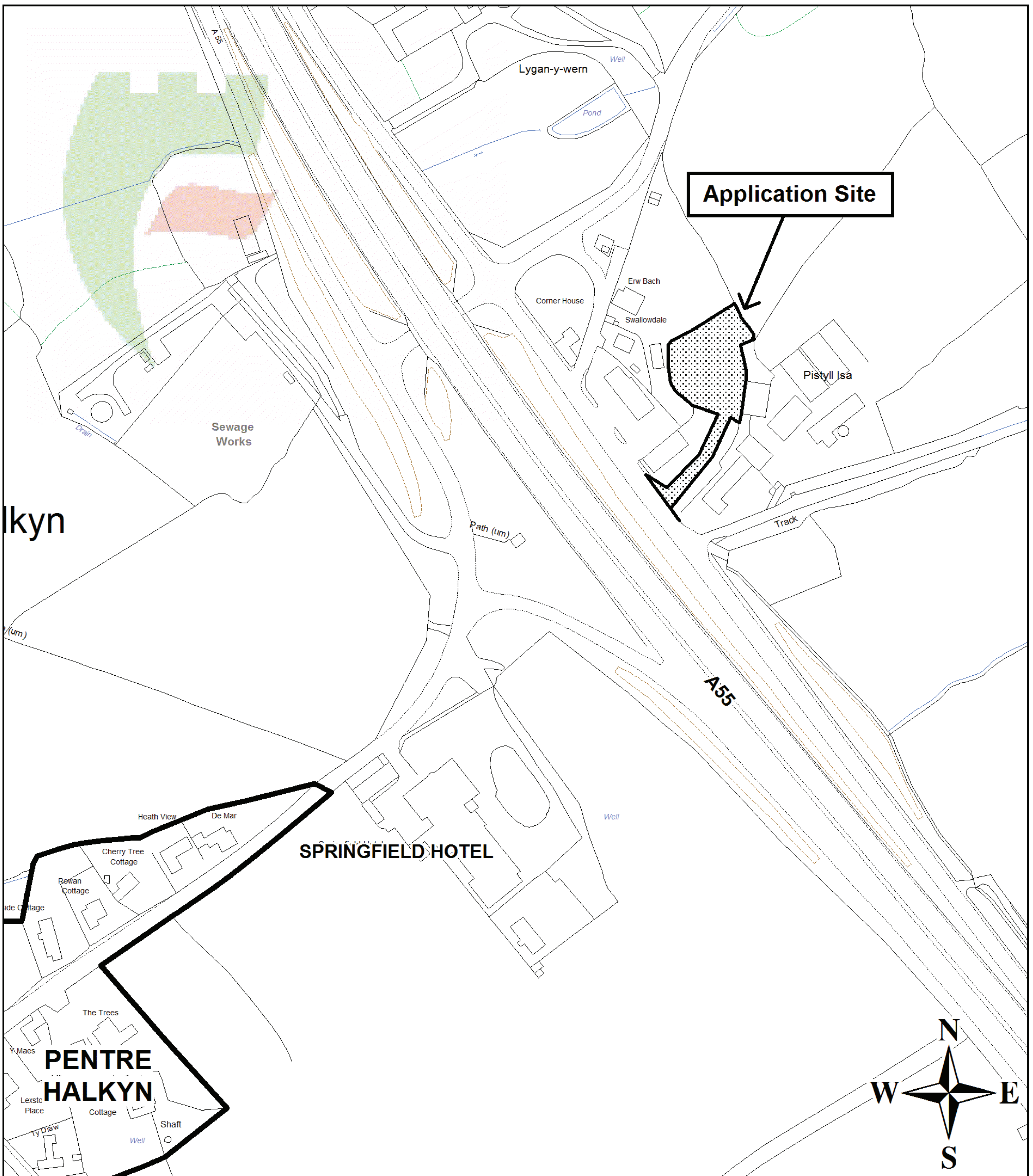
- 7.01 That planning permission be refused for the following reason:

The proposed development would result in a loss of parking and turning facilities on the adjoining Cafe site known as Billy Jeans and would therefore encourage articulated vehicles to park on the adjacent A55 east bound slip road to the detriment of highway safety and interference with the free flow of traffic. Accordingly the proposals are contrary to the provisions of Policies GEN1, AC13, AC18 and IMP1 of the Flintshire Unitary Development Plan.

LIST OF BACKGROUND DOCUMENTS

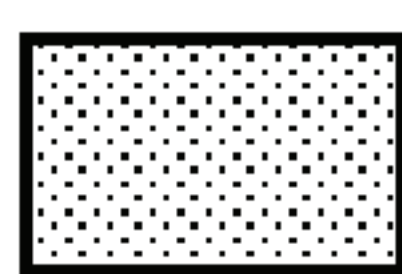
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Responses to Publicity
Committee Report Agenda Item 6.9 – Planning & Development Control Committee 12th March 2014.

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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
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Planning Application **51580**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH MARCH 2014**

REPORT BY: **HEAD OF PLANNING**

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

APPLICATION NUMBER: **051580**

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

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

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

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

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

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

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

1.00 SUMMARY

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

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

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

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

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

Conditions

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

3.00 CONSULTATIONS

3.01 Local Member

Councillor M. G. Wright

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

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

Halkyn Community Council

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

Head of Assets and Transportation

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

Advises that there are no public rights of way affected.

Head of Public Protection

No adverse comments. Requests the imposition of conditions.

Welsh Water/Dwr Cymru

No objection subject to the imposition of conditions.

Natural Resources Wales

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

4.00 PUBLICITY

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

5.00 SITE HISTORY

5.01 3/HA/40581

Outline - change of use to industrial
Permitted 6.7.1981

530/85

Change of use to café and take away
Permitted 21.11.1985

99/1001

Outline – residential development
Withdrawn 8.11.1999

36652

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

050361

Demolition of café and erection of new office building
Permitted 21.2.2013

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New development.

Policy STR3 - Employment.

Policy GEN1 - General requirements for development.

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy EM4 – Location of other Employment Development.

7.00 PLANNING APPRAISAL

7.01 The Site and surroundings

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

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

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

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

7.04 The Proposed Development

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

7.05 Main Issues

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

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

7.06 The Principle of Development

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

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

7.08 i. Scale and Design

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

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

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

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

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

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

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

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

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

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

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

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 21 JANUARY 2015**

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

SUBJECT: **048042 - GENERAL MATTERS - OUTLINE APPLICATION - FOR THE DEMOLITION OF 'SUNNYSIDE' AND 66A MOLD ROAD AND THE ERECTION OF 58 HOUSES INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE AT LAND REAR OF 66A MOLD ROAD, MYNYDD ISA, MOLD.**

1.00 APPLICATION NUMBER

1.01 048042

2.00 APPLICANT

2.01 MULHILL ESTATES LLP

3.00 SITE

3.01 LAND REAR OF 66A MOLD ROAD,
MYNYDD ISA, NEAR MOLD.

4.00 APPLICATION VALID DATE

4.01 18th. November, 2010

5.00 PURPOSE OF REPORT

5.01 To seek clarification of the stance to be adopted by the Local Authority in contesting the appeal against the refusal of planning permission in relation to the above development. The appeal has been on hold since 2013 but it has now been cleared to proceed by way of Informal Hearing. In accordance with the Hearing Procedure Rules the Statements of Case have to be submitted to the Planning Inspectorate by 28th. January.

6.00 REPORT

- 6.01 Members may recall that Planning permission for the residential development of this land to the south of Mold Road and east of Rose Lane was refused at Committee on 24th. July, 2013, despite the land being allocated for residential development in the UDP. An appeal was then lodged and a report was brought back to committee on 4th. Sept. 2013 to seek guidance regarding the reasons for refusal. That report is attached as Appendix 2 and Members will note that the resolution resulted in the four reasons for refusal, which read as follows in the decision notice.
- 6.02
1. The Council considers the proposals as submitted do not provide for 30% affordable housing within the scheme, thereby restricting the community's accessibility to the facilities and thereby contrary to Policy HSG10 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 9 'Affordable Housing'.
 2. The proposed development would be likely to result in an increase in the volume of traffic which is likely to include the conflict in traffic movements close to existing junctions to the detriment of highway safety and contrary to Policy GEN1 and Policy AC13 of the Flintshire Unitary Development Plan.
 3. The Council considers the proposals as submitted do not make adequate provision for public open space, thereby restricting the community's accessibility to the facilities and thereby contrary to Policy GEN1 and Policy SR5 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 13 'Open Space Requirements'.
 4. The Council considers that the shortfall in the maximum parking standards of the development has not been justified resulting in inadequate parking provision and thereby detrimental to highway safety, contrary to Policy AC13 of the Flintshire Unitary Development Plan.
- 6.03 The initial resolution to refuse the development in July, 2013 cited six reasons for refusal and from the commentary regarding these in the 4th. Sept. report (Appendix 2) Members will note that concerns were expressed in relation to the robustness of each. Nevertheless, the four reasons were given in the decision and each of these must now be defended if they are to remain part of the Council's case.
- 6.04 In relation to reason no. 2 we are aware that the appellants have engaged a firm of Highway Engineers to prepare and present evidence on their behalf which will show that the proposed access meets required standards of design and safety. Members will again recall that at the time of determination this was also the advice of the Council's own Highway Engineers and a firm of independent highway consultants we had engaged to assess the detailed traffic modelling

and design specifications which the applicants had submitted during the lengthy negotiations on the application.

- 6.05 Where a decision is taken contrary to officer recommendation and the resultant appeal is to be considered by way of Inquiry or Hearing it is current practice that we usually engage consultants to act for the Authority. In this particular case the reasons for refusal cover a range of disciplines and we have in turn approached five large consultancies who have the requisite range of professionals to undertake the work. Whereas the timing over the Christmas period has been unfortunate, but beyond our control, none of the five are prepared to undertake the consultancy, either because of unavailability or what they view as the weakness of the case. I believe that this is particularly so in relation to the case regarding the highway safety implications of the perceived “conflict in traffic movements close to existing junctions”.
- 6.06 As reason no. 4 also refers to highway safety it is likely that the appellant’s highway consultant would present evidence in support of the adequacy of the parking provision. Members will again recall that it was the Council’s Highway Engineer’s advice that the shortfall in parking provision is acceptable in view of the location of the site and the Council’s own maximum parking standards, making this reason very difficult to substantiate.
- 6.07 The remaining reasons for refusal, referring to the lack of affordable housing and insufficient open space, are both linked to viability. The developer provided documentation to show that the full raft of community benefits was not viable because of development costs and instead made an offer of £212,000, to be disaggregated as the Council saw fit. At Committee, Members were not prepared to accept any reduction in provision and reasons for refusal nos. 1 and 3 reflect this.
- 6.08 In conclusion, I consider that we are not going to be able to provide any meaningful evidence to support reasons no. 2 and 4 and that in respect of reasons 1 and 3, there is clear merit in the Council seeking to maximise the community benefits from the development and in resisting any under provision, but again the evidence regarding viability will be a significant factor. Nevertheless, I would anticipate that a planning consultant could put up a case for the Council with regard to these two issues, based on the relevant UDP policies. The question for the Inspector would then be whether or not these are outweighed by other considerations.

7.00 RECOMMENDATIONS

- 7.01 That the Planning Inspectorate be advised that the Local Planning Authority does not intend to rely on reasons for refusal Nos. 2 and 4 (outlined above) and that a planning consultant be engaged to represent it in respect of contesting the appeal against reasons no. 1

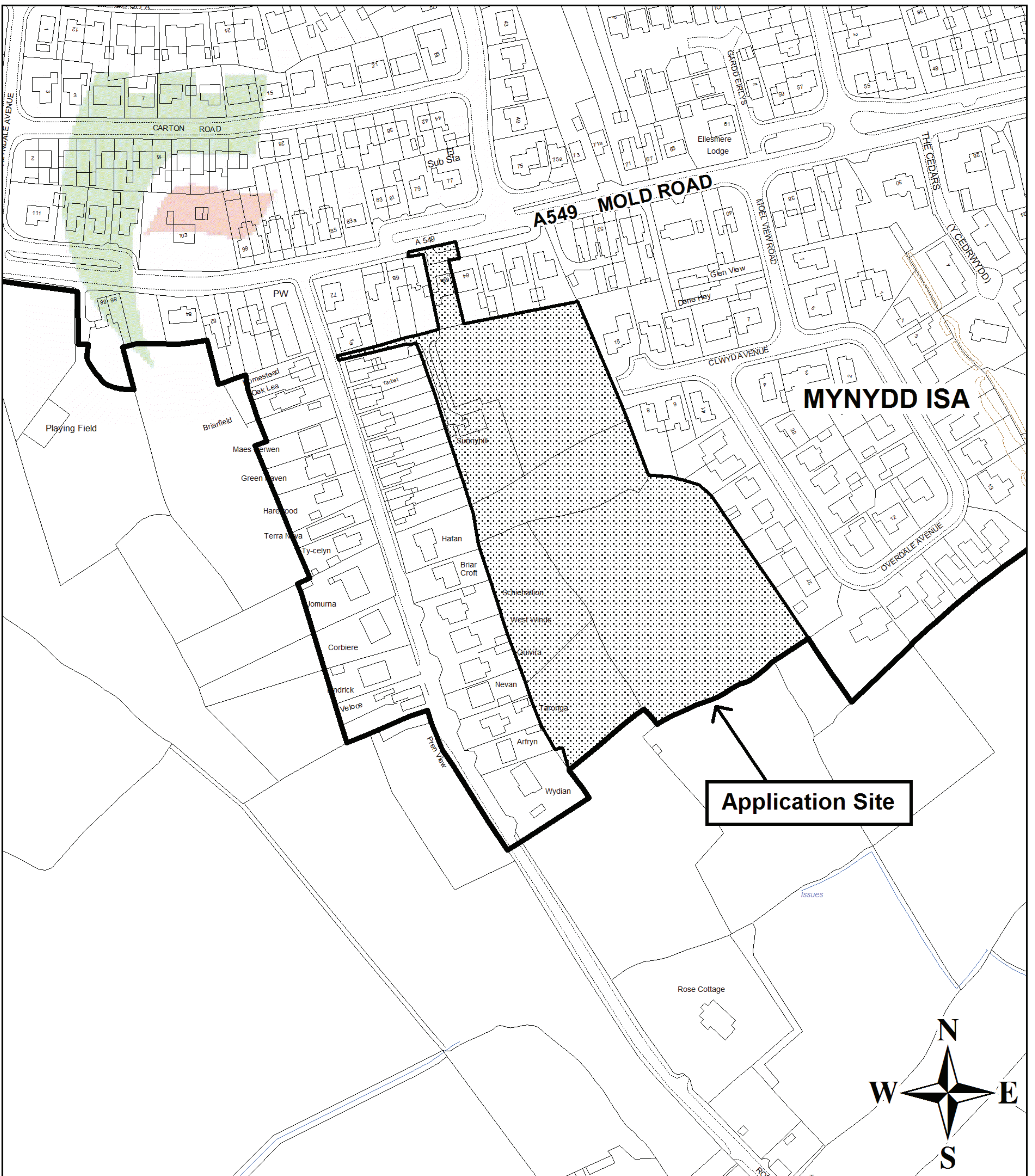
and 3.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

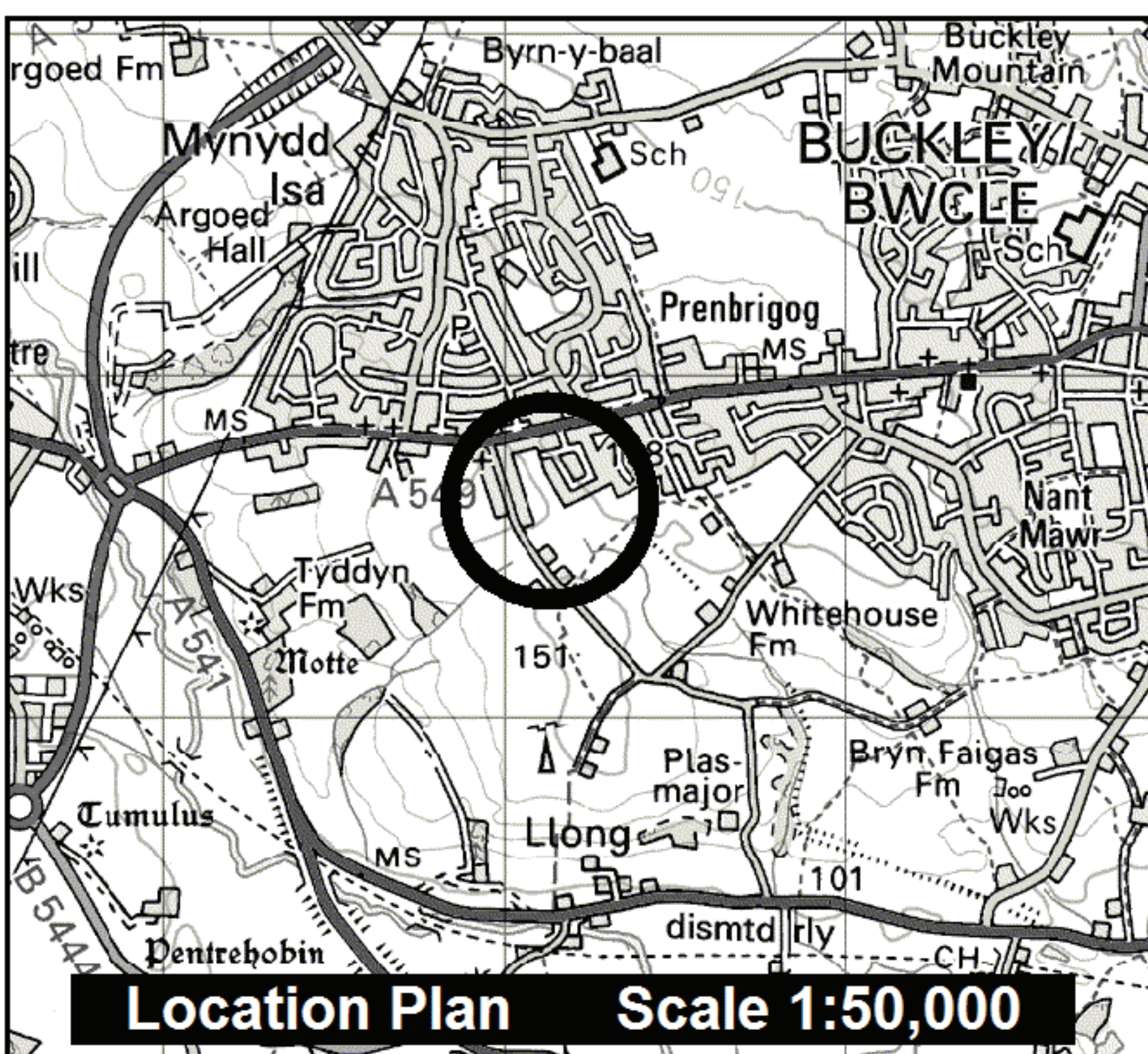
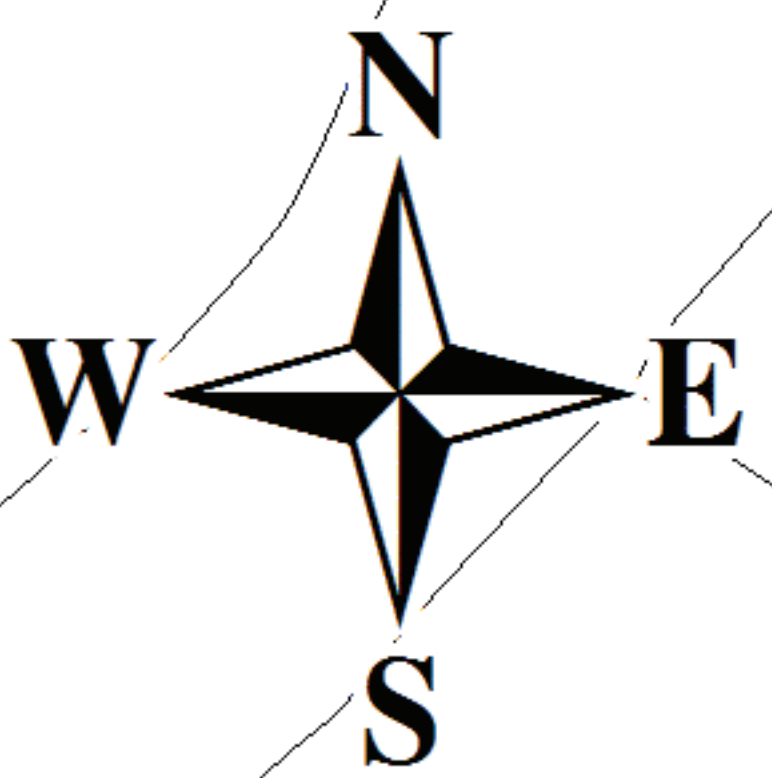
Appeal Documents

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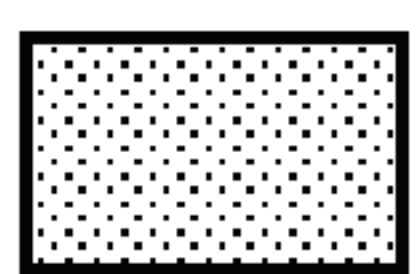
MYNYDD ISA

Application Site



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

Legend

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

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Map Scale 1:2500

OS Map ref SJ 2663

Planning Application **48042**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING & DEVELOPMENT CONTROL
COMMITTEE

DATE: WEDNESDAY, 4 SEPTEMBER 2013

REPORT BY: HEAD OF PLANNING

SUBJECT: GENERAL MATTERS - OUTLINE APPLICATION - FOR
THE DEMOLITION OF 'SUNNYSIDE' AND 66A MOLD
ROAD AND THE ERECTION OF 58 HOUSES
INCLUDING DETAILS OF ACCESS, APPEARANCE,
LAYOUT AND SCALE AT LAND REAR OF 66A MOLD
ROAD, MYNYDD ISA, MOLD.

1.00 APPLICATION NUMBER

1.01 048042

2.00 APPLICANT

2.01 Mulhill Estates LLP

3.00 SITE

3.01 Land Rear of 66A Mold Road,
Mynydd Isa,
Near Mold.

4.00 APPLICATION VALID DATE

4.01 18th November 2010.

5.00 PURPOSE OF REPORT

5.01 Following the resolution at the 24th July meeting of the Planning & Development Control Committee to refuse the above planning application, to seek guidance regarding the reasons for refusal to be attached to the decision.

6.00 REPORT

6.01 Members are referred to the minutes of the previous meeting, where under Item 40 it will be noted that it was resolved that planning

application Ref: 048042 was to be refused for reasons referring to: lack of affordable housing, unsatisfactory access proposals, inadequate ecological mitigation, inadequate play and open space provision, flood and drainage issues, under provision of car parking and soil contamination.

- 6.02 Where a decision is taken at Committee against officer recommendation on any particular application, it is the role of officers to draft the precise terms of that decision, in this instance the reasons for refusal of planning permission. It is therefore suggested that Members consider this further report on the drafting of these reasons and I address each of the 'heads' contained within the resolution, in turn.
- 6.03 Lack of Affordable Housing
The Head of Housing Strategy has identified that 34 applicants on the Council's waiting list have indicated Mynydd Isa as their first choice area and have full local connection points together with 36 applicants (registered for Mold and surrounding area) on the Affordable Home Ownership Register.
- 6.04 As a result of the above housing need and in strict accordance with Policy HSG10 of the Flintshire Unitary Development Plan it was also advised that a commuted sum of £674,526 in lieu of 30% on site affordable provision be provided.
- 6.05 However, it was explained to Members at the meeting that due to a combination of the currently depressed economic situation and the abnormalities associated with the development (land contamination assessments, land drainage), the profits arising from this scheme would not reasonably allow for the above full affordable housing provision to be met.
- 6.06 As the site is, however, allocated within the Flintshire Unitary Development Plan and to bring it forward to meet the housing needs of the County, the applicants were willing to provide a total payment of £212,000 for all the identified community benefits.
- 6.07 Given this, together with the existing mix of housing in terms of variety of types, size and tenure and their affordability in Mynydd Isa it was considered that the sum of £56,170 could be provided in lieu of the 30% on site affordable provision policy compliance.
- 6.08 Despite the above advice being given, Members at the meeting questioned the abnormal costs referred to in the viability assessment in relation to drainage and contamination in building out the scheme. It was considered that this subsequently affected the viability of the scheme and the ability of the developer to provide the requirements of the Head of Housing Strategy in terms of affordable housing.

- 6.09 **REASON 1 – The Council considers the proposals as submitted do not provide for 30% affordable housing within the scheme, thereby restricting the community’s accessibility to the facilities and thereby contrary to Policy HSG10 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 9 ‘Affordable Housing’.**
- 6.10 Unsatisfactory Access Proposals
Members will be aware that in 2011, the Council commissioned independent consultants (Capita Symonds) to review the highway/traffic evidence relating to this application. Four site access points including this Mold Road priority junction were considered.
- 6.11 This assessment concluded that direct access onto Mold Road, resulting in decreased traffic through residential streets and the difficulties and cost associated with providing DDA compliant infrastructure for the Clwyd Avenue Option (due to the significant difficulties in levels) meant that this Mold Road priority junction was the preferred option. However, this was not without issues in relation to the relocation of the bus infrastructure and changing the existing residential access arrangements.
- 6.12 The bus pole at the existing stop will be moved very slightly eastwards from the new site access. This was considered to reduce buses obstructing visibility along A549 Mold Road from side roads and avoid distributing the operation of the junctions. The bus stop would fall within the eastern visibility sightline of the proposed access to the development. Consultation with the Council’s Transportation Section indicated that this was acceptable.
- 6.13 The assessment found that the proposed junction arrangements may lead to confusion with vehicle “signalling” intentions due to the proximity of the junctions to the proposed site access. However, there were low levels of traffic obscured using the various service road accesses along Mold Road. Therefore, the proximity of the site access to the existing/revised service road accesses was perceived to be a minor operational issue. This was confirmed by the Head of Assets & Transportation. In addition, the applicants submitted additional information showing the manoeuvrability of vehicles in and out of the various access points which were also acceptable to the Head of Highways & Transportation.
- 6.14 Despite the above advice from both the Council’s independent consultants and the Head of Assets & Transportation, who considered that the issues in terms of the relocation of the bus infrastructure and changing the existing residential access arrangements were minor and that they have subsequently been resolved, Members at the meeting considered that they were significant and had a detrimental impact upon both highway and pedestrian safety. These must therefore form the reason for refusal and must be sustained at appeal.

6.15 **Reason 2 – The proposed development would be likely to result in an increase in the volume of traffic which is likely to include the conflict in traffic movements close to existing junctions to the detriment of highway safety and contrary to Policy GEN1 and Policy AC13 of the Flintshire Unitary Development Plan.**

6.16 Inadequate Ecological Mitigation

The site is not located within or adjacent to the boundaries of any statutory sites of ecological, geological and/or geomorphologic interest. However, it is located within 1.5 kms of the Buckley Claypits and Commons Site of Special Scientific Interest (SSI) and Deeside and Buckley Newt Sites Special Area of Conservation (SAC). The proposal is not likely to directly affect either of these sites. However, Great Crested Newts (GCN) have been recorded within 500 m of the site and the site itself represents good terrestrial habitat. As a result therefore it is normal for large developments such as this to set aside or purchase additional land in compensation to create an alternative habitat for GCN. The applicant initially proposed to create approximately 0.4 ha of habitat for GCN off site to the site. However, due to the protracted nature in the determination of the application, the landowner withdrew the offer to sell the land to the developer. Instead, a commuted sum was offered by the developer (out of the total £212,000) of £850 per dwelling to go to the Building Wildlife Trust who would allocate money towards finding alternative GCN compensatory land or improvements to existing GCN habitats within the Buckley and Deeside locality. This is to offset for the absence of actual mitigation land not provided as part of the development. This was accepted by both the Council's Ecologist and Natural Resources Wales.

It was considered that both the proposed commuted sum payment for off site mitigation land and the reasonable avoidance measures of fencing and trapping etc of any GCN whilst/before development takes place on the site would compensate for any adverse effects caused during construction works and by the loss of the development land. The proposed development and mitigation proposals were assessed by both the Council's Ecologist and Natural Resources Wales and it is considered that the development would not likely to have a significant effect on protected species. It was proposed to condition the implementation of a suitable scheme of reasonable avoidance measures. Therefore this application satisfied the three tests required by the Habitats Directive. The development of the site would bring about environmental benefits in the form of secured long term monies to be used for the management of land elsewhere for ecological purposes.

6.17 Given that both Natural Resources Wales and the Council's Ecologist find the above proposed mitigation measures acceptable, it is considered that inadequate ecological mitigation as a reason for

refusal would be very difficult to sustain. It is therefore recommended that this is not included as a reason for refusal.

6.18 Inadequate Play & Open Space Provision

Applying the standards in both Policy ST5 of the Flintshire Unitary Development Plan and in the Local Planning Guidance Note 13 – Open Space Requirements, the developer was requested by the Open Spaces Manager to provide 3,285 m² of on site public open space and this to be also fully equipped to an agreed specification or provide a payment of £63,800 in lieu of on site open space towards the provision/improvement of existing open space within the locality.

6.19 The developer is providing an amenity space of 430 m² towards the south west corner of the site and a play area of 1,010 m² within the middle of the site towards the eastern boundary of the site. This larger area will be fully equipped, costing approximately £45,000 with this sum being provided out of the developer's total contribution of £212,000.

6.20 Members will be aware that the full requirements listed above cannot be provided due to the issue of non viability of the development. To meet the full requirements would make the scheme even more non viable.

6.21 Despite the above advice being given, Members at the meeting questioned the abnormal costs referred to in the viability assessment in relation to drainage and contamination in building out the scheme. It was considered that this subsequently affected the viability of the scheme and the ability of the developer to provide the requirements of the Open Spaces Manager in terms of public open space.

6.22 **REASON 3 – The Council considers the proposals as submitted do not make adequate provision for public open space, thereby restricting the community's accessibility to the facilities and thereby contrary to Policy GEN1 and Policy SR5 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 13 'Open Space Requirements'.**

6.23 Flood & Drainage Issues

Members will be aware that Environment Agency Wales (now Natural Resources Wales) were consulted upon the possible risks of flooding by the development. They advised that the site lay outside of any flood zone and had no record of any historical flooding problems or evidence of such.

6.24 Therefore given the site was not within their flood zone maps and without sufficient evidence of previous flooding in the area, they did not consider a Flood Consequence Assessment for the application would be justified. However, they did advise that a scheme for the comprehensive and integrated drainage of the site could be further

submitted to and approved by the Local Planning Authority. This would be dealt with by way of a condition placed upon any planning permission granted.

6.25 Dwr Cymru/Welsh Water advised also on the drainage aspect of the scheme. Their only concerns were due to the foul drainage of the scheme overloading the existing Waste Water Treatment Works and advised that a Grampian condition could be placed upon any planning permission granted restricting any occupation of the dwellings until April 2015 when their programme of system improvements were planned and expected to be completed.

6.26 Given the above Technical Advice from both Natural Resources Wales and Dwr Cymru/Welsh Water and that the suggested planning conditions could overcome any drainage issues, it is considered that any flood and drainage reasons for refusal would be very difficult to sustain at any subsequent appeal. It is therefore recommended that this is not included as a reason for refusal.

6.27 Under Provision of Car Parking

Car parking within the site will total 116 spaces. This level is below the Council's maximum car parking standards of 150 spaces. To address this shortfall, the applicant's transport consultants provided a travel plan in order to encourage sustainable travel to and from the site via the use of walking, cycling, public transport and car sharing thereby reducing the parking demand generated by the development and support the reduced parking provision within the site. To promote, monitor and evaluate the travel plan, the applicants were willing make a payment of £100 per dwelling to the travel plan. This payment was to be taken out of the total £212,000 commuted sum payment. The above travel plan together with its promotion, monitoring and evaluation was deemed acceptable by the Head of Assets & Transportation and considered to overcome the lack of car parking on the site and would not lead to parking on the highway to the detriment of highway or pedestrian safety.

6.28 Given the above advice from the Head of Assets & Transportation, that the shortfall in car parking upon the site can be overcome by the implementation of an agreed travel plan, it is considered that this reason would be very difficult to sustain on any subsequent appeal. It is therefore recommended that this is not included as a reason for refusal.

6.29 Soil Contamination

All the appropriate assessments have been submitted and examined by the Head of Public Protection which have found that the site is affected by contamination as a result of unacceptable levels of gases and other substances within soils present at the site. These

assessments identify remedial measures will be required to be constructed within the buildings (to address gas contamination) and in the garden and soft landscaped areas of the site.

- 6.30 The Head of Public Protection has advised that the developer will need to provide and verify the appropriate level of gas protection measures in the buildings and associated structures. A remediation strategy, to explain exactly from this will be achieved can be dealt with by a planning condition upon any planning permission being granted.
- 6.31 Given the above advice from the Head of Public Protection, it is considered that a contamination soil reason for refusal would be very difficult to sustain at an appeal. It is therefore recommended that this also is not included as a reason for refusal.

7.00 RECOMMENDATIONS

- 7.01
1. That the wording of the draft reasons for refusal relating to lack of affordable housing, unsatisfactory access proposals and inadequate play and open space provision in relation to application 048042 are considered by Members to determine whether this accurately reflects the resolution at Planning & Development Control Committee on 24th July 2013.
 2. That reasons relating to inadequate ecological mitigation, flood and drainage issues, under provision of car parking and soil contamination are not included in the decision on the application.

Should Members resolve not to accept the second recommendation, that the Head of Planning drafts additional reasons based on these issues.

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **21ST JANUARY 2015**

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

SUBJECT: **APPEAL BY MR. M. PRICE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR AN EXTENSION TO DWELLING AND ASSOCIATED WORKS AT DEER LODGE, CYMAU – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 051394

2.00 APPLICANT

2.01 MR. M. PRICE

3.00 SITE

3.01 DEER LODGE,
CYMAU.

4.00 APPLICATION VALID DATE

4.01

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal into the Committee decision to refuse to grant planning permission for an extension to a dwelling and associated works at Deer Lodge, Cymau. The appeal was dealt with by way of an Informal Hearing and was ALLOWED.

6.00 REPORT

6.01 Introduction

This appeal considered planning application reference 51394 which related to the extension to a house (a former Barn conversion) and

associated works at Deer Lodge, Ffynnon Farm, The Cymau, Flintshire, LL11 5EY.

6.02 Main Issues

The main issues in the case of this appeal was identified by the Inspector as the effect of the proposal on the character and appearance of the existing dwelling.

6.03 The Inspector noted that the appeal site consisted of a group of buildings based around a former farm complex. He noted that the buildings had been adapted with a good degree of consistency between them, both in the use of materials and the architectural detailing. While it was noted that the building in question has a simple linear form being well balanced and attractive with the tower adding interest. It is noted that the extension would alter the existing balance despite this the Inspector was of the opinion that the combination of the stepped roofline and the different roof pitch would emphasise the extensions secondary function within the building complex.

6.04 Overall it was noted that the proposal would be in scale with the existing building, and would appear subservient with it. It was not considered that it would harm the character and appearance of the existing building while not dominating its surroundings nor appear an overwhelming addition to the existing structure.

7.00 CONCLUSION

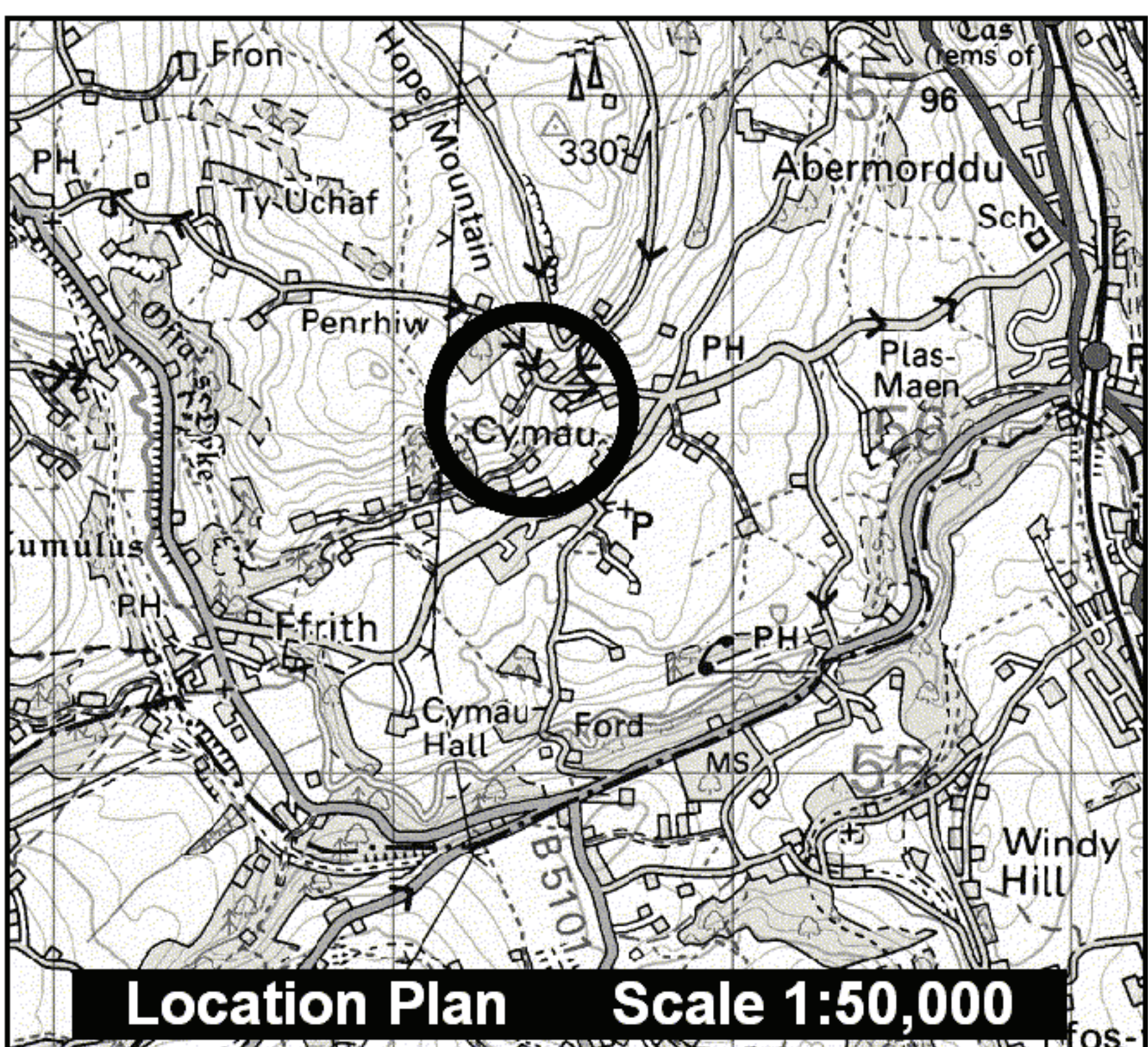
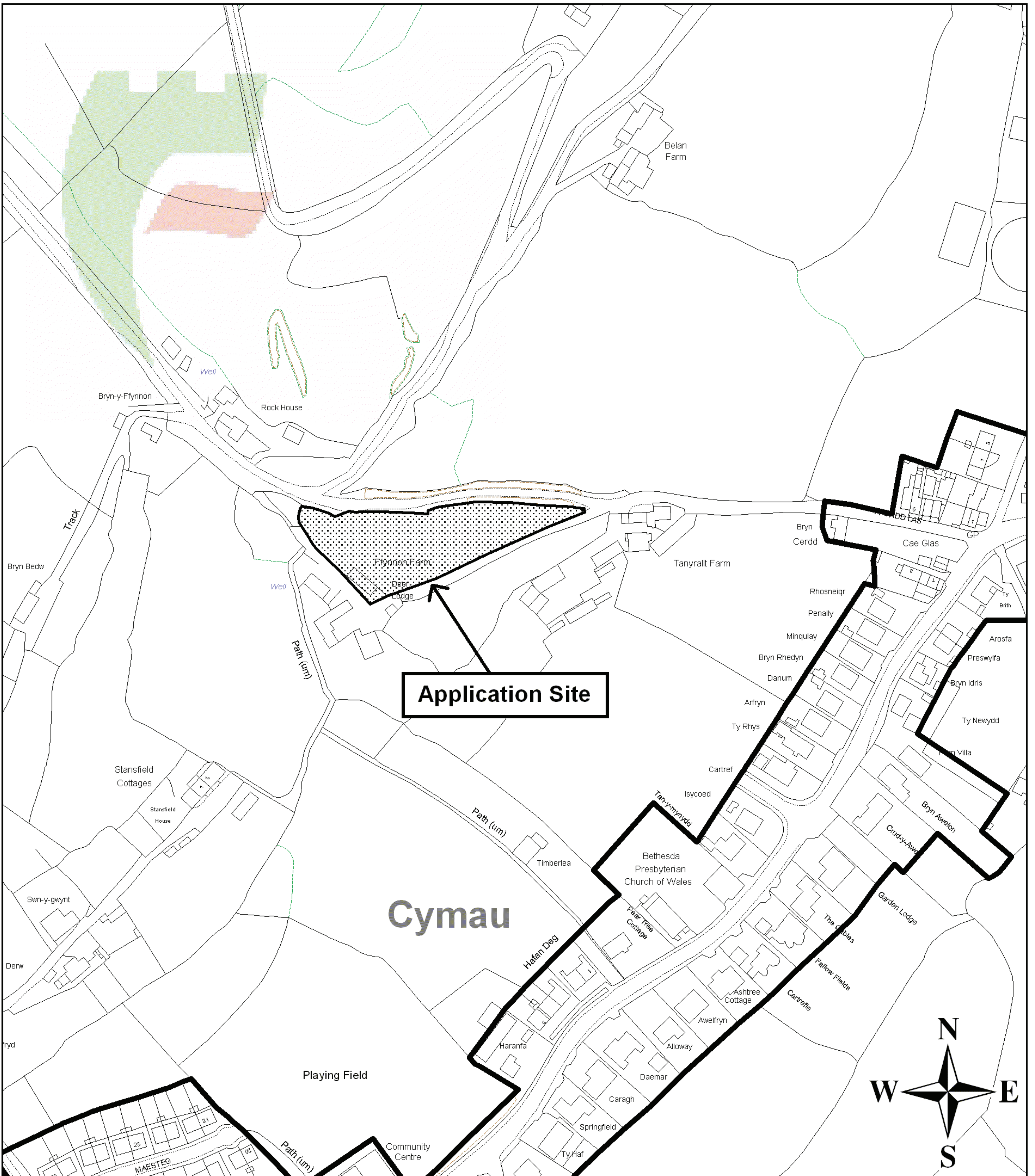
7.01 The Inspector concluded that the development for the reasons noted above does not conflict with the policy HSG12 of the UDP and conforms with the spirit of the guidance within the Local Planning Guidance Note No 1- Extensions and alterations to Dwellings. For the same reasons it does not conflict with policies GEN1 or D2 of the UDP which seeks to ensure good design and development that harmonises with its surroundings.

7.02 For the reasons given above the Inspector concluded that the appeal should be ALLOWED.

LIST OF BACKGROUND DOCUMENTS

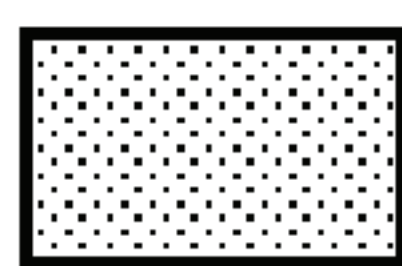
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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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 1:2500

OS Map ref SJ 2956

Planning Application 51394

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **21ST JANUARY 2015**

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

SUBJECT: **APPEAL BY MS A. WYNN AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE DEMOLITION OF AN EXISTING GARAGE AND ERECTION OF A TWO STOREY EXTENSION WITH GARAGE ON GROUND FLOOR AT 1 GORDON TERRACE, KING STREET, MOLD – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 051885

2.00 APPLICANT

2.01 MS A WYNN

3.00 SITE

3.01 1 GORDON TERRACE,
KING STREET, MOLD.

4.00 APPLICATION VALID DATE

4.01 12/03/2014

5.00 PURPOSE OF REPORT

5.01 To inform members of an appeal decision in respect of the refusal of demolition of an existing garage and erection of a two storey extension with garage on ground floor at 1 Gordon Terrace, King Street, Mold.

5.02 The application subject to the appeal was refused under delegated powers on 28th April 2014. The subsequent appeal was dealt with under the Householder Appeal Service and was DISMISSED on 28th November 2014.

6.00 REPORT

- 6.01 The Inspector considered that the main issues of the case were the effect of the proposed development on the character and appearance of the dwelling and the street scene, and residents' living conditions with regard to outlook and the provision of private amenity space.
- 6.02 The Inspector noted that whilst the extension proposed would be set back from the front elevation and below the existing ridge level, introducing an element of subservience, the angle of the hipped roof would differ and be at odds with the angle of the roof of 1 Gordon Terrace. The difference in the design and angle of the roof, combined with the tapering of the side elevation of the extension towards the rear of the property, would make the extension appear contrived and fail to reflect the form and style of the host property. The scale of the extension would also substantially increase the apparent bulk of the appeal property and obscure the original form.
- 6.03 He noted that the appeal property forms part of a terrace which displays distinct uniformity. Many of the terraced properties have been extended to the rear changing the appearance of the rear elevations however when viewed from King Street the terrace appears largely unaltered in terms of character and architectural style. The proposed extension would stand out as a discordant element at one end of the terrace and would harmfully disrupt and unbalance the uniform qualities of Gordon Terrace as a whole.
- 6.04 There is currently a sense of space between No. 1 Gordon Terrace and No. 2 King Street, achieved primarily as a result of the gap that exists above the existing single storey-storey garage. The extension would significantly reduce this gap, and its additional height and massing above the garage would be brought unacceptably close to the boundary, having an imposing and oppressive effect on the occupants of the adjacent dwelling Hyfrydle. The outlook from the front habitable rooms of the property which directly face the extension would be unduly harmed. The living conditions of no. 2 King Street however would not be affected by the proposal.
- 6.05 The inspector notes that the appeal property already benefits from a rear extension which has left a modest amount of amenity space to the side of the property. The proposed extension would remove a significant portion of the amenity space left for the occupiers to enjoy and the Inspector considers that the level of private amenity space that would remain would be detrimental to the living conditions of the occupiers of the host dwelling.

7.00 CONCLUSION

- 7.01 Having regard to the above, the Inspector concludes that the

proposed extension would have a harmful impact on the character and appearance of the dwelling and the street scene. It would also have a damaging impact on the living conditions of the occupiers of the neighbouring dwelling with regard to outlook, and would not provide acceptable living conditions to the occupiers of the host dwelling with regard to the provision of private amenity space. As a result, the appeal proposal would conflict with Policies GEN 1, D1, D2 and HSG 12 of the Adopted Flintshire Unitary Development Plan.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

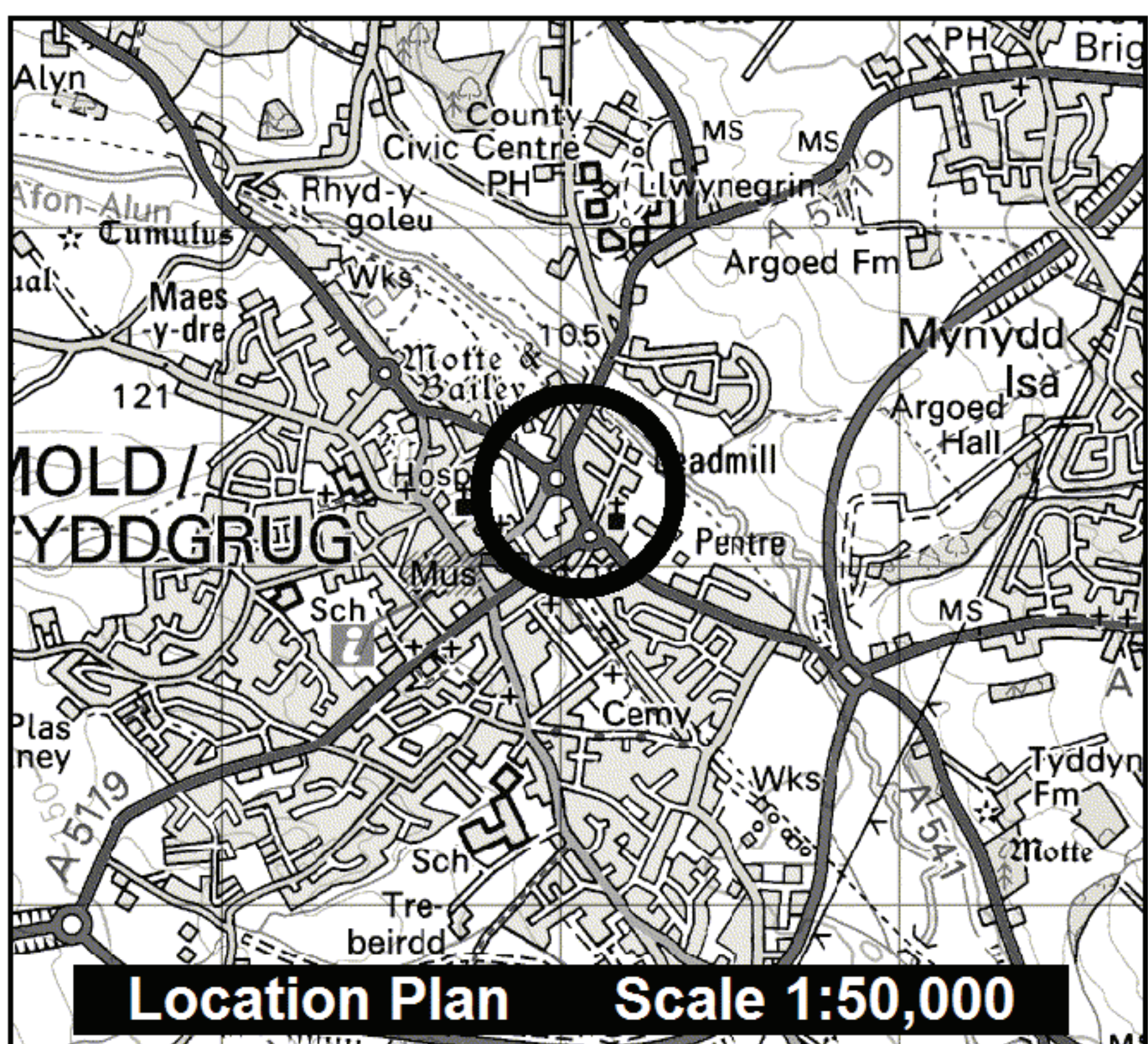
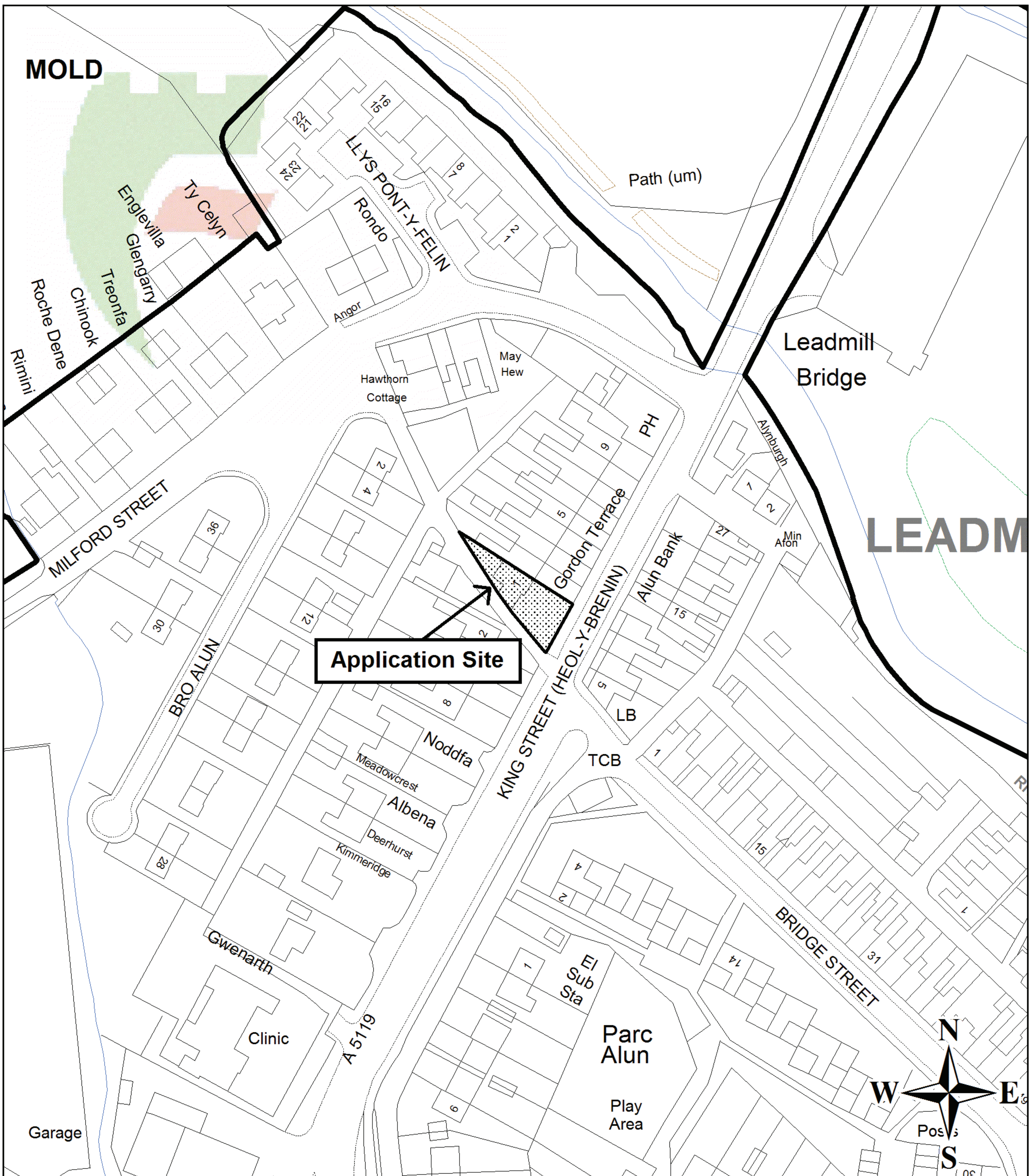
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

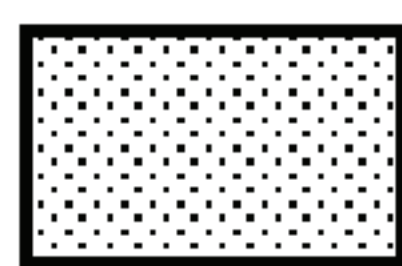
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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **51885**

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