

Public Document Pack

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



To: Cllr David Wisinger (Chairman)

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,
Mike Lowe, Billy Mullin, Mike Peers,
Neville Phillips, Gareth Roberts, David Roney and
Owen Thomas
Plus one Liberal Democrat Nomination awaited.

2 September 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, 9TH SEPTEMBER, 2015** at **1.00 PM** to consider the following items.

Please note that a Member briefing session on Ipads will take place at 12.30pm in the Delyn Committee Room.

Yours faithfully

Democracy & Governance Manager

A G E N D A

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 30)

To confirm as a correct record the minutes of the meetings held on 24th June 2015 and 22nd July 2015.

5 **ITEMS TO BE DEFERRED**

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
9TH SEPTEMBER 2015

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	053208	053208 - A - Full Application - Erection of 59 Dwellings, Open Space, Access and Associated Infrastructure at Issa Farm, Mynydd Isa. (Pages 31 - 58)
6.2	052359	052359 - A - Extension of the Existing Waste Management Site Together with the retention of a New Waste Transfer Building and erection of Product Storage Bays, retention of a New Weighbridge and retention of a building to Provide Office Accommodation at Flintshire Waste Management, Ewloe Barns Industrial Estate, Mold Road, Ewloe (Pages 59 - 72)
6.3	053445	053445 - A - Outline Application - Erection of 19 Dwellings at Ty Carreg, Stryt Isa, Hope (Pages 73 - 86)
6.4	053783	053783 - A - Full application - Change of house types on plots 146-154, 157-159, 162-171, 173-174 and addition of 2no. plots at "Croes Atti", Chester Road, Oakenholt (Pages 87 - 96)
6.5	053789	053789 - A - Full application - Erection of single storey dwelling and associated works on land adjoining "Sea View", Llanasa Road, Gronant (Pages 97 - 106)
6.6	053794	053794 - A - Full Application - Change of Use to Equestrian and Caravan Storage at Tyddyn y Gwynt Farm, Rhydymwyn (Pages 107 - 116)
6.7	053293	053293 - A - Full Application - Change of Use from Agricultural Storage Area to Residential and Erection of 1 No. Dwelling at Ffordd y Waen, Nannerch (Pages 117 - 128)
6.8	053381	053381 - A - Full application - Change of use of ground floor to 3no. flats at "Cross Keys", Church Street, Connah's Quay (Pages 129 - 134)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.9	051826	051826 - Appeal by Mr. David Read Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of a Single Wind Turbine (45 Metre Hub Height, 67 Metre Blade Tip Height) Two Metering Units, Access Track, Assembly and Crane Areas at Ty Coch, Crossways Road, Pen y Cefn, Caerwys. (Pages 135 - 142)
6.10	052504	052504 - Appeal by Mr. & Mrs M. Jones Against the Decision of Flintshire County Council to Refuse Planning Permission for Replacement of Existing Buildings with 1 No. Eco Dwelling at Marsh Farm, Chester Road, Oakenholt - DISMISSED. (Pages 143 - 148)

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
24 JUNE 2015

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 24 June 2015

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, David Cox, Ian Dunbar, Alison Halford, Ray Hughes, Richard Jones, Richard Lloyd, Mike Lowe, Mike Peers, Neville Phillips, Gareth Roberts and David Roney

SUBSTITUTIONS:

Councillor: Haydn Bateman for Carol Ellis, Ron Hampson for Christine Jones and Jim Falshaw for Owen Thomas

ALSO PRESENT:

The following Councillor attended as local Members:-

Councillor Helen Brown - agenda items 5.3 and 5.4.

The Chairman exercised his discretion to allow Councillor George Hardcastle to speak as local Member on agenda item 5.4

The following Councillor attended as an observer:

Councillor Owen Thomas

APOLOGIES:

Councillors: Derek Butler and Billy Mullin

IN ATTENDANCE:

Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leader, Senior Planner, Manager (Minerals and Waste), Planning Support Officer, Democracy & Governance Manager and Committee Officer

26. DECLARATIONS OF INTEREST

Councillors Marion Bateman and Haydn Bateman declared a personal and prejudicial interest in the following application because they were co-owners of the property:-

Agenda item 5.7 – Full application – Alterations and extension to dwelling at Pen y Bryn Bungalow, 17 Pen y Bryn, Soughton (053670)

27. LATE OBSERVATIONS

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

Councillor Alison Halford queried why the minutes of the previous meeting were not included on the agenda. She was advised by the Democracy

& Governance Manager and Planning Strategy Manager that the minutes would be included on the agenda for the July 2015 meeting of the Committee.

28. ITEMS TO BE DEFERRED

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

29. FULL APPLICATION – ERECTION OF 4 NO. 2 BED APARTMENTS, 2 NO. 3 BED HOUSES AND 1 NO. 2 BED HOUSE TO INCLUDE ALL PARKING AND ASSOCIATED SITE WORKS AT HILLSIDE AVENUE, CONNAH’S QUAY (053364)

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 22 June 2015. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and explained that the application site was in the ownership of Flintshire County Council and accommodated a number of garages, the majority of which were unused. He highlighted section 5 of the report which explained that a previous application on the site had been refused on 26 January 2015 due to overdevelopment and the adverse impact of the proposed site layout on trees which were the subject of a Tree Preservation Order. It was considered by officers that this application addressed the concerns raised and an additional condition had been suggested to safeguard the footpath-link through the site during construction works and its retention thereafter in perpetuity.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He indicated that the proposed parking for the apartment block was sited adjacent to the common site boundary with an existing property at 43 Hillside Avenue and he commented on the proposals for boundary treatments. Councillor Dunbar added that the erection of barriers to ensure that the root protection areas of the trees were safeguarded during construction works and the acknowledgement that a footpath which crossed the site which allowed for pedestrian access into the adjacent recreational area and provided a link to existing residential properties at Lon Derwen was welcomed by residents. In moving the recommendation, he said that the proposal would provide a residential development that would provide affordable housing and much needed housing stock for rent or sale.

Councillor Chris Bithell referred to the original application and said that the number of properties had been reduced in this proposal and therefore the concern of overdevelopment had been addressed. The issues about the footpath and the trees protected by the Tree Protection Order had also been addressed.

In referring to the Section 106 Obligation in lieu of on site recreational provision, Councillor Richard Lloyd asked whether the monies would be used for a nearby play facility and what the area consisted of. The officer responded that there were landscaped areas included in the site but there was no usable or definable open space. The site was immediately adjacent to an area of open space and could be easily accessed from the site and this element of the Section 106 obligation would be used to improve the existing facilities in this area. He highlighted paragraph 7.14 where it was reported that the erection of a 1.8m high brick wall to safeguard privacy/amenity due to the site being adjacent to the common site boundary with an existing property at 43 Hillside Avenue could be covered by condition if the application was granted.

On the issue of the contribution in lieu of on site recreational provision, Councillor Chris Bithell referred to community asset transfers for play areas and queried whether the section 106 obligation monies could be transferred to a third party if the asset was taken over. The Development Manager explained that under the terms of a section 106 agreement, it could not be requested that the monies be transferred to another body. It would be paid to the Council and if the land was transferred, the monies could be transferred with the land unless it had already been enhanced. The Planning Strategy Manager referred to the Community Infrastructure Levy guidance note and the issue of not being able to request a Section 106 Obligation if five or more for a particular project had already been requested. Discussions had taken place with Education and Leisure colleagues to ensure that there was a clear audit trail for projects that had received Section 106 monies. In response to a question from Councillor Bithell, the Democracy & Governance Manager indicated that he did not feel that there would be a legal challenge if monies were handed over to a third party as it was all part of the community asset transfer process.

In summing up, Councillor Dunbar said that if the conditions were met then the proposal would clear up a derelict area. He added that the recreation area was well used. He thanked the officer for the work that he had undertaken on the application and for the correspondence he had provided.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional condition referred to in the late observations and subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling and £733 per apartment in lieu of on site recreational provision.

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

30. INSTALLATION AND OPERATION OF A MOBILE ADVANCED THERMAL TREATMENT PLANT (ATT) AND ASSOCIATED OPERATIONS IN EXISTING BUILDINGS COMPRISING A 1 MW PYROLYSIS UNIT AND ASSOCIATED GAS ENGINE AT PORT OF MOSTYN, COAST ROAD, MOSTYN (053393)

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 22 June 2015. The usual consultations had been undertaken and the responses received detailed in the report.

The Manager (Minerals and Waste) detailed the background to the report and explained that the proposal was for a small-scale temporary energy centre for a period of five years for a pyrolysis plant to produce bio-oil, bio-gas and char, a gas cleaning unit and a gas powered engine electricity generator set. It was predicted that the unit would have capacity for 16 tonnes per day of feed stock in pelleted form and would generate up to 1 MW of electricity which would feed into the National Grid and onto other users. The heat from the proposal could be reutilised and would be available for other businesses in the area to use. No new buildings would be erected as a result of the proposals as an existing warehouse would be used but it was anticipated that a number of offices would be erected outside of the building and would include welfare facilities. The noise levels from the site would be very low and the proposal was for a small scale experimental facility to demonstrate whether the process would work. The Manager (Minerals and Waste) advised that the proposal was within Welsh Government guidelines and added that the process required a permit before the treatment and processing of any waste could take place. In this instance, it would be regulated via a Part B Authorisation under the Environmental Permitting Regulations from the Council's Public Protection Department rather than from Natural Resources Wales.

The site was in a flood risk zone C1 but was considered to be in a less vulnerable area and an upgrade of the flood defences was to take place in the near future at the Port of Mostyn. The Manager (Minerals and Waste) commented on the access to the site from the A541 Coast Road and said that it was anticipated that there would be one or two HGV deliveries per day. The process would run for 24 hours per day and it was likely that the site would employ two or three staff in the office and three to four operatives on each of the three shifts. The feed store would be located inside the building but anything stored outside would be plastic wrapped until it was needed for the process.

Mr. D. Levis spoke in support of the application. He commented on the consultation exercise that had been undertaken on the proposals and indicated that the Local Member, Councillor David Roney, had been invited to attend a meeting on 24 February 2015 to discuss the scheme. Mostyn Community Council had also been invited to attend the site but no representatives had taken up the invitation and had not provided a response to the consultation. He added that further information had also been sent to the Planning Committee about the proposals. On the issue of the processing equipment, Mr. Levis indicated that it was not an incinerator and that time had been spent by the

applicant to find the most advanced equipment for the scheme. The facility would not enable oxygen to reach the feed store and therefore it would not be able to combust. The bio-gas would be cleaned to remove particles so that the product could be used elsewhere in the process and Mr. Levis explained that the process was so advanced that it was classed as renewable energy. The feed stock would be wrapped and baled and the primary use for the proposal was to generate electricity which would assist to meet renewable targets. The proposal was fully compliant with local and national policies, including policy EM3 and the Waste Strategy policy.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He felt that the concerns that had been raised by Councillor Roney and Mostyn Community Council on access and highways grounds had been addressed. The facility would be for a temporary period which would allow the opportunity for the proposal to be assessed. He added that there were no planning or highway reasons to refuse the application. Councillor Mike Lowe concurred with the comments of Councillor Bithell and added that there had not been any objections from Highways or Natural Resources Wales.

The Local Member, Councillor David Roney, said that he had been invited to visit the site by the Port Manager, not the applicant, and when he had attended, representatives from Aeternis Energy (Mostyn1) Limited were also in attendance. He agreed that Mostyn Community Council had been invited but it had been indicated that health and safety checks would take a whole day before they could be allowed on to the site. The facility would take commercial waste from outside the area which would be burned to produce electricity. Councillor Roney commented on applications for incinerators at Warwick International and on Deeside industrial Park and on the issue of fracking in the area. He spoke of TAN 8 which indicated that the proposal needed to have a carefully sited heat load adjacent to the site, which this did not. He quoted from the Unitary Development Plan paragraph 19.4 which indicated that proposals that would use waste from elsewhere should be discouraged. He also referred to policy EWP6 about managing waste arising from Flintshire rather than from elsewhere, which he felt should not be permitted and therefore the application should be refused.

Councillor Mike Peers queried why the temporary permission was for five years and asked whether this could be reduced to three years. Members had been advised that the main fuel source would be pellets and he therefore sought clarification on paragraph 7.24 about the facility assisting Wales to become more self-sufficient for the final treatment of residual wastes.

Councillor Richard Jones said that he was aware of a similar facility in Sandycroft and queried whether the proposal was experimental, as had been indicated earlier. He sought clarification on the heat load and requested further information on the feed source. Councillor Richard Lloyd queried whether waste was being taken to the plant which would then be made into pellets and he also asked whether it was appropriate to undertake consultation with the Fire Authority or Network Rail. He raised concern about the waste and asked

for a guarantee that it was pellets rather than waste that was stored in the bales.

In response to the comments made, the Manager (Minerals and Waste) said that there was no link between this application and fracking and there were currently no proposals for fracking in the area. TAN8 required the proposal to be sited in an appropriate location but did not require an end-user of the heat load to be identified at the application stage. The majority of the output would be to generate electricity and the heat produced could be used for ambient heating and could be sold on to other users. He explained that warming up the fuel stock would make the process more efficient and added that the majority of the fuel stock was pelleted but it was possible that some would be non-pelleted, but he added that there was very little difference between pellets and flocked materials. It was a small scale proposal and the waste would be compacted into bales rather than delivered to the site in loose form and would be brought into the unit and unwrapped when it was required. In referring to policy, the Manager (Minerals and Waste) said that the UDP policies were considered during consideration of the applications but where newer national policy was in place, this was considered instead of the UDP. He did not feel that a temporary permission of three years was appropriate and that five years would allow the operators to monitor the effectiveness of the proposal. The technologies used at the site in Sandycroft were slightly different and the Manager (Minerals and Waste) added that this proposal was for an energy generation plant rather than an energy from waste facility. The Fire Authority and Natural Resources Wales had not been consulted as the proposal was to be sited within an existing building. On the issue of the final treatment of residual wastes referred to in paragraph 7.24, he said that the feed stock could come from anywhere in Flintshire but anticipated that the applicant would not be looking to take waste from a distance of more than 50 miles away from the plant. He reminded Members that the waste would not just be waste from the Council but would also be commercial waste too. In response to a query from Councillor Roney, the Planning Strategy Manager reiterated the earlier comment that the UDP was the starting point when considering applications but that national policy could not be ignored if it was more up to date. He added that the proposal was for a renewal energy generating source which did not conflict with other proposals in the area.

In summing up, Councillor Bithell said that the small scale proposal complied with local and national policy. Safeguards to reduce any risk or harm were in place and were reported in paragraphs 7.21 and 7.22 and he added that there were no highway or planning reasons to refuse the application and the proposal would not cause any environmental or public amenity nuisance.

RESOLVED:

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

31. **PART CHANGE OF USE FROM CAR DISMANTLERS TO MOT TESTING STATION AND VEHICLE REPAIRS AT TRANSPORT YARD, ASTON HILL, EWLOE (053460)**

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 22 June 2015. 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 Local Members had asked for committee determination because of the amount of local interest in the proposal. Hawarden Community Council had objected to the application on the grounds of highway safety and proposed hours of operation and 13 objections had been received from local residents.

Mr. M. Nixon, the application, spoke in support of the application. He said that the opening hours of 6am to 6pm Monday to Friday and 8am to 1pm on Saturdays had been requested. The 6am start would allow customers to bring their vehicles for MOTs outside of normal working hours and would result in a maximum of three cars being brought in during the period of 6am to 8am. The MOT testing station was not near the road so the issue of noise was not a problem and the concerns that had been raised about trading already taking place were untrue. Mr. Nixon explained that equipment needed to be in place before the MOT station could operate and this had been stored on the site since the garage closed down earlier in the year.

Councillor Alison Halford moved refusal of the application, against officer recommendation, which was duly seconded. She raised concern about the highway particularly as the site was located on a bend and added that the introduction of more vehicles to the area was a problem. Councillor Halford felt that the start time of 6am for a residential area was too early and added that another MOT station in the area did not open as early.

The Local Member, Councillor Helen Brown, raised concern about highway safety and the hours of operation and said that objections had been received from Hawarden Community Council. She reiterated the comment that vehicles were parking on the bend at the entrance to the site and that a 6am start in a residential area was unacceptable. It was reported that a number of different businesses had been carried out on the site without planning permission. Councillor Brown queried how it could be ensured that cars and loaders would not park on the road outside the site and asked Members to consider the hours of opening and highway issues if they were minded to grant permission.

Councillor Mike Peers said that some photographs of the problems caused by vehicles parking on the road had been forwarded to him; he circulated these to the Committee Members. He explained that the photographs were showing the difficulty experienced by a delivery van and the need for it to reverse into the site because of vehicles parked on the road. He

also did not feel that the access and egress were suitable and concurred that the 6am start was unacceptable because of the effect on the residential amenity. Councillor Peers said that the comments of the Local Member and Community Council should be considered and that a condition should be included to prevent parking on the bend and to ensure the access and egress were acceptable if the Committee was minded to approve the application. He also suggested that a 7am or 8am start would be more appropriate. Councillor Richard Lloyd concurred that a 6am start was unacceptable.

In response, the Senior Engineer – Highways Development Control said that Highways did not have any objections subject to conditions about parking and the entrance to the site. The road was of an adequate width and the access met visibility standards so there was no reason to refuse the application on highway grounds.

Councillor Lloyd proposed an amendment that the hours of opening be 8am to 6pm Monday to Friday with the times proposed for Saturdays remaining unchanged at 8am to 1pm; this was duly seconded.

The Development Manager indicated that it was not possible to include a condition to restrict parking on the bend and reminded Members that as the proposal was not currently in operation, that the vehicles currently parking there could not be associated with this application. The MOT testing station would have to include dedicated areas for vehicles to be tested and provided that the facility met the required standards for this, then other highway issues would be a matter for the Police to consider.

Councillor Gareth Roberts felt that there was little difference in the amount of vehicles between the proposed use and the previous use but said that the MOT would not create the noise and nuisance of general repairs. He felt that refusal of the application would be difficult to defend on appeal and said that the general concerns about highways could be considered but added that this was not a consideration for this application.

The Democracy and Governance Manager explained that the Highways officer had indicated that there were no highway grounds to refuse the application and an amendment had been put forward by Councillor Lloyd, which if approved, would address the concern about the early opening hours. He added that the parking on the bend could not be attributed to this application as the MOT testing station was not yet in operation.

Councillor Peers accepted that this application was not causing the parking problem but asked if Highways could look at the concerns to ensure that they did not continue and consider the inclusion of yellow lines. The Senior Engineer – Highways Development Control indicated that she would take up the concerns raised with the Streetscene Department to assess whether there was a requirement for yellow lines in the area.

In summing up, Councillor Halford referred to a dismantling yard which would remain in operation and she reiterated her concerns about the 6am start.

She felt that double yellow lines was the only option to stop traffic parking on the bend and she raised concern about the comment in paragraph 7.03 that businesses had been in operation for a number of years without planning permission. Councillor Halford also raised concern that enforcement action to prevent this reoccurring was not taking place. She also felt that the views of the objectors should be taken into account.

The Democracy and Governance Manager advised that the fact that planning permission for previous businesses had not been sought could not be held against the applicant.

On being put to the vote, the amendment proposed by Councillor Lloyd for opening hours of 8am to 6pm Monday to Friday with Saturday hours remaining unchanged at 8am to 1pm, was CARRIED. This became the substantive motion and on being put to the vote, planning permission was granted subject to that amendment to the conditions in the report.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) but with an amendment to the condition relating to opening hours so that opening hours are 8am to 6pm Monday to Friday and 8am to 1pm on Saturday.

32. FULL APPLICATION – REMOVAL OF EXISTING ROOF, DEMOLITION OF EXISTING FLAT-ROOFED GARAGE AND ERECTION OF NEW GARAGE, ERECTION OF EXTENSION TO REAR OF GARAGE CONSTRUCTION OF NEW HIGHER-PITCHED ROOF OVER THE WHOLE STRUCTURE TO CREATE NEW ROOMS IN THE ROOF SPACE AT 28 SUMMERDALE ROAD, QUEENSFERRY (053329)

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 22 June 2015. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the site had been the subject of a number of applications, with the two most recent applications being dismissed on appeal or refused.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He said that the application had been refused twice and dismissed on appeal and even though the height had been reduced by one metre, the proposal was still incongruous. Councillor Gareth Roberts concurred and indicated that the appeal Inspector had agreed with the decision to refuse the application.

A Local Member, Councillor Helen Brown, spoke in support of the application. She said that the applicant had submitted amended plans which reduced the height by one metre and added that she did not consider the

development to be detrimental to the streetscene. No objections had been received from the neighbours or Hawarden Community Council. She explained that the applicant wanted to extend his property for himself and his family and asked Members to consider the different type of properties in the area and approve the application.

A Local Member, Councillor George Hardcastle, said that he had lived in the area for a number of years and commented on the variety of properties in Aston Park and some of the extensions to properties in the area. He felt that the application should be approved as he did not feel that it looked out of place and the proposal had been reduced by one metre from the original application. He asked to committee to consider approving the application.

Councillor Alison Halford suggested that the comments of the Local Members should be taken into account and said that it appeared that the officer had decided that they did not like the proposal because of the height. She did not think that the Inspector's decision on the previous application should be considered when the applicant had reduced the height for this proposal. Councillor Halford added that it was unfair to do so as it was not known what the Inspector's decision would be if this application was refused and went to appeal. She also said that the application was for an affordable home.

In response, the Development Manager said that the recommendation in the report was based on experience of similar proposals which officers faced on a regular basis. A consistent approach had been taken in the recommendation of refusal and he asked the Committee to also be consistent in their decision. The Democracy & Governance Manager reminded Members that all reports were in the name of the Chief Officer (Planning and Environment).

Councillor Richard Lloyd concurred with the earlier comments that there were a variety of property styles in the area and suggested that the proposed amendments to the dwelling were appropriate. Councillor Ray Hughes queried if the Inspector had recommended a reduction in height of 1 metre, Councillor Helen Brown said that the appeal Inspector had indicated that the original proposal for the dwelling was too high and therefore the applicant had reduced the height by one metre.

In referring to paragraph 7.05 of the report, Councillor Mike Peers said that the Inspector had made particular reference to the massing of the roof as a result of the proposals. However, Councillor Peers felt that the extension to one of the neighbouring properties had more of an impact on the streetscene than what was proposed in this application. He queried what the differences were between the proposed extension to this property and the neighbouring property and whether the resultant massing compared to what was currently in place was the reason for the recommendation of refusal. In response, the officer commented on the extensions to other properties in the area and explained that permitted development rights had changed since those extensions were permitted and the criteria was now based on the impact on the streetscene. He referred to appeals which the Council had been successful in

defending in the last five years for similar proposals and advised that both the height of the roof and the overall massing were areas of concern. He added that the massing had been increased and the roof was higher than the two adjacent properties.

The Planning Strategy Manager acknowledged the comments of the Local Members but indicated that in planning policy terms, there needed to be exceptional circumstances for the proposal to be approved, but there were none on this application. He agreed that a decision of an appeal Inspector was not known on this application but he added that to say that the proposal would not do any harm was not a sound planning reason to approve the application. On the issue of whether the proposal was for an affordable home, the Planning Strategy Manager said that details of the affordability element had not been provided and it did not necessarily mean that the application should be approved if it was affordable. The scale and massing of the proposal were the same as on the previous application which was refused. He referred to the impact on the streetscene of other extensions and in highlighting paragraph 7.01 indicated that the proposal was for more than the inclusion of a dormer window.

In summing up, Councillor Bithell referred to the earlier comments by Councillor Halford about it being the officer's decision and reminded Members that the officers were professionals who should be given the respect that they deserved. The decision made by officers had been based on local and national policy and Councillor Bithell asked the Committee to listen to the advice provided. He referred to the large and varied extensions to other properties that had been mentioned earlier and said that this may be because applications were approved against planning policy. He said that the applicant could appeal the decision if it was refused by the Committee at this meeting and if the Inspector felt that the incorrect decision had been reached, then it could be overturned. Councillor Bithell concluded that Members should abide by the officer recommendation and uphold the Council's policies by refusing the application.

RESOLVED:

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

33. FULL APPLICATION – REPLAN TO 3 NO. PLOTS (201 – 203) WITHIN NORTHERN PARCEL OF FORMER BUCKLEY BRICKWORKS, DRURY LANE, BUCKLEY (053308)

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 plots were located in close proximity to the main entrance to the site and following concerns that had been expressed, this application to replan the three plots had been submitted. He provided a detailed explanation of the proposals and advised that the orientation/relationship of the dwellings was acceptable to provide for a well-balanced site layout. The dwellings were orientated so that they had frontages onto the main estate road and Drury Lane and it was considered that this would provide an attractive entrance into the estate development. Concerns had been raised on access grounds and as a result of this, it was recommended that additional parking restrictions be included in the Section 106 Obligation and this could consist of double yellow lines to prevent residents and visitors parking in this area.

Councillor Mike Peers proposed the recommendation for approval which was duly seconded. He referred to the original application which would have required vehicles to reverse from parking areas at these properties into the road and indicated that he had raised this as a concern. He welcomed the change in elevation on plot 201 as the proposals would result in the French window facing a southerly direction, away from the site entrance. In response to a question from Councillor Peers, the officer explained that the reorientation of the plots would result in the gardens being parallel to Drury Lane and therefore removal of permitted development rights to allow further extensions of properties without the further grant of permission had been included as a condition.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional condition in the late observations and subject to the applicant entering into a supplemental planning obligation, re-enforcing:-

- a. the provision of the Section 106 Obligation entered into under Code Nos 050333 and 050874 on the site, in respect of highway, ecological, affordable housing and open space requirements.
- b. The introduction of additional parking restrictions to ensure that the main estate road is kept free from casual parking/obstructions.

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

34. UPGRADING OF AN EXISTING TELECOMMUNICATIONS APPARATUS AND ASSOCIATED WORKS AT FFYDDION FARM, LLOC (053555)

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

The officer detailed the background to the report and explained that the application was being considered by the Committee because of its height. No objections had been received to the application but Caerwys Town Council had requested that the existing structure be removed; this had been included in condition 3.

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

In response to a query from Councillor Richard Lloyd, the officer advised that even though Caerwys Town Council had asked for the existing structure to be removed within three months, a condition had been included to remove it within one month of the installation of the new equipment.

Councillor Jim Falshaw commented on concerns raised by Caerwys Town Council about the separation distances between the mast and a wind turbine. The officer advised that the telecommunication company were consulted on the wind turbine and had objected to the proposal. The Development Manager added that the Committee had resolved to grant permission for the wind turbine if no objections were received but as the telecommunications company had objected, planning permission had not been given for the turbine.

RESOLVED:

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

35. FULL APPLICATION – ALTERATIONS AND EXTENSION TO DWELLING AT PEN Y BRYN BUNGALOW, 17 PEN Y BRYN, SOUGHTON (053670)

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. Councillors Marion Bateman and Haydn Bateman, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and explained that the application had been submitted to the Committee as the applicant was an Elected Member.

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

In response to a question from Councillor Mike Peers, the officer provided details of the proposed changes to the property. Councillor Ray Hughes asked about the increase in the footprint and the officer confirmed that the size of the property would increase by approximately one third.

RESOLVED:

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

After the vote had been taken, Councillor Marion Bateman returned to the meeting and the Chairman advised her of the decision.

36. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 9 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00 pm and ended at 2.49 pm)

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Chairman

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
22 JULY 2015

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 22 July 2015

PRESENT: Councillor David Wisinger (Chairman)

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

SUBSTITUTIONS:

Councillor: Jim Falshaw for Alison Halford and Ron Hampson for Christine Jones

APOLOGY:

Councillor Billy Mullin

IN ATTENDANCE:

Chief Officer (Planning and Environment), Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leader, Senior Planner, Planning Support Officer, Housing & Planning Solicitor and Committee Officer

37. DECLARATIONS OF INTEREST

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

Agenda item 6.3 – Full application – Erection of 21 No. dwellings to include 15 No. two bed apartments, 6 No. one bed apartments at Gateway to Wales Hotel, Welsh Road, Garden City (053012)

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

Agenda item 6.5 – Residential development at Station Yard, Corwen Road, Coed Talon (051831)

38. LATE OBSERVATIONS

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

39. MINUTES

The draft minutes of the meetings of the Committee held on 20th May and 22nd May 2015 had been circulated to Members with the agenda.

20th May 2015

Councillor Richard Lloyd referred to the fourth paragraph on page 13 and asked that the word 'not' be added to the second line before the words 'already been built'. He also referred to the fifth line in the paragraph and requested that the words 'the entrance from' be added after the words 'which indicated that'.

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

22nd May 2015

Councillor Mike Peers expressed significant concern that his comments had not been taken into account by the Democracy and Governance Manager when reaching his decision about whether the application was a significant departure from policy.

RESOLVED:

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

40. ITEMS TO BE DEFERRED

The Chief Officer (Planning and Environment) advised that deferment of the following application was recommended:

Agenda item 6.1 – Full application – Strategic Flood alleviation scheme for the Town of Mold (052180)
– to await a response from Natural Resources Wales about the capacity of the River Alyn.

Councillor Chris Bithell asked that he be consulted on the application.

On being put to the vote, the application was deferred.

The Chief Officer (Planning and Environment) advised that the following application had been withdrawn since the agenda had been published:

Agenda item 6.3 – Full application – Erection of 21 No. dwellings to include 15 No. two bed apartments, 6 No. one bed apartments at Gateway to Wales Hotel, Welsh Road, Garden City (053012)

RESOLVED:

That agenda item 6.1 be deferred.

41. FULL APPLICATION – CONVERSION OF COMMERCIAL UNITS INTO 4 NO. DWELLINGS AT THE OLD SCHOOL HOUSE, MAIN ROAD, HIGHER KINNERTON (053004)

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 was to convert commercial units, which had been vacant for some time due to the operators moving to larger premises, to 4 no. dwellings. It was proposed to brick-up some of the window and door openings along with the existing garage to adapt the building for residential use. Higher Kinnerton was a Category C settlement and therefore any new dwelling needed to be for local need to comply with Policy HSG3. The applicant had not yet decided whether the properties would be available for sale or rent but a Section 106 (S106) obligation or unilateral undertaking could ensure that the units were offered for sale or rent to meet affordable housing needs.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He felt that the application complied with all requirements of planning policy and the building had been marketed for further commercial use without success. It was reported that the principle of conversion into residential use was acceptable and the requirement to meet local affordable housing need could be met through a S106 obligation.

In referring to paragraph 7.06, Councillor Mike Peers raised concern that the applicant had not yet decided whether the dwellings would be provided for sale or rent and that the response of the Housing Strategy Unit was also not listed under the consultation section of the report. He asked whether there was any update on whether the properties would be for sale or rent. In response to the comments made, the officer recognised that it would have been beneficial to include the response of the Housing Strategy Unit in the report. He added that discussions had also taken place with the applicant's agent to clarify whether it was intended that the properties would be for sale or rent. The S106 obligation would ensure that the issue of offering the units for sale or rent to meet affordable local housing need was addressed.

Councillor Richard Lloyd sought clarification on whether there were eight parking spaces within the site as reported in paragraph 7.03. The Senior Engineer – Highways Development Control confirmed that the proposal provided eight parking spaces within the curtilage of the site which met the policy requirements. In response to a query from Councillor Owen

Thomas, she added that there was no requirement for a turning space within the site and that it was acceptable for vehicles to reverse out owing to the nature of Park Avenue.

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) A Section 106 Obligation/Unilateral Undertaking to ensure that the units are offered for sale or rent to meet affordable local housing needs.
- (b) A Section 106 Obligation/Unilateral Undertaking or advance payment of £733 per unit towards the maintenance and enhancement of open space in the locality.

42. FULL APPLICATION – SITING OF 52 ADDITIONAL STATIC CARAVANS TOGETHER WITH LANDSCAPE PLANTING AT TREETOPS CARAVAN PARK, TANLAN HILL, FFYNNONGROYW (052937)

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 20 July 2015. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the application was for 52 additional pitches on the existing caravan park. The main issues to consider were the principle of development in relation to policy T5 of the Unitary Development Plan and the landscape impact, both of which were covered in the report. Conditions had been included to ensure that the caravans were only used for holiday purposes but the officer added that this would not be an issue as the operator did not permit permanent use of the caravans.

Mr. D. Middleton, the agent for the applicant, spoke in support of the application. He said that the application was to extend the five star award winning holiday park by providing 52 additional units on the southern element of the site. The location was adjacent to the existing park and consisted of a high quality, low density layout which would integrate into the countryside. A landscaping and screening scheme was proposed and Mr. Millington indicated that planting would take place in year one of the scheme. On the issue of the impact of the proposal, no objections had been received from statutory consultees. It was anticipated that the economic benefits would be significant, the direct and indirect tourist spend being approximately £520,000 per annum and was one of the major employers in the area. He added that this would add to the sustainability of the park and the application complied with local and national policy.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He felt that the proposal greatly enhanced tourism in Flintshire. It was expected that the site would contribute £520,000 to benefit the local economy. He was mindful of the scale but this had been well addressed by the officer. Additional planting was to be included on the site and any caravans that were to be partially visible would be painted in colours that would make them less prominent in the landscape.

Councillor Chris Bithell said that the applicant had worked closely with planning officers on the scheme and additional landscaping would enhance and screen the site.

RESOLVED:

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

43. OUTLINE APPLICATION – RESIDENTIAL DEVELOPMENT AT STATION YARD, CORWEN ROAD, COED TALON, FLINTSHIRE (051831)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. 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 explained that the application had been permitted in February 2015 subject to the applicant entering into a Section 106 (S106) obligation which included an education contribution for Castell Alun High School. Following the introduction of the Community Infrastructure Levy (CIL) Regulations from April 2015, it was no longer possible to request a S106 obligation if there had been five or more obligations for an infrastructure project or type of infrastructure since April 2010. As there were five such S106 obligations for educational contributions for Castell Alun High School, a revised recommendation to remove this element from the S106 was sought. The officer had considered refusing the application but it was considered that the development would not have a significant impact on the affected infrastructure.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He felt that the report highlighted a problem with the policy for S106 agreements/CIL but that as the application complied with policy it could not be refused. Councillor Chris Bithell concurred and said that the nine pupils that the development of the site was anticipated to give rise to would be added to the figure of 125 over-capacity at the school, which would bring the total to 134 pupils. The amount of contributions that were shown in the table at paragraph 6.05 totalled £269,107 but Councillor Bithell maintained that this was not a sufficient amount to build a classroom. He commented on the cumulative effect but in agreeing that the application could not be refused said that approval could result in children not being able to attend the school in the future.

It was suggested by Councillor Richard Jones that the application should be refused because of the effect on local schools as the S106 monies could not be obtained. Councillor Owen Thomas concurred that the amount of contributions already requested was insufficient to build a new classroom and suggested that a change to the policy was required. Councillor Derek Butler felt that policies were being imposed on local authorities and that representations should be made to Welsh Government to express the concerns that had been raised.

Councillor Carol Ellis felt that the Education Service and children would suffer as a result of the CIL regulations and the inability to request further monies through a S106 agreement. She spoke of a similar example in Buckley and raised concern that some developers had to make contributions and others did not. Councillor Ellis suggested that a system should be in place to allow the monies to be pooled for projects for the benefit of children in Flintshire and added that a challenge should be made through the Planning Strategy Group and the Leadership of the Council for the policy and regulations to be changed.

In response to a query from Councillor Bithell, the Housing & Planning Solicitor advised that the CIL Regulations applied to the whole of the UK. The Planning Strategy Manager said that Education was devolved to Welsh Government but this was a planning matter for the infrastructure of schools and was a law that was UK wide. The policy that would allow pooling of monies for educational contributions could be delivered once there was a CIL charging schedule in place. However, a Local Development Plan needed to be in place before a CIL charging schedule could be delivered. He explained that the CIL regulations came into effect in April 2015 for S106 agreements backdated to April 2010. He understood Councillor Jones' request to refuse the application but approval of the proposal would not have a significant enough impact to justify refusal. The Planning Strategy Manager spoke of the work that was being undertaken on S106 obligations to ensure that requests for contributions related to a specific project.

Councillor Jones felt that consistency was not being applied when comparing this application to the site at Babylon Fields where a contribution had been requested from the developer. He felt that changes to policy would only be considered if local authorities started to refuse applications where S106 monies could not be requested. In response, the Planning Strategy Manager said that resources other than new classrooms needed to be considered along with a smarter way of working to identify specific projects within schools to ensure that monies could be requested through a S106 Obligation. In referring to the contributions that had already been requested, the Chief Officer (Planning and Environment) reminded Members that the introduction of the regulations from April 2015 prevented further requests for obligations for provision of an infrastructure project/type of infrastructure if five or more had already been sought and added that some of the S106 obligations listed in the report may not have been possible if the applications had been submitted after April 2015.

The officer reminded Members that the site was allocated for residential development in the Unitary Development Plan (UDP) and therefore planning for increases in school numbers as a result of such developments should have been identified at an earlier stage.

Councillor Bithell reiterated his earlier comments that approaches needed to be made to Westminster about reviewing restrictions to S106 obligations because of the introduction of the CIL regulations and to ask WG to amend the proposals as soon as possible. The Planning Strategy Manager added that the means to address the restrictions was to have a CIL charging schedule in place but this could not be undertaken until the LDP had been adopted.

In summing up, Councillor Roberts commented on the frustrations that Members had expressed and on the need to be 'smarter' in identifying provision of specific infrastructure projects that required funding from S106 agreements. He spoke about developers paying set amounts regardless of the size or location of a development and added that he felt that significant costs would be awarded against the Council if the applicant was to appeal a decision of refusal.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) presented at the Planning and Development Control Committee meeting held on 25th February 2015.

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

44. FULL APPLICATION – INSTALLATION OF A TEMPORARY 24M HIGH MOVEABLE MAST (ON A TRAILER WITH A CABIN) ACCOMMODATING 3 NO. ANTENNAS AND 1 NO. 0.3M DIAMETER DISH AND A GENERATOR AT GROUND LEVEL ALL WITHIN A HERAS FENCE COMPOUND (RETROSPECTIVE APPLICATION) AT AIRBUS, CHESTER ROAD, BROUGHTON (053680)

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 this was a retrospective application for the temporary installation of a mast to provide continuity of telecommunications links at the Airbus site. He added that this application was linked to the next agenda item which was for a permanent mast to replace the mast in this application.

Councillor David Evans proposed the recommendation for approval which was duly seconded.

Councillor Chris Bithell queried whether it was possible for operators to share masts and asked whether this had been considered as part of this application. He commented on the cumulative effect of such applications.

In referring to the height of the telecommunications mast, Councillor Owen Thomas queried why a response had not been received from Airbus. Councillor Mike Peers concurred and proposed that approval of the application be subject to acceptability of the proposal by Airbus. He felt that this was needed to ensure the safeguarding of the airspace. The proposal by Councillor Peers was duly seconded.

The officer advised that national policy requested that telecommunications masts be shared but this had not been possible on this application, and neither had the siting of the mast on the corner of the building. The safety of the airspace was paramount and the officer referred Members to agenda item 6.7 for a permanent mast to replace this proposal where it was reported that Airbus had not objected to the proposal. He suggested that discussions would have taken place with the operator and Airbus to site the mast in this location but advised that he could contact Airbus to clarify their position on the proposal. He agreed that approval of the application could be subject to no adverse comments being received from Airbus on this application.

RESOLVED:

That planning permission be granted for a limited period expiring on 31st December 2015 subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to no adverse comments being received from Airbus.

45. FULL APPLICATION – INSTALLATION OF A 25M LATTICE TOWER ACCOMMODATING 4 NO. ANTENNAS AND 2 NO. TRANSMISSION DISHES, INSTALLATION OF 3 NO. EQUIPMENT CABINETS AT GROUND LEVEL, ALL WITHIN A 1.8M HIGH CHAINLINK FENCE COMPOUND AT CHESTER ROAD, BROUGHTON (053321)

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 was proposed that the mast referred to in this application would replace the temporary mast currently in place. The Committee were required to determine the application as the height of the proposal could not be dealt with under delegated powers. He explained that Airbus had not objected to the proposal and that the recommendation was for approval.

The Housing and Planning Solicitor referred to paragraph 7.01 of the report and advised that the word 'temporary' was an error in the report and

should be disregarded and confirmed that this proposal was for a permanent telecommunications mast.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He said that the Civil Aviation Authority was responsible for activity around airspace and suggested that they would have objected if they were not in agreement with the proposal or if it was not safe for aircraft. Airbus Operations had not raised any objection to the proposal.

On the issue of sharing masts, Councillor Chris Bithell asked whether there were other masts in the area that the telecommunication equipment could be attached to rather than erecting this mast. He raised concerns that nearby residents would be able to see the mast.

The officer advised that a request had been submitted to the applicant to site the antenna on the corner of the building but this had not been possible. He said that there were no other masts in the area that could provide the coverage that was required and added that operators were obliged to share masts where possible. The mast would have little visual impact when compared to the A380 building.

In summing up, Councillor Butler said that there were no neighbouring properties in the vicinity of the mast and that siting it in this location could prevent additional masts needing to be positioned in the village of Broughton.

On the issue raised by Councillor Bithell about operators sharing masts, the Development Manager advised that sharing telecommunications masts would normally be considered but it was not possible to do so on this application.

RESOLVED:

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

46. APPEAL BY ANWYL CONSTRUCTION CO LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 35 NO. CLASS C3 DWELLINGS INCLUDING ASSOCIATED LANDSCAPING AND FORMATION OF NEW ACCESS FROM CYMAU LANE AT ABERMODDU CP SCHOOL, CYMAU LANE, CAERGWRLE (051482)

The Chief Officer (Planning and Environment) explained that approval of the application had been granted subject to conditions and the completion of a Section 106 (S106) obligation, but the applicant had refused to sign the agreement as the applicant had questioned the requirement for monies for Castell Alun High School. The application was subsequently refused as a S106 agreement had not been signed. As financial contributions towards Castell Alun High School had been sought on six occasions between 6th April 2010 and 6th April 2015, the Community Infrastructure Levy Regulations

prevented any further obligations being requested. The Inspector therefore granted the appeal to permit the application which included an undertaking for primary education requirements at Ysgol Abermoddu, highway works and the gifting of 3 No. affordable housing units to the Council but without the need for contributions for Castell Alun High School.

In response to a query from Councillor Chris Bithell, the Chief Officer (Planning and Environment) said that he would provide details of the amount that had been sought for secondary education requirements in the S106 obligation. Following a question from Councillor Owen Thomas, the Chief Officer (Planning and Environment) confirmed that costs had not been awarded against the Council.

RESOLVED:

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

47. **APPEAL BY STIRLING INVESTMENTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR THE ERECTION OF ONE RESIDENTIAL DWELLING AT BROMFIELD LANE, MOLD (052409)**

RESOLVED:

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

48. **APPEAL BY MR. W. THOMAS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE 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 TEA POT CAFÉ FOR USE AS ANCILLARY OFFICE ACCOMMODATION AT TEA POT CAFÉ & SUNDAWN GARDEN CENTRE, LLWYBR HIR, CAERWYS (052645)**

The Chief Officer (Planning and Environment) referred to paragraph 6.04 where it was reported that a suggested condition regarding a Traffic Management Plan to ensure that large commercial vehicles would not use the narrow rural roads linking the site to the A55 Caerwys junction had not been considered necessary by the Inspector. Therefore the Council were challenging the decision made by the Inspector to allow the appeal. The Chief Officer (Planning and Environment) advised that an update would be provided to Members in due course.

In response to a query from Councillor David Roney about whether the decision would be reviewed, the Housing & Planning Solicitor said that the Council would be seeking to quash the decision which would require the Inspectorate to reconsider the appeal.

RESOLVED:

That the decision of the Inspector to allow this appeal, which was the subject of legal challenge, be noted.

49. **APPEAL BY MR. C. MAGGS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A PROPOSED DETACHED BUNGALOW ON LAND TO THE REAR OF BELMONT, SOUTH STREET, CAERWYS (052705)**

RESOLVED:

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

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

There were 3 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 2.09 pm)

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Chairman

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9th SEPTEMBER 2015**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 59 DWELLINGS, OPEN SPACE, ACCESS AND ASSOCIATED INFRASTRUCTURE AT ISSA FARM, MYNYDD ISA.**

APPLICATION NUMBER: **053208**

APPLICANT: **BLOOR HOMES**

SITE: **ISSA FARM, MYNYDD ISA**

APPLICATION VALID DATE: **03.02.15**

LOCAL MEMBERS: **COUNCILLOR A BRAGG**

TOWN/COMMUNITY COUNCIL: **ARGOED**

REASON FOR COMMITTEE: **SIZE OF DEVELOPMENT AND S106 AGREEMENT AND LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application for 59 dwellings with onsite open space and associated infrastructure. The site is outside but adjacent to the defined settlement boundary for Mynydd Isa. It was previously allocated by the Council for residential use during the UDP process, therefore the principle of development was accepted by both Officers and Members. However, the UDP Inspector considered because of its location, shape, landscape and the surrounding topography, it was poorly related to the existing pattern of development and a significant incursion into the rural area and the site was de-allocated.

This application is therefore a departure from the adopted Flintshire Unitary Development Plan as it is outside any defined settlement boundary and is located within the open countryside.

The basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations deem otherwise.

In this instance it is considered the need for a 5 year land supply is a material consideration which outweighs the fact the site is outside the settlement boundary and is a departure from the development plan. Furthermore the site is considered to be sustainable, viable and deliverable in order to come forward within the next 5 years to meet the supply.

In order to ensure that the site comes forward to meet the current shortfall a 2 year planning permission is proposed with a requirement for a phasing plan to ensure that the site is delivered in the short term.

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

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

- a) Payment of £171,598 towards educational provision/improvements for Mynydd Isa Primary School and £184,690 towards educational provision/ improvements for Argoed High School
- b) Provision of a play area to be equipped to a specification provided by the Council, upon sale or occupation of 50% of the development. Should the developer require the Council to adopt the POS a commuted sum of 10 years maintenance to be provided to the Council on adoption
- c) affordable housing to be shared equity 70% market value in accordance with an agreed marketing strategy and qualification policy

- 1. Time commencement 2 years
- 2. Plans
- 3. Phasing plan
- 4. Drainage – foul conditions
- 5. Surface water drainage regulation system to existing greenfield rates
- 6. Detailed design of access
- 7. Provision of parking facilities and retention
- 8. Front of garages set back by a minimum distance of 5.5m behind back of footway or 4.3m from edge of the carriageway

9. Positive means to prevent surface water run off onto the highway
10. Improvement of bus stop facilities
11. No occupation of properties until bus stop improved
12. Construction Traffic Management Plan
13. Travel Plan and Transport Implementation Strategy
14. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
15. Landscaping detailing and implementation
16. Tree protection measures – method statement no- dig construction
17. Hedge removal/scrub clearance outside bird nesting season
18. Materials
19. Removal of permitted development rights – extensions
20. Finished floor levels
21. Land contamination assessment
22. No development shall commence unless and until a scheme has been submitted and approved in writing by the Local Planning Authority for reinforcement works to the Welsh Water/Dwr Cymru Park Issa pumping station have been undertaken which shall include the upgrading of the existing pumps or the installation of new pumps which will enable a pumped discharge rate of up to 6 litres/second. The development shall not be occupied until the scheme has been completed in full in accordance with the approved details.
23. The foul connection shall be made at Manhole SJ26641801
24. Recommendations as set out within the ecological report
25. Details of lighting scheme

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

3.00 CONSULTATIONS

3.01 Local Member

Councillor A Bragg

Requests Committee determination, as the application is a departure from the UDP and has grave concerns over the volume of traffic that the development would produce. Also has concerns about the foul drainage proposals. Requests a Committee site visit for Members to see the location of the site and its situation outside the settlement boundary and due to the highways concerns.

Adjacent ward Member

Councillor Hilary McGuill

Objects on the grounds of;

- Brownfield sites should be used before greenfield sites

- All the schools in Mynydd Isa are full and the Council does not have the money to expand them
- There are fewer facilities in the village than there were a year ago, no doctors, spar, no post office, reduction in library hours and bus services
- Sewage system is overloaded
- Bryn Lane is narrow in places and two cars have difficulty in passing
- There is another application already in for the village and the area would be overcrowded with 120 new homes
- Poor recreation facilities in the area

Argoed Community Council

Object on the grounds of;

- It's a greenfield site protected in the UDP
- Schools in the area are over-subscribed and this development would add to that
- Sewage system is unable to cope with existing housing and this would get worse
- The power system is inadequate and will not cope with the proposed number of houses
- Increase vehicular flow in the area by 120+ cars which will put additional strain on the highway
- S106 should include the development of a cycle/pedestrian path from the site to Buckley Common and a contribution to the sports and community facilities in Argoed

Highways Development Control Manager

No objections subject to conditions covering;

- Detailed design of access
- Provision of parking facilities and retention
- Front of garages set back by a minimum distance of 5.5m behind back of footway or 4.3m from edge of the carriageway
- Positive means to prevent surface water run off onto the highway
- Improvement of bus stop facilities
- No occupation of properties until bus stop improved
- Construction Traffic Management Plan
- Travel Plan and Transport Implementation Strategy

Pollution Control Manager

As the site was previously part of a farm there may be farm tips/ buried wastes at the site and chemicals may have been applied to the land. The site also overlies coal measures and coal workings. Shallow or unrecorded workings may be present. A land contamination condition is therefore required.

Welsh Water/Dwr Cymru

Welsh Water consider that foul flows from this site can be accommodated on the network subject to;

- the connection being at Manhole SJ26641801
- the developer funding an upgrade to the Park Isa pumping station.

The improvements would be secured through a Grampian condition and through S106 agreement. The condition would state that there shall be no beneficial use of the development until reinforcement works to the Welsh Water/Dwr Cymru Park Issa pumping station have been undertaken which shall include the upgrading of the existing pumps or the installation of new pumps which will enable a pumped discharge rate of up to 6 litres/second.

Head of Housing Strategy

Is satisfied with the affordable housing mix. The rationale for this is that there is a high sales demand in Mynydd Isa and a predominance of 3 bedroom properties, therefore a higher number of 2 bedroom properties was requested and this has been amended accordingly. Rates of existing affordable housing provision in Mynydd Isa are amongst the lowest in the County and the demand is generally higher for smaller properties.

Head of Play Unit

In accordance with Planning Guidance Note 13 on site play provision is required of 3342m². This should include free kick about space and an equipped children's play area. We would prefer the equipped play area to be located in the centre of the development to minimise disturbance to residents. The SUDS area could be used for informal ball games and should be designed to accommodate this.

The play area should be equipped by the developer to the Council's specification. Should the developer require the Council to adopt any P.O.S a 10 years commuted maintenance sum upon adoption. Leisure Services would not adopt the area of the SUDS scheme.

Head of Lifelong Learning

The placement of the estimated 14 pupils from the proposed development using the pupil formula will increase the pressure on Mynydd Isa Primary School, which currently has 5.65% surplus capacity. The pupils generated from the development would take the capacity of the school below 5% so a contribution is required of £171,598.

The placement of the estimated 10 pupils from the proposed development, will increase the pressure on Argoed High School which only has 0.17% surplus capacity. As the school already has less than 5% surplus places a contribution of £184,690 is required as the development would give rise to an additional 10 pupils.

Natural Resources Wales

The site lies within Zone A as defined by TAN15 Development and Flood Risk and shown on the Welsh Government Development Advice Maps. No objections subject to condition for surface water management. We are satisfied that the proposed point of discharge has been shown to be an existing ditch alongside the site which drains to a system discharging into Alltami Brook.

Wales and West Utilities

No objections however they have apparatus in the area which may be at risk during construction and they should be contacted by the developer.

National Grid UK

Details of equipment in area provided.

Welsh Government Land Use Planning Unit

The survey has been completed in accordance with the 1988 MAFF ALC Guidelines. The soil types and grading stated match the background information and adjoining survey work completed in 1989 by ADAS. The survey therefore reliably reflects the agricultural land quality of the site.

Airbus

No safeguarding objection.

Campaign for the Protection of Rural Wales

Object as no justification can be found for the loss of open countryside that will result in a departure from policy. The application site is not allocated for development and is outside a settlement boundary. It is poorly related to the existing settlement and projects into the open countryside. It is contrary to GEN3 as it does not meet the exceptions for development in the open countryside. Contrary to STR1 also and HSG4.

ALC report is a desk based exercise. Policy RE1 protects agricultural land and GEN1. A detailed assessment should be undertaken.

Community Safety Officer

The following principles should be adopted;

- All parking areas and pedestrian routes are overlooked
- Secure rear gardens should be provided with 1.8 metre secure walling and fencing and 2.1 metres adjacent to public footpaths or public open space
- Lighting to public areas
- Roads designs to reduce vehicle speeds to 20mph

The Coal Authority

The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The application was advertised as a departure from the development plan.

5 Letters of support on the grounds of;

- Mynydd Isa/Bryn y Baal needs more homes
- There is a lack of 4 bedroom properties
- Traffic flow would not be unacceptable
- As long as there is a footpath along Bryn Road
- Want to stay in the area but need a bigger house
- There is a shortage of starter homes in the area and affordable properties

Observations from Flintshire Land Use Needs Care 'FLUNC'

- Safety is vital to the people of Flintshire on a public highway, particularly on foot and a pavement is needed on Bryn Road which should be funded by the developer
- Problems relating to sewage and flooding occur due to the rapid expansion of housing in the 1960's and 70's and inadequate infrastructure being provided. If this is the case here then the developer should fund improvements to the drainage in the area
- The UDP Planning Inspector stated that growth levels should not be regarded as prescriptive and there will be occasions when growth is below the indicative levels

BRAND (Bryn Residents Against New Development) object on the grounds of;

- Not a sustainable location
- The roads are congested
- The drainage system has major problems
- The schools are full
- The doctors surgery has closed and the future of the pharmacy is in doubt
- The pub closed many years ago
- UDP Inspector dismissed the site as it was poorly related to the existing pattern of development and a significant incursion into the rural area
- Departure from the UDP, STR1, GEN1, GEN3

- Long history of foul and surface water problems in Bryn y Baal
- When people responded to the consultation exercise they were unclear were the site was

30 individual objections on the grounds of;

- My public consultation document was not part of the submissions so are they a true record
- Previously rejected by UDP Inspector
- It is a greenfield site and there is abundant brownfield land in Flintshire more suitable for development
- Housing demand will reduce in the future and Flintshire has enough committed housing sites
- Some houses are very small with no storage and they don't all have garages, so cars will be parked on the road
- No facilities in Bryn-y-Baal
- It is a north facing slope so the houses will have little daylight and there is the wind chill factor
- The TA was carried out on one day only and missed the busy hour 7 – 8am and missed the school closure which is the busiest time of day, afternoon peak is 1500-1545
- It's not well connected to public transport, would be car reliant
- There are more birds than shown on the ecological survey, bats and badgers have been seen in the area
- Due to all the development Mynydd Isa/Bryn y Baal and Buckley are merging and there is overdevelopment in the area
- Its open countryside
- Outside the settlement boundary
- Visual impact of the development
- Increase in traffic opposite a school
- Impact on wildlife
- Impact on drainage system foul system is at capacity
- Would urbanise this semi-rural area
- Impact on the character of the area
- Change in the hierarchy of roads
- Too many cars in Llys Gwynant so people park on the road,
- Additional traffic will lead to accidents
- Impact on infrastructure and public services
- No consultation with residents
- Llys Gwynant is not suitable for construction traffic
- Impact of construction on residents
- Access should be off Bryn Road to reduce impact on residents
- Mews/town houses and semi-detached houses are not in keeping with the area
- Open plan soakaway is not acceptable and would be an increased safety risk to young children
- Cycleway/footway link is on to a private road and close to electric gates
- Detrimental impact on residential amenity and loss of privacy,

- overlooking of rear garden, noise and disturbance
- No footpath on Bryn road and it is poorly lit
- Llys Gwynant does not seem wide enough to be a carriageway for 2 cars with a footway on either side
- Contrary to Human Rights Act and the right to peaceful enjoyment of all their possessions and Article 8
- Sufficient houses on the market in the area and a vast number being built near to this area
- Ecology survey was undertaken at the wrong time of year
- EIA is required as per Mold Road Mynydd Isa
- Site is Grade 3 agricultural land

A petition of 209 signatures has been submitted by the campaign group BRAND (Bryn Residents Against New Development). This local action group was formed to oppose any new development in the Bryn-y-Baal/Mynydd Isa Area. The petition opposes any new residential development. It does not state any reasons why such development is opposed.

BRAND object to the development as the site is not a sustainable location. The area cannot cope with any more demands on its infrastructure, in particular the schools, roads, foul drains and doctors;

- Schools – 2 schools in the area; Argoed and Mynydd Isa Primary schools are at capacity. The new development will push children who live in the area to other schools as the newcomers in the proposed development will be closer.
- Roads – Bryn Road is extremely busy at most times of day and at the nearest junction it is very congested and dangerous. There would be conflict with construction traffic and then domestic vehicles and accidents will ensue.
- Foul Drainage – the main foul drainage cannot cope with any extra demand. It is only 150mm diameter and installed before extensive housing growth. Consider a new drain with additional capacity is required.
- Doctors- the Roseneath doctors surgery in Mynydd Isa has now closed and patients have to travel to Buckley to the new health centre which has led to an increase in traffic on Bryn Road and makes it more difficult without your own transport.

BRAND also object on the grounds of;

- Departure from the UDP policies STR1, GEN1, GEN3 and does not comply with policies HSG4, HSG5 and HSG7
- UDP policies are still valid although it has technically expired and should be applied
- Development should be plan led
- Brownfield sites should be considered before greenfield sites
- UDP Inspector did not consider it was a suitable site and reference is made to the Inspectors comments
- An EIA should have been submitted as for Rose Lane Mynydd

Isa due to proximity to SSSI and SAC

- The Greenhill Avenue site in Ewloe was not dismissed outright unlike this one by the UDP Inspector. Each application should be considered on its own merit and the Greenhill Avenue decision should not set a precedent.
- Past completions method should be used. The JHLAS 2013 which referred to a 4.1 year supply should be treated with caution as other factors have not been considered such as; the availability of existing properties in the area on the market; the number of properties which would come on the market if more bungalows were built so people could downsize; and the likelihood of more housing coming forward in west Cheshire following the change in policy to increase land availability.
- Landscape and Visual Impact; photos were taken when the trees were in full bloom and did not represent the worst case scenario; no photos were taken from properties which adjoin the development; should be deferred until more is done to mitigate impacts on views from existing properties as no contact has been made with these affected local residents and to address the comments of the Council's appointed landscape architect.
- Transport – There are 26 properties not 8 adjoining the site with the 59 new ones will be 85 properties, with 2 cars per property is 170 vehicle movements. Since the traffic survey there has been a new doctors surgery which has increased car journeys down Bryn Road. No guarantee that a footpath will be created on Bryn Road. No buses pass the site and the train station is 5 miles away.
- Traffic Impact Analysis – TA traffic surveys were on one day only. HGV units were not considered. No speed survey was undertaken. No reference to the dangers of parked cars on Bryn Road at school drop off and pick up. Peak hours in traffic survey did not recognise school hours. BRAND undertook their own traffic count/speed survey on Bryn Road for 6 days in April with a vehicle counter positioned to the left of Park Issa entrance by Cyfrifau Cymru Traffic Data Services. The total number of vehicles surveyed was 19,860 with 47% in excess of 30mph and 97% in excess of 20mph advisory limit.

2 further individual objections following re-consultation on the grounds of;

- Inappropriate and inconsiderate to locate a play area on the periphery of the development and adjacent to properties on other development as it is likely to create noise and nuisance, it should be central to the proposed development
- Number of houses should be reduced with a wide buffer between the existing houses and the new properties, with no new houses backing onto existing properties
- Should be some low rise bungalows for people wanting to downsize

- Only 109 car parking spaces for 59 dwellings when it should be 118 for 2 cars per house
- How will waste and recycling be accommodated in the 'affordable houses' which are very small and would have no storage space
- The Transport Assessment is impossible for a lay person to understand

5.00 SITE HISTORY

5.01 None.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New Development

GEN2 - Development Inside Settlement Boundaries

GEN3 - Development Outside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG4 – New Dwellings Outside Settlement Boundaries

HSG8 - Density of Development

HSG9 - Housing Mix and Type

HSG10 - Affordable Housing within Settlement Boundaries

SR5 - Outdoor Play Space and New Residential Development

EWP3 - Renewable Energy in New Development

EWP14 – Derelict and Contaminated Land

EWP16 – Water Resources

RE1 - Protection of Agricultural Land

Planning Policy Wales Edition 7 July 2014

TAN 1 Joint Housing Availability Studies 2015

The proposal accords with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for 59 dwellings, including affordable housing, public open space, access, drainage and other associated infrastructure on land at Issa Farm, Mynydd Isa.

7.02 Site Description

The application site is 3 hectares and is located to the north of Mynydd Isa, to the north of Bryn Road in an area known as Bryn y Baal. The settlement of Buckley is situated to the east of Bryn- y Baal accessed via Bryn Road. The site is bounded to the north west and east by agricultural land and to the south west and south east by existing residential development. The site is bounded by existing hedgerows with established trees. The topography of the site slopes down from the south to the north of the site. There is a manege located in the south eastern corner of the site and the site is currently used for horse grazing. Current access to the site is via Issa Farm Courtyard.

7.03 Proposed Development

This is a full planning application for 59 dwellings, including affordable housing, public open space, access, drainage and other associated infrastructure on land at Issa Farm, Mynydd Isa. The application was accompanied by;

- Planning Statement by Boyer
- Design and Access Statement by Boyer
- Ecological Assessment by TEP
- Transport Assessment by Croft Transport Solutions
- Flood Consequences Assessment by Lees Roxburgh
- Landscape and Visual Impact Assessment by TPM Landscape Ltd
- Statement of Community Engagement and feedback responses by Bloor homes
- Aboricultural Impact Assessment and Method Statement by Tree Solutions Ltd
- Agricultural Land Classification and Soil Resources Report by Reading Agricultural Consultants Ltd

7.04 The proposed dwellings are all two storey in nature and are a mixture of size and types with; 14 two bedroom mews/semi-detached houses, 14 three bedroom mews/semi-detached houses, 9 three bedroom detached houses and 21 four bedroom detached houses. The proposed layout provides for 30% affordable housing constituting 18 properties of which 14 are two bed properties and 4 are three bed properties.

7.05 The proposed development would be accessed from Llys Gwynant via Parc Issa from Bryn Road, with a proposed pedestrian/cycle way connecting the site with Llys y Graig. A network of green spaces is

proposed within the development creating visual links to the wider countryside context with additional structural landscaping around the site's perimeter. A formal equipped play area is proposed along with the creation of more informal areas and an attenuation area in the north west corner of the site as part of the surface water drainage scheme. A foul pumping station is also required due to the topography of the site. This is situated in the north eastern corner near to the attenuation area.

7.06 Planning history

The site was put forward by the Council at the deposit stage of the UDP as an allocation for residential development, however this was rejected by the UDP Inspector because of its location, shape, landscape and the surrounding topography. She stated that "*it was poorly related to the existing pattern of development and a significant incursion into the rural area*". The Inspector considered whether the allocation be deleted and removed from the settlement boundary and whether it should be designated as green barrier.

7.07 Her conclusion on other allocations/omission sites meant that the deletion of this component of the housing supply would not result in an inadequate supply of land in the County. Although completions, commitments and the allocation together at that time of the UDP Inquiry gave Mynydd Isa a Category B settlement a 6% growth rate. The other allocated site at that time was Rose Lane, Mynydd Isa, which has not come forward within the plan period and is the subject of a current appeal.

7.08 The UDP Inspector did not consider it was necessary to extend the adjacent green barrier designation to include the site as she considered that the existing countryside, wildlife and landscape policies were robust enough to offer sufficient protection from development and therefore the coalescence of settlements was unlikely to occur. She therefore deleted the allocation and recommended that the settlement boundary was redrawn to exclude the site.

7.09 The Inspector in her report stated "*Whilst I appreciate objectors concerns about the necessary infrastructure, the information I have seen does not support the view that these matters would necessarily preclude the allocation. In the Flintshire context the size, level of services and accessibility of the settlement make it a sustainable location to accommodate more growth. That said it cannot be disputed that drainage is a perennial problem. However there are polices in the plan such as GEN1(h) and EWP15(c) (d) which would ensure that development **has regard to the adequacy of existing public services, would enhance the existing water treatment and supply** and would have access to **adequate sewerage and sewage treatment facilities***". The provision of SUDS would also ensure potential flooding is taken into account. If these polices are

rigorously applied, the allocation would at the worst, not exacerbate the current situation.”

- 7.10 In respect of other matters the Inspector noted *“The Council’s highways officer has looked at potential traffic flows, road capacity, and configuration and access arrangements and despite the proximity of the school and its inevitably high level of activity at peak times, is satisfied that the network is capable of accommodating the proposed development in a satisfactory manner. Similarly where there are issues about school capacity the local education authority consider the matter can be adequately addressed by a financial obligation. This is not an unusual circumstance.”*
- 7.11 Taking into account her views on the impact of the site and her reasons for de-allocating the site, it is not clear from the Inspector’s comments as to whether the development at Llys y Graig was complete or not at the time of her visit to the site and the area, however from considering the evidence available it is likely to have been under construction. The Council’s housing land availability data shows that the site was under construction during the 12 months prior to 31st March 2007. The UDP Inquiry was from September to December 2007 with the Inquiry closing in August 2008. We do not have specific dates when the Inspector made her site visits but due to these timeframes it is likely that the apartments were under construction, however at what stage is unknown and whether she investigated the nature of the consented development.
- 7.12 Principle of development
The site is located outside the settlement boundary for Mynydd Isa in the adopted UDP. Mynydd Isa is a category B settlement with a growth threshold of 15% (beyond which any additional development would have to be justified on the grounds of housing need). As at April 2014 the settlement had a theoretical growth rate of 7.2% over the Plan period (which is below the indicative growth band of 8-15% for a category B settlement, which informed the Plan). The monitoring of growth over a 15 year period as required by HSG3 ended on 1st April 2015. Although final growth rates as at 1st April 2015 are yet to be published it is clear with the Rose Lane housing allocation yet to receive a planning permission, this level of growth will not be achieved, with the growth rate being in the region of 4.3% which is based on completions and a small number of commitments.
- 7.13 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.

- 7.14 Given that the proposal is for 59 dwellings and does not fall within the scope of above policy framework, then the proposal is contrary to these policies in the adopted UDP and is a departure from the development plan.
- 7.15 The applicant seeks to justify the development in terms of a broader policy context, having regard to the following points:
- The planning history of the site and the Inspector's comments following the UDP inquiry
 - The current housing land being below a 5 year supply
 - The present level of growth in Mynydd Isa being below 15% and the allocated site has not come forward within the plan period
 - The Ministerial statement by Carl Sergeant on 4th June 2014 about the need to increase the supply of housing throughout Wales in order to meet housing needs and to contribute to the economy of Wales
 - Site Sustainability and compliance with other plan policies
- 7.16 Housing Land Supply
PPW and TAN1 requires each local planning authority to maintain a 5 year supply of housing land. The latest published Joint Housing Land Availability Study for Flintshire 2014 shows a 3.7 year land supply using the residual method with a base date of April 2014. The Council is unlikely to be able to demonstrate a 5 year land supply until the LDP is adopted. This falls below the 5 year requirement.
- 7.17 The Council has previously argued in its submissions to PINS and Welsh Government that the residual method of calculation does not give a true picture of the actual amount of land available in the County and that the past completions method of calculation provides a more accurate measurement of land supply as it is measured against what the house building industry is actually delivering on the ground, rather than merely against what the Plan originally set out to provide.
- 7.18 The recent publication of the revised TAN1, which completely removes the use of the past completions method of calculation means the Council can no longer reasonably argue that it does not have a housing land shortfall. Furthermore, given that the TAN1 prevents the Council from undertaking a formal JHLAS once the UDP has expired, we will be unable to demonstrate a 5 year supply until such time as the LDP is adopted. In this context it is not possible to challenge the proposal in terms of housing land supply as the Authority did try in its defence of the refusal of planning permission for (051613) Old Hall Road/Greenhill Avenue, Ewloe application.
- 7.19 The Inspector in his appeal consideration of APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that "*The Welsh Government's letter to*

Chief Planning Officers of 19 January 2015 states that the residual methodology based on the housing requirements in an adopted LDP (or adopted UDP) will be the only methodology allowed for calculating housing land supply and the use of the past build rates methodology, which was based on the past performance of the building industry, will not be accepted. As a result, I give no weight to the Council's initial arguments in respect of past completions."

7.20 *Welsh Government Technical Advice Note 1 states that "The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study..... The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies."*

7.21 Welsh Government Advice and National Planning Policy
Planning Policy Wales Edition 7 July 2014 paragraph 4.2.4 states " A plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2) Where;

- *There is no adopted development plan (see 2.6) or*
- *The relevant development plan policies are considered outdated or superseded (see 2.7) or*
- *Where there are no relevant policies (see 2.7)*

there is a presumption in favour of proposal in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes."

7.22 Paragraph 4.2.5 states "*In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4.4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision."*

7.23 The Inspector in his appeal consideration of APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that "*There is a danger that the need to increase supply and lack of a 5-year housing land supply could be used to justify development in inappropriate locations."*

- 7.24 It is therefore key in making the planning balance therefore to consider the sustainable development 'key principles' (see 4.3) and 'key policy objectives' (see 4.4) set out in PPW.
- 7.25 Mynydd Isa was considered by the Inspector to represent a sustainable location for development given that she recommended the allocation of land at Rose Lane. In para 4.47.7. the Inspector states '*Mynydd Isa is a large settlement (about 2000 dwellings) of relatively new housing with a range of facilities to serve its population. It lies between the category A settlements of Mold and Buckley with public transport links to the 2 giving access to their services and facilities. In principle it is a suitable location for some growth*' and in para 4.47.8 states '*The settlement strategy identifies Mynydd Isa as category B with an indicative growth band of 8-15%. In the first 5 years of the plan, growth has amounted to about 3% which I do not regard as overdevelopment of the settlement*'.
- 7.26 Mynydd Isa is the fourth largest category B settlement with 1920 dwellings as at 2000, with the largest being Ewloe with 2280. It has a range of facilities and services including primary and secondary school, sports centre and a local shopping centre. It also adjoins Buckley which has a greater range of facilities and services and is located close to Mold. With public transport and road links to nearby settlements and employment centres, it is considered to represent a settlement which is capable of accommodating further development in a sustainable manner. While objectors have stated that the range of facilities has declined since the UDP Inquiry the local centre is still fully occupied with a library, community centre, new dance and fitness studio (in place of the former convenience store and post office), a newsagent, take away, hairdressers, pharmacy and a small local supermarket. This provides a good range of facilities which reduces the need to travel. While the GP practice has relocated from the community building to the new health centre on Alltami Road this is not a significant distance from the site and provides improved facilities.
- 7.27 Due to the current land supply situation and the timeframe for the UDP housing strategy, in order to provide some clarity the Council has produced a Developer Guidance Note which was endorsed by the Council's Planning Strategy Group and Cabinet in June 2015. This application was submitted prior to the publication of this guidance. In brief it is set out below how the application meets the requirements;
1. Need for the development proposals
This has been argued in terms of the fact that Flintshire does not have a 5 year land supply. Mynydd Isa was a Category B settlement within the UDP which is referred to as a semi-urban village within the settlement hierarchy with a growth rate of 8-15%. Growth in the settlement at May 2014 with the UDP allocation was at 7.2% however Mynydd Isa's allocated site for 58 dwellings has not come forward within the UDP timeframe.

There has been limited growth in the settlement in terms of windfall sites as the UDP Inspector acknowledged there is little scope for infill. In terms of a search sequence for identifying new sites for housing development PPW paragraph 9.2.8 refers to;

- Previously developed land and buildings within settlements;
- Settlement extension; and then
- New development around settlements with good public transport links.

There are no available sites which are previously developed land and buildings within the settlement and this would be a settlement extension.

2. Full application

The application is in full and accompanied by a suite of documents to address the key issues.

3. Sustainability Appraisal

The Planning Statement, TA and an additional letter submitted have attempted to demonstrate the sustainability of the site, although not through a formal Sustainability/Strategic Environmental Assessment. This refers to the public transport links and cycle footpath links that are proposed to be created. The development also provides for a mix of house types which will range from 2 – 4 bedroom houses. The choice of materials for construction and the design of the new dwellings aims to reduce the energy and decrease thermal energy loss. The layout has also been designed to leave sufficient space between buildings to attract solar gain. The scheme will provide appropriate space for the storage, disposal and collection of waste. There are a variety of types of amenity space to encourage a healthy community and to encourage an inclusive community.

4. Viability Assessment

The applicant is providing 30% affordable housing, education contributions, on site open space and improvements to the foul pumping station. No dispute has been raised in terms of these matters and therefore no viability assessment has been submitted. The viability of the site is therefore not questioned and the applicant is not seeking to depart from the planning obligation requirements.

5. Housing Delivery Statement

The applicant is a house builder (Bloor) who has a track record of delivering the sites they gain planning permission for within this authority and not land banking sites. Bloor Homes would exercise their option to purchase the land if permission is granted. A 2 year permission is therefore accepted. Subject to

planning permission being granted in the Autumn of 2015 it is their intention to start on site as soon as possible in spring 2016. With the annual completion rates being 9 in 2016, 25 in 2017 and 25 in 2018. The anticipated completion date of the development would be 2019.

7.28 Agricultural Land Classification

An Agricultural Land Classification Survey was requested following the submission of the planning application as from the data available it was not clear if the development site was subgrade Grade 3a or subgrade Grade 3b agricultural land. Subgrade 3a land is classed as Best and Most Versatile agricultural land and is protected by planning policy. Although surveys had been done for adjacent agricultural land for the bypass in 1989 by ADAS, the application site had not been included.

7.29 The initial report submitted undertaken by Rostons Land and Property Specialist's was a desk based report which did still not distinguish between subgrade 3a or 3b and simply claimed the site was Grade 3. A further report was therefore requested and submitted by Reading Agricultural Consultant's Ltd which undertook an on-site investigation of the soil. This concludes that the land is Grade 3b. Welsh Government Land Use Unit have confirmed that the survey has been completed in accordance with the 1988 MAFF ALC Guidelines. The soil types and grading stated match the background information and adjoining survey work completed in 1989 by ADAS. The survey therefore reliably reflects the agricultural land quality of the site. The site is therefore not Best and Most Versatile agricultural land.

7.30 Highways

The proposed vehicular access into the site is from Parc Issa and then Llys Gwynant via Bryn Road. Llys Gwynant is 5.5 metres in width and is deemed adequate to cater for the additional traffic generated by the proposed development. Llys Gwynant exits onto Bryn Road in close proximity to the access roads to the Argoed School. The Transport Assessment submitted with the application indicates that additional traffic generated from the development is unlikely to result in a significant impact on the operation of these junctions.

7.31 BRAND have submitted comments in relation to the highway impacts of the development. BRAND undertook their own traffic count/speed survey on Bryn Road for 6 days in April with a vehicle counter positioned to the left of Park Issa entrance by Cyfrifau Cymru Traffic Data Services. The total number of vehicles surveyed was 19,860 with 47% in excess of 30mph and 97% in excess of 20mph advisory limit. The Highways Development control manager has assessed their traffic count/speed survey data and concerns.

7.32 The Highway Development Control Manager considers in terms of the generation of vehicle movements it is wrong to assume that there will

be two cars associated with every new and existing property and that this will lead to 170 vehicle movements. The developer accessed the TRIC's database of traffic surveys, a recognised source of traffic data, which provides the evidence base for the submitted Transport Assessment. The Transport Assessment sets out the anticipated hourly vehicle movements associated with the proposed development as an average daily total of 5.324 trips per property. This also includes anticipated flows for the worst case scenario based on the maximum traffic generation of the proposed development with peak flows on the highway which was identified to be the 17.00-18.00 period. BRAND are concerned about the impact of additional traffic during the hours associated with school movements. The Construction Traffic Management Plan would enable control over deliveries and construction site traffic outside peak school traffic periods associated with pick-ups and drop offs.

- 7.33 BRAND have also questioned other aspects of the developer's Transport Assessment. They state that it fails to identify HGV movements, which is incorrect. The technical terminology used in a Transport Assessment refers to them as Passenger Car Unit (PCU's) which refers to both light and heavy goods vehicles and assumes a HGV is the equivalent of two light vehicles.
- 7.34 BRAND's traffic survey includes speed data. Speed surveys have not been submitted with the planning application by the applicant. The site is located within a 30mph zone, with a 20mph advisory for the school entrance. While it is acknowledged that all traffic will not adhere to the speed limit, the enforcement of this is for the police, as is the management of vehicles causing a danger or obstruction to the highway by parking. While the Council has powers to apply loading or waiting restrictions where necessary, this matter have been considered by the relevant department within the Council and it is not considered necessary to impose any restrictions in this instance.
- 7.35 A comparison of the results from the submitted BRAND traffic survey with the information provided by the applicants indicate similar levels of traffic flow on Bryn Road, showing it is a popular route but the levels of traffic flows are not considered exceptional. The Transport Assessment assesses the capacity of junctions using industry standard software adding traffic from the proposed development to existing flows with allowances for future traffic growth. The results show that the development will have an impact but the level of the impact would not be significant and the Highways and Development Control Manager raises no objection to the proposed development.
- 7.36 BRAND also refer to the fact that since the Transport Assessment was undertaken the doctor's surgery in Buckley has opened and this has increased the traffic along Bryn Road. Whilst it is acknowledged that some visitors to the surgery may use Bryn Road it is considered unlikely that additional traffic volumes will be significant. A Transport

Assessment was submitted in support of that development and did not identify any significant off site highway implications.

- 7.37 The Transport Assessment refers to a number of local amenities which are in close proximity to the site. Whilst it would be possible to walk to these facilities in reality it is considered that these facilities are likely to be accessed by the private car. However it is considered that any additional car trips are unlikely to have a significant impact on the operation of the highway network.
- 7.38 The nearest bus stops to the site are on Bryn Road near Cherry Drive, 300 metres from the site entrance and on Llewelyn Road. While the current level of bus services in the area and the location of bus stops is not ideal to serve the development, the provision of services is a commercial decision by the bus companies and this provision could increase if there are more potential service users. There are no shelters or raised boarding kerbs at these stops and therefore these facilities should be improved as part of this development. The Transport Assessment fails to recognise all of the bus services available in the area or mention the train stations at Buckley (3 miles away) or Shotton. A condition would be imposed requiring a Residential Travel Plan to be submitted which would need to make reference to all public transport options available to residents.
- 7.39 It is proposed to create a pedestrian/cycleway adjacent to the proposed open space connecting the site to the existing residential development in Llys y Graig. However Llys y Graig is a private drive at this point and is not adopted highway or within the control of the developer, therefore unless there is third party agreement to this linkage it is unlikely to come forward. This link would provide existing residents access to the new open space and would link the two developments, however without it the majority of travel distances would not be significantly increased and the sustainability of the site is not significantly comprised.
- 7.40 A new footway is to be provided linking the existing footpath on Bryn Road opposite the Argoed School, to the Buckley Common as part of a Welsh Governments 'Safe Routes in Communities' grant funded scheme. The funding for this has been secured by the Council and a tender process is currently under way to implement the scheme and it is expected to be delivered within the current financial year. Bloor Homes have offered to provide a Unilateral Undertaking to pay a contribution of £27,000 towards the proposed footpath improvements along Bryn Road, however this is not a planning or highways requirement and is not something that should be considered in the planning balance.

- 7.41 The development provides 115 car parking spaces and 27 garages of which 18 are detached and 9 integral. This provides adequate parking in associated with the Council's maximum parking standards as set out in Policy AC18.
- 7.42 Landscape and Visual Impacts
In light of the UDP Inspector's comments on the site the application was accompanied by a Landscape and Visual Impact Assessment (LVIA) undertaken by TPM Landscape. The site has also been designed to reduce the impact on the landscape with this being a key factor in the design of the development. The site is 3 hectares and with the open space and sustainable drainage area the site is developed at 20 dwellings per hectare. This is therefore low density development.
- 7.43 The submitted LVIA has been reviewed for the Council by an independent Landscape Architect who considered that the approach taken is acceptable and follows current guidance.
- 7.44 The LVIA used an immediate study area of 1km extending to a limit of 5km which is considered adequate for residential development of this nature. This included assessments of the impact of the development from a range of viewpoints from both publically accessible locations and views from residential properties. There is a 15 metre difference in levels across the site. At the request of the Council's consultant a number of cross sections were submitted to show the proposed development in relation to the existing residential edge.
- 7.45 The LVIA was undertaken in September 2013 when the trees were in full leaf and did not therefore represent the worst case. The Council's appointed Landscape Architect visited the site, viewpoints in the LVIA, public footpath to the west and several locations to the residential edge including two rear gardens in February 2015 when the trees were not in leaf and hedges were trimmed. The Council's consultant considered that the eight viewpoints were a representative range of types and distances.
- 7.46 The LVIA includes a detailed character appraisal of the site in the context of the wider landscape and makes reference to the LANDMAP data. It falls within aspect area FLNTV S009 which relates to countryside on the edge of urban development where both unattractive and attractive elements are a feature and which has human settlement and activity which reduces the tranquillity of the landscape. The landscape in the vicinity of the site is assessed as ordinary landscape quality of low to moderate landscape value. The site has no landscape designations nor is it likely to have an effect on any designations such as the AONB to the west.

- 7.47 The visual summary concludes that the visual envelope of the site is quite limited and the only high visual impact would be for residents directly adjacent to the site. The visual effects would be substantial for properties on the edge of the site. The visual summary concludes that the other close views from the nearby public footpath are filtered by trees and would be less visible and obtrusive than the apartments to the ridgeline at Llys y Graig. The Council's consultant agreed with this view however she did not agree that any mid/longer distant views would be heavily filtered with urbanising elements such as electricity pylons and the apartments on the ridge line. She considered that the site is clearly visible below the ridgeline from land to the north east as it slopes in this direction from parts of Pinfold Lane and Buckley Common. No consideration has been given to the effect of lighting.
- 7.48 It is considered by the Council's consultant that the proposed planting to the site boundaries will mitigate any potential views of the site from the north and east. The topography, existing development and vegetation of the general area considerably restricts potential views of the proposed development.
- 7.49 The significant visual effects would be the loss of visual amenity and views from the existing residential properties to the south, however it is considered that the additional structural landscaping now proposed mitigates these impacts.
- 7.50 While the Council's Landscape consultant stated that she can understand the Inspector's concerns when looking at the proposals in plan form as it does appear to protrude into the rural area and the topography would potentially make the development visible from the north and north east. However due to the presence of the prominent apartments at Llys y Craig, any new two storey development would have less impact than the existing built form when viewed from the north. The rural boundaries of the site are well enclosed and when reinforced will help screen the proposed development without any unacceptable incursion into the rural area. The adjacent land to west which is within the green barrier provides a strong boundary to the west.
- 7.51 The Council's Landscape Consultant concluded that although the effects would be slightly greater in the winter months than assessed in the LVIA, she is satisfied that the site could accommodate new development with low landscape and visual impact to the open countryside due to the mitigation proposed.
- 7.52 Trees
The proposed layout does retain all the significant trees on the site. The only trees proposed to be removed are small insignificant groups of young trees to gain access to the site. During the course of the application the Council's Arboricultural Officer has visited the site and is in the process of serving a Tree Preservation Order on the 8 mature

oak trees along the site's north western boundary. This will ensure this existing vegetation cover remains on this boundary which provides screening from the open countryside to the north.

7.53 Foul Drainage

Residents have raised concerns about the capacity of the foul drainage network in the area to accommodate flows from the development. Welsh Water consider that foul flows from this site can be accommodated on the network subject to the connection being at Manhole SJ26641801 and the developer funding an upgrade to the Park Issa sewage pumping station. This pumping station was designed to take flows from a much larger catchment area that it is currently dealing with and therefore has the ability to accommodate this development subject to the upgrading of the pumps. Welsh Water have agreed with Bloor Homes the scale and nature of the proposed work to the pumping station which would take 5 months to complete. This would be secured through a Grampian condition.

7.54 Surface Water

A Flood Consequences Assessment was submitted with the application. In terms of the TAN15 Development Advice Maps the site is within Zone A which is land deemed to be at the least risk of flooding. Surface water is going to be dealt with by a sustainable drainage system and there is a proposed SUDS pond in the northern corner making use of the natural land levels. This will then drain into the boundary watercourse system to the north. Flows from the development will be limited to existing greenfield rates into the ditch system. Natural Resources Wales have requested a condition to this effect.

7.55 Affordable Housing

The proposed layout provides for 30% affordable housing constituting 18 properties of which 14 are two bed properties and 4 are three bed properties. These would be made available on a shared equity basis sold at 70% market value with the 30% share retained by the Council. These would be sold to designated persons who qualify for the purchase of the units in terms of having a local connection and meeting other qualifying criteria as set out in the affordable housing statement. The Head of Housing Strategy is satisfied with the submitted level of provision and mix of dwellings types.

7.56 Open Space

The layout has been designed to minimise the impact on the landscape with a number of areas of open space of varying types, this equates to 6,128m² inclusive of the SUDS attenuation area. There is a proposed equipped play area to the western boundary of the site adjacent to the existing residential development with a proposed footpath/cycle link between the two developments. This area equates to 993m². There are also areas of informal open space within the development to reduce the impact on the landscape. These take the

form of wide margins between houses and the internal roads and are 452m², 815m² and 568m² respectively. The SUDS area would not take the form of a formal pond but a wet area depending on rainfall. This area is 3330m², 1420m² which would be dry and suitable space for informal play and kickabout space and 1880m² which would be the SUDS area but would remain unfenced.

7.57 This provides for 4248m² of formal and informal public open space. These areas would not be adopted by the Council but would be managed by a Management Company. The Council would consider the adoption of the equipped play area subject to it being equipped in accordance with the Councils standards and subject to maintenance payment. It is considered that the level of open space is therefore sufficient.

7.58 Ecology

An Ecological Report was submitted with the planning application undertaken by TEP which covers the habitat features and potential protected species issues. The site is approximately 1km from the Deeside and Buckley Newt SAC and over 500 metres from the nearest pond. The application site is a horse grazed pasture of limited ecological value with hedgerows and trees on 3 boundaries. The hedges are predominately hawthorn with holly, blackthorn, hazel and oak trees. There are the key features of the site and need to be retained and enhanced through future management. These offer foraging habitat for bats and are identified to have roosting potential. There trees are proposed to be retained, however if any work is required to be carried out to the trees for Health and Safety reasons then a more detailed survey of the trees will be required as recommended through the ecological report. This can be dealt with by condition.

7.59 A low level lighting scheme is recommend within the ecological report during both construction and post development is advised to ensure that the hedgerows remain as dark corridors. Any clearance works related to the removal of hedgerow for the access should be undertaken within the bird breeding season.

8.00 CONCLUSION

8.01 The basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations deem otherwise. In this instance it is considered the need for a 5 year land supply is a material consideration which outweighs the fact the site is outside the settlement boundary and is a departure from the development plan. Furthermore the site is considered to be sustainable, viable and deliverable in order to come forward within the next 5 years to meet the supply. The matter of the upgrade to the foul pumping station has been costed out and the applicant is willing to undertake this work. This has been estimated to

take 5 months to complete and would be a prior to occupation requirement for the completion of the works, therefore this would not delay the implementation of the site.

In order to ensure that the site comes forward to meet the current shortfall a 2 year planning permission is proposed with a requirement for a phasing plan to ensure that the site is delivered in the short term

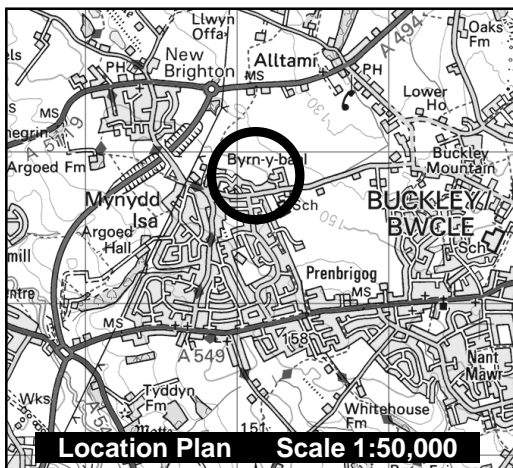
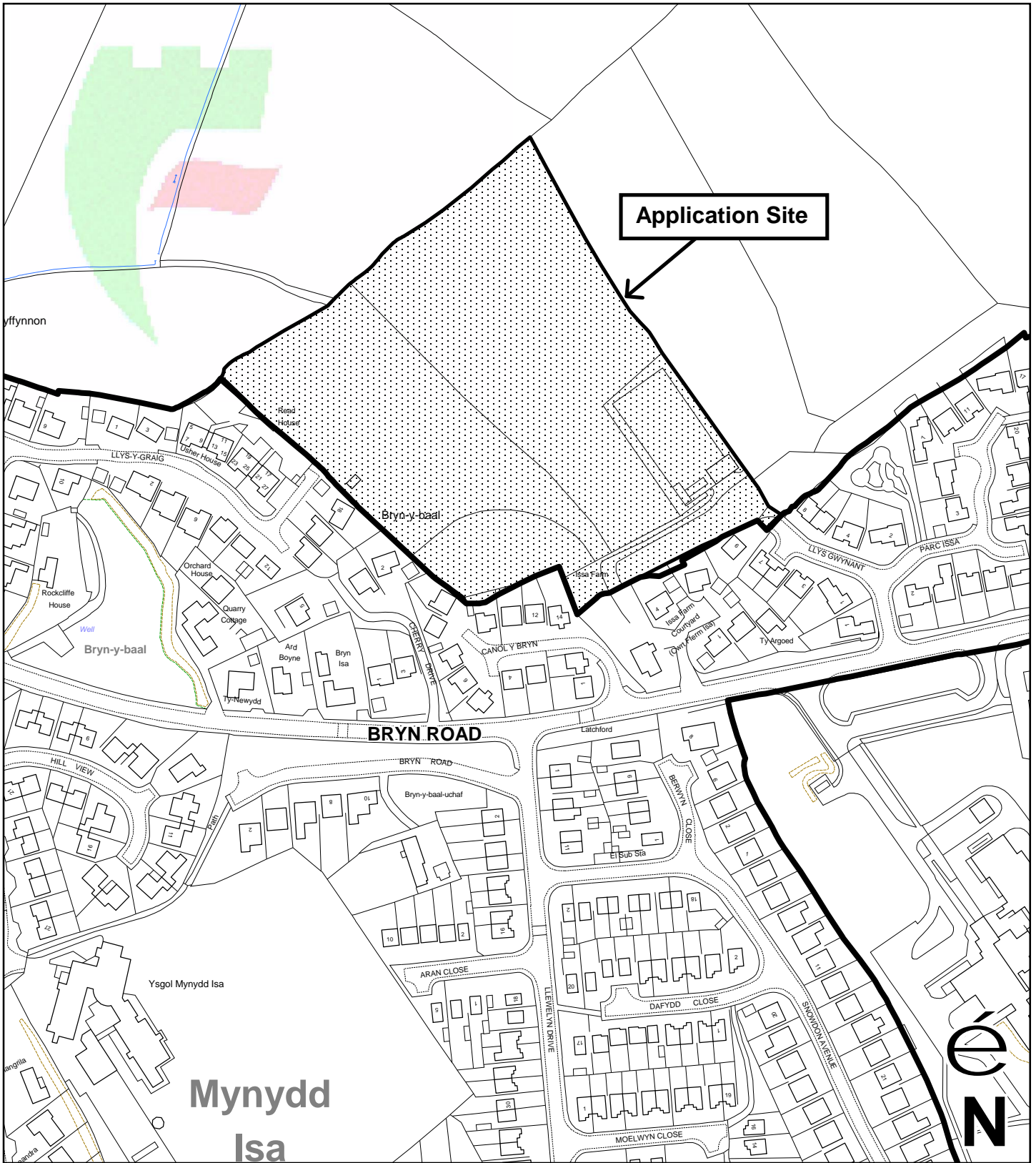
Although this application is a departure from the development plan and has been advertised as such, it would not need to be referred to Welsh Government under The Town and Country (Notification) (Wales) Direction 2012. The Direction requires local planning authorities to refer applications for 'significant residential development' where they are minded to grant planning permission for residential development of more than 150 residential units, or residential development on more than 6 hectares of land, which is not in accordance with one or more provisions of the development plan in force. The application does not fall within this definition.

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: Emma Hancock
Telephone: 01352 703254
Email: emma.hancock@flintshire.gov.uk



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

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2664

Planning Application **53208**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9th SEPTEMBER 2015**

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

SUBJECT: **EXTENSION OF THE EXISTING WASTE MANAGEMENT SITE TOGETHER WITH THE RETENTION OF A NEW WASTE TRANSFER BUILDING AND ERECTION OF PRODUCT STORAGE BAYS, RETENTION OF A NEW WEIGHBRIDGE AND RETENTION OF A BUILDING TO PROVIDE OFFICE ACCOMMODATION AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE.**

APPLICATION NUMBER: **052359**

APPLICANT: **THORNCLIFFE BUILDING SUPPLIES LTD**

SITE: **FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE, DEESIDE, FLINTSHIRE**

APPLICATION VALID DATE: **13/10/2014**

LOCAL MEMBERS: **COUNCILLOR CAROL ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY MOUNTAIN**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This proposal is for the extension of an existing waste management site. The proposal is retrospective as the Applicant has already erected weighbridges, an office and the transfer building. The majority

of the proposal site is located within the Ewloe Barns Industrial Estate, with an area of approximately 1ha extending to the south of the existing industrial estate on land which is unallocated for any particular use within the Flintshire Unitary Development Plan.

1.02 The Applicant proposes to manage up to 75,000 tonnes of waste per annum, including mixed municipal wastes, commercial and industrial wastes and inert wastes. The non-hazardous wastes would be managed within the proposed waste transfer building and inert wastes would be managed in the open air, as they currently are within the existing waste management facility.

1.03 Subject to the inclusion of conditions to secure landscaping, mitigation for protected species, highway controls and amenity controls, the proposal is considered acceptable, in line with policies of the adopted Flintshire Unitary Development Plan.

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

- 2.01
1. Commencement
 2. Condition restricting the use of the site
 3. Tonnage restriction
 4. Contaminated land
 5. Protected species
 6. Biosecurity
 7. Hours of operation
 8. Landscape
 9. Highways
 10. Wheel wash
 11. Colour of building
 12. Height of stockpiles
 13. Dust
 14. Noise
 15. Lighting

3.00 CONSULTATIONS

3.01 Local Member:

Request that the application be referred to Planning Committee due to the size of the development and the impact on neighbouring properties. For the same reasons a site visit is also requested. Raises concerns regarding access and egress. Identifies dust on the road as bad during dry weather and notes the absence of controls proposed within the application. Request that Hawarden Community Council are consulted on extended operating hours due to the impact on those living nearby.

- 3.02 Buckley Town Council:
The Council was advised that a site visit had been requested, the Council confirmed its support for this request.
- 3.03 Note that the applicant has been operating outside the site boundary. The additional opening times may adversely impact on residents. The access and egress creates a problem with regard to the speed of vehicles in both directions. Reaffirm the need for a site visit and Committee determination.
- 3.04 Hawarden Community Council:
The Council object to the extension of this site because of the potential for increased noise, dust, traffic and impact on the quality of life of local residents.
- 3.05 Reiterate their objection due to the potential for increased noise, dust, traffic and impact on the quality of life for local residents.
- 3.06 Head of Assets and Transportation:
Initially requested further information regarding existing traffic generation including size of vehicles, turnover of waste at the site, more details regarding trip generation. Information regarding traffic accident data is also being compiled. Following the submission of additional supporting information confirm no objection to the proposal.
- 3.07 Head of Public Protection:
Request the inclusion of conditions to control noise and hours of operation.
- 3.08 Welsh Water/Dwr Cymru:
No objection subject to the inclusion of conditions to ensure the development does not overload the sewerage system.
- 3.09 Natural Resources Wales:
No objection subject to the inclusion of conditions to address protected species and contamination.
- 3.10 Airbus:
No objection
- 3.11 North Wales Trunk Road Agency:
Initially issued a Direction requesting the submission of further information prior to determination. Following the submission of additional information advise the inclusion of conditions to limit the number of vehicle movements at the site and to secure the provision of wheel wash facilities.
- 3.12 Ecologist:
No objection subject to the inclusion of conditions to ensure no detrimental impact on the adjacent SAC.

3.13 Landscape and trees:
No objection subject to the inclusion of conditions to secure additional landscaping and to ensure retention of existing landscaping along the eastern boundary of the site.

3.14 Drainage:
No objection subject to the inclusion of conditions to secure additional information regarding drainage within the site.

4.00 PUBLICITY

4.01 Press Notice, Site Notice
Response to publicity:

One objection received which raised the following concerns:

- Impact on residential amenity
- Visual impact of the proposals – views from the south and east are not obscured by topography and mature trees. Further screening and landscaping should be required by condition.
- Dust
- Need for noise limits
- Availability of alternative sites
- Lighting
- Height of stockpiles
- Requests a number of conditions to address the points above if the LPA is minded to grant planning permission.

5.00 SITE HISTORY

5.01 There are a number of planning permissions on the adjacent site for waste management. The most relevant are outlined below:

038502

Change of use from vacant industrial to skip hire yard/extension of existing waste transfer and recycling facility and associated building works (partly in retrospect).

044048

Single storey office building to existing weighbridge

170822

On-going enforcement investigation regarding unauthorised works. The Applicant has commenced the proposed development in advance of a determination.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
GEN 1: General Requirements for Development

GEN 2: Development inside Settlement Boundaries
D3: Landscaping
D4: Outdoor lighting
WB1: Species Protection
WB2: Sites of International Importance
WB3: Statutory Sites of National Importance
AC7: Protection of Disused Railway Lines
AC13: Access and Traffic Impact
EM3: Development Zones and Principal Employment Areas
EM5: Expansion of existing concerns
EM7: Bad Neighbour Industry
EWP6: Areas of Search for New Waste Management Facilities
EWP7: Managing Waste Sustainably
EWP8: Control of Waste Development and Operations
EWP11: Development on or Adjacent to landfill sites

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 21: Waste (2014)

Planning Policy Wales Edition 7 (July 2014)

7.00 PLANNING APPRAISAL

- 7.01 The site is located partly within the Ewloe Barns Industrial Estate, which is accessed from the A494 trunk road. The site itself is accessed via a private road which serves a number of units on the industrial estate and lies between the industrial estate and the now closed Brookhill landfill site. This area has been affected by infilling being the location of a former brickworks. Clay was extracted within this area and the remaining depressions infilled.
- 7.02 The proposal site is adjacent to an existing waste management business and would facilitate expansion of the existing site, enabling a greater volume of waste to be managed at the site. The site is currently permitted to manage up to 75,000 tonnes per annum but has typically managed much less than this, with 27,300 tonnes of waste brought into the site in 2013 and a recorded maximum of 32,255 tonnes in 2010. The Applicant has advised that waste received at the site in 2014 totalled 53,600 tonnes. NRW has not yet published data for 2014.
- 7.03 The proposal is partly retrospective, and includes the retention of a waste transfer building which measures 10m to the eaves, and 13.55m to the top of the ridge, 26.5m x 35m in width and length respectively. The building has been partly constructed using steel portal frames with steel Kingspan cladding to the sides, rear and roof. The building would be open fronted and contain a 5m high concrete push wall. Two weighbridges and an office weighbridge building have also been erected at the entrance to the existing site. The office

measures 6.32m in height, 12.26m in length and 6.26m in width with an electric store measuring 2.2m in height, 3.78m in length and 6.26m in width. Both the office building and the electricity store are brick built with concrete roofing tiles. The office has UPVC double glazing. Two weighbridges have been erected adjacent to the office building and are raised slightly off the ground, extending just beyond the length of the office and electricity station.

- 7.04 The boundary of the existing site would extend to the south, and be used for the storage and treatment of non-hazardous inert, excavation and aggregate wastes. The southern part of the proposal site rises up by up by approximately 4m in places. An area of concrete hardstanding with sealed drainage is proposed within the areas where non-hazardous wastes would be managed. Surface water would be managed using rainwater harvesting tanks. Permeable hardstanding is proposed within the areas which the inert wastes would be managed. No change in existing floor levels are proposed.
- 7.05 The sorting and treatment of mixed wastes would take place in the building, as is currently taking place within the existing waste transfer building on a concrete base. Plant which would be used at the site would include vehicles for the sorting, loading and unloading of waste/product, a crusher and screen and a water bowser for dust suppression. The vehicles to be used would be similar to those already used on site.
- 7.06 Concrete storage bays would also be erected with a concrete base with sealed drainage for the storage of green waste and wood waste. Steel pallisade fencing is proposed. Mitigation for great crested newts is proposed to the south of the application site, outside the planning application boundary but on land within the Applicant's control. The Applicant has also commenced waste management operations within the site and is storing soils, wood waste and skips. Hours of operation proposed are 07:00 – 18:00 Monday to Saturday, including Bank Holidays, except Christmas Day.
- 7.07 Principle
The proposal site is located partly within an employment area allocated under policy EM3. Policy EM 3 supports B1, B2 and B8 uses subject to a number of tests. The Ewloe Barns Industrial Estate is identified as an Area of Search for waste management under policy EWP 6 and is directly adjacent to an existing waste management facility operated by the Applicant.
- 7.08 The southern part of the proposal lies outside of the development boundary and is not allocated for any particular use within the UDP. Policy EM5 supports the expansion of existing concerns subject to a number of detailed tests, including that the proposed extension is subsidiary to the existing operations. The area proposed which lies outside any allocation is relatively small compared with the overall

operations which lie within the employment allocation.

7.09 Policy EM5 also requires that the development is in keeping with both the site and its surroundings and any new site boundary is logical, utilising existing features or incorporating suitable boundary treatments. The existing industrial estate is relatively well assimilated into the surrounding landscape as it is relatively flat and well screened by mature trees and vegetation. The boundary of the industrial estate is well defined to the south by a change in topography. The Applicant proposes some landscaping to the south and further landscaping could be secured by condition.

7.10 Amenity

The proposal site is located on the edge of an existing industrial estate. The nearest residential properties are located approximately 200m to the north of the proposal site, separated from the site by the A494 and the industrial estate. There are also a small number of isolated properties along Pinfold Lane which lie just over 200m from the proposal site.

7.11 There are a number of UDP policies which necessitate consideration of the impact of a proposal of this nature on residential amenity, including GEN1 (d), EM3 (iii), EM7(iv), EWP8(b). Policies GEN 1 and EM3 state that there should be no significant adverse impact on the amenity of nearby residents and other users of the land through increased activity, disturbance, noise, dust or adverse effects of pollution, while policy EWP8, supports proposals which do not detrimentally affect the health and amenity of neighbouring land users.

7.12 An objection received in relation to this proposal raises issues relating to residential amenity from noise and the release of dust from existing operations, light intrusion, and visual impact. The objector makes reference to complaints made to the Local Planning Authority in respect of activities on the site. Monitoring was undertaken by Pollution Control Officers who concluded that no statutory nuisance had been caused. Although the development is not causing a statutory nuisance, the Local Planning Authority have been liaising with Natural Resources on this matter since a number of complaints have been received in respect of the existing site.

7.13 Dust

The site is set at some distance from the nearest residential properties and it is considered possible to limit dust through good site management. The proposal site would be regulated by Natural Resources Wales via an Environmental Permit, as the existing site is, and which would address matters such as dust control. However, the Permit may not include all elements of the proposed activities on the site and it is therefore considered necessary to ensure that dust is adequately controlled on site through the use of an appropriately worded condition. The Applicant has proposed a series of dust control

and monitoring measures which would help minimise the release of dust if implemented.

7.14 Noise

Although the site is set at some distance from the nearest residential properties it is considered noise could potentially become a nuisance due to the types of machinery and the nature of the activities that would take place on the site. There are noise conditions attached to planning permission reference 038502 which limit noise levels arising from the site at the nearest residential properties, as well as a condition restricting hours of operation.

7.15 During the operational phase, noise is a matter which would be regulated by NRW. The Environmental Health Officer did not object to the proposal subject to the inclusion of conditions to address noise and to control the hours of operation.

7.16 Visual amenity

The proposal site is located well away from residential properties and whilst distant views of the site may be possible from residential properties along Liverpool road and Smithy Lane, any impact is not considered sufficient to cause significant harm to residential amenity.

7.17 Views from Pinfold Lane are restricted due to topography and existing vegetation which provides a natural visual barrier between the proposal site residential properties. Any visual impact is considered to be relatively minor and unlikely to harm the amenity of local residents. Stockpiles of materials within the site and the transfer building are considered likely to be the most intrusive elements of the proposed development. In order to minimise the visual impact of the transfer building it is recommended that a condition is included restricting the colour of the cladding to be used in its construction, including the roof. In order to minimise the visual impact of stockpiles of waste material it is recommended that an overall height limit is secured by condition.

7.18 Highways

The proposal site would be accessed from the A494 Trunk Road via a private road within the Ewloe Barns Industrial Estate. The private road is partly hard surfaced up to and just beyond the access of the existing waste management facility. The remainder of the road is not hard surfaced and currently serves the proposal site and two units. The lack of hard surfacing along this part of the private road has the potential to cause vehicles using this road to track mud and debris along the remainder of the private road and onto the highway. It is proposed that any deposit of mud and/or debris within the internal road would be cleared using a sweeper vehicle or other similar arrangement.

7.19 The existing site managed approximately 53,600 tonnes in 2014 and generated approximately 61 vehicle movements per day. This is

predicted to increase by approximately 24 vehicles per day, as a result of the proposed extension, which the Applicant has demonstrated would be less than the vehicle movements which could be generated by a B8 use on the site without recourse to planning. The Welsh Government have not objected but have advised that a condition should be imposed to limit the total number of vehicle movements to 208 per day. Wheel wash facilities are also requested. Additionally, in Officer's view it is considered necessary to limit the tonnage of waste that can be managed at the site on an annual basis to 75,000tpa.

7.20 Ecology

The proposal site is located close to the boundaries of the Buckley Claypits and Commons Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sites Special Area of Conservation (SAC). These sites support a nationally important population of great crested newt (*Triturus cristatus*); and in the case of the SSSI, an assemblage of the amphibian species. The proposal would involve the extension of the waste management operations onto land which was formally used as a landfill which has been restored and which could provide terrestrial habitat for newts. The proposal also involves the extension of waste management operations into land which forms part of a disused railway line. Policy AC7 aims to secure the protection of disused railway corridors where there is a reasonable prospect of the function of the line as a wildlife corridor. Much of the railway line is already occupied by the Ewloe Barns industrial estate, although a line of trees to the east of the estate helps to screen the estate to views from the east and which also has the potential to act as a wildlife corridor.

7.21 Since the application was submitted the Applicant has amended the red line boundary to include an additional area of land to the south of the proposal site, adjacent to the SAC. Neither the County Ecologist nor NRW has objected to the proposed boundary change subject to the inclusion of conditions.

7.22 All works are in close proximity to ponds with known GCN records and the land adjacent to the application site represents good amphibian terrestrial habitat, the existing hedgerows that border the western and eastern boundaries of the site are particularly important as wildlife corridors.

7.23 With regards to the Habitat Regulation Assessment any likely significant effects can be overcome providing appropriate reasonable avoidance measures and a mitigation scheme are undertaken. Mitigation is proposed, however, it is recommended that conditions are imposed to secure the implementation of such mitigation and to ensure the necessary detail is submitted.

7.24 Landscape

The proposal site lies on the southern boundary of an established

industrial estate. To the south of the site is Brookhill landfill and to the north of the estate, bisected by the A494 lies Parry's Quarry which has planning permission for landfill. The estate itself has a number of industrial style buildings with metal cladding which are in keeping with the buildings proposed under this planning application.

- 7.25 Views into the site are severely restricted from the west and south due to topography and existing vegetation. Views into the site from the east are screened by mature trees along the former railway line. Views into the general site and adjacent businesses and the proposed transfer building are possible from east-bound traffic using the A494(T).
- 7.26 The southern part of the site rises up sharply up to 10m above the existing site. Activities on this part of the site have the potential to be more visually intrusive, particularly if materials are stockpiled a number of metres high. It is stated within the application that stockpiles of material would be restricted to 5m in height. In order to minimise the visual impact of the proposal it is recommended that a condition is included to limit stockpile height across the site.
- 7.27 Drainage
Policy GEN 1 (i) seeks to ensure that proposals are not susceptible to or result in problems related to drainage, either on-site or off-site.
- 7.28 The proposal would involve the installation of an area of concrete hardstanding with sealed drainage for the management of non-hazardous wastes, as would be required by a permit, to ensure that any leachate produced would not be released into the environment. The remainder of the site would be laid with a permeable hardstanding for the management of inert wastes and soils. The proposal would also involve the erection of a waste transfer building. Collectively, the proposal would increase the rate of surface water run-off. It is proposed that surface water would be directed towards an existing underground pipe outlet.
- 7.29 Since the application was submitted the Applicant has submitted further information in respect of drainage including the use of attenuation tanks. Further information is considered necessary with respect to drainage, however, it is considered that this can be secured via condition.
- 7.30 Contaminated Land
Policy GEN 1 (i) states that development should not be susceptible to problems related to contamination. Policy EWP 14 supports the reclamation and reuse of contaminated land subject to a number of detailed tests, to ensure that appropriate measures are taken to deal with any contamination which exists on the site and to ensure that no residual risk remains on site for future receptors.

7.31 The site was originally the location of the Ewloe barn Brickworks and has previously been used for inert landfill. Contamination is therefore strongly suspected at the site and as such both the Contaminated Land Officer and Natural Resources Wales recommended that contaminated land is further investigated at the site. The Applicant has submitted further information in respect of contaminated land and the Contaminated Land Officer has confirmed, from a health perspective, sufficient information has been provided. NRW have advised that further information is required in respect of controlled waters, which are of high environmental sensitivity in this location, and this should be secured via condition.

7.32 In order to ensure that issues relating to contamination are fully addressed a number of conditions are recommended.

7.33 Environmental Impact Assessment

The Applicant requested a screening opinion, application number 052035, which concluded that the proposal would not give rise to significant adverse effects on the environment and that therefore an Environmental Impact Assessment was not required. There are no national or international ecological designations covering the site, though Buckley Claypits and Commons SSSI and Deeside and Buckley Newt sites SAC are located to the south of the site. Due to the proximity of the proposal site to the SAC and SSSI the views of Natural Resources Wales (NRW) and the County Ecologist were sought. NRW confirmed that they did not consider an EIA is required in this instance but they advised that mitigation would be necessary which can be secured by condition and/or legal agreement.

8.00 CONCLUSION

8.01 The proposal would involve the extension of an existing waste management site, which would allow waste to be managed in a sustainable way, diverting it from landfill and maximising recovery, in line with Technical Advice Note 21. The proposal has the potential to impact on protected species, residential amenity, highway safety, landscape, and contaminated land, however, as discussed in the body of the report above, it is considered these matters can be satisfactorily addressed through the use of appropriately worded conditions.

8.02 Subject to the inclusion of conditions to address the matters identified above, the proposal is considered acceptable, in line with policies of the adopted Flintshire Unitary Development Plan.

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

LIST OF BACKGROUND DOCUMENTS

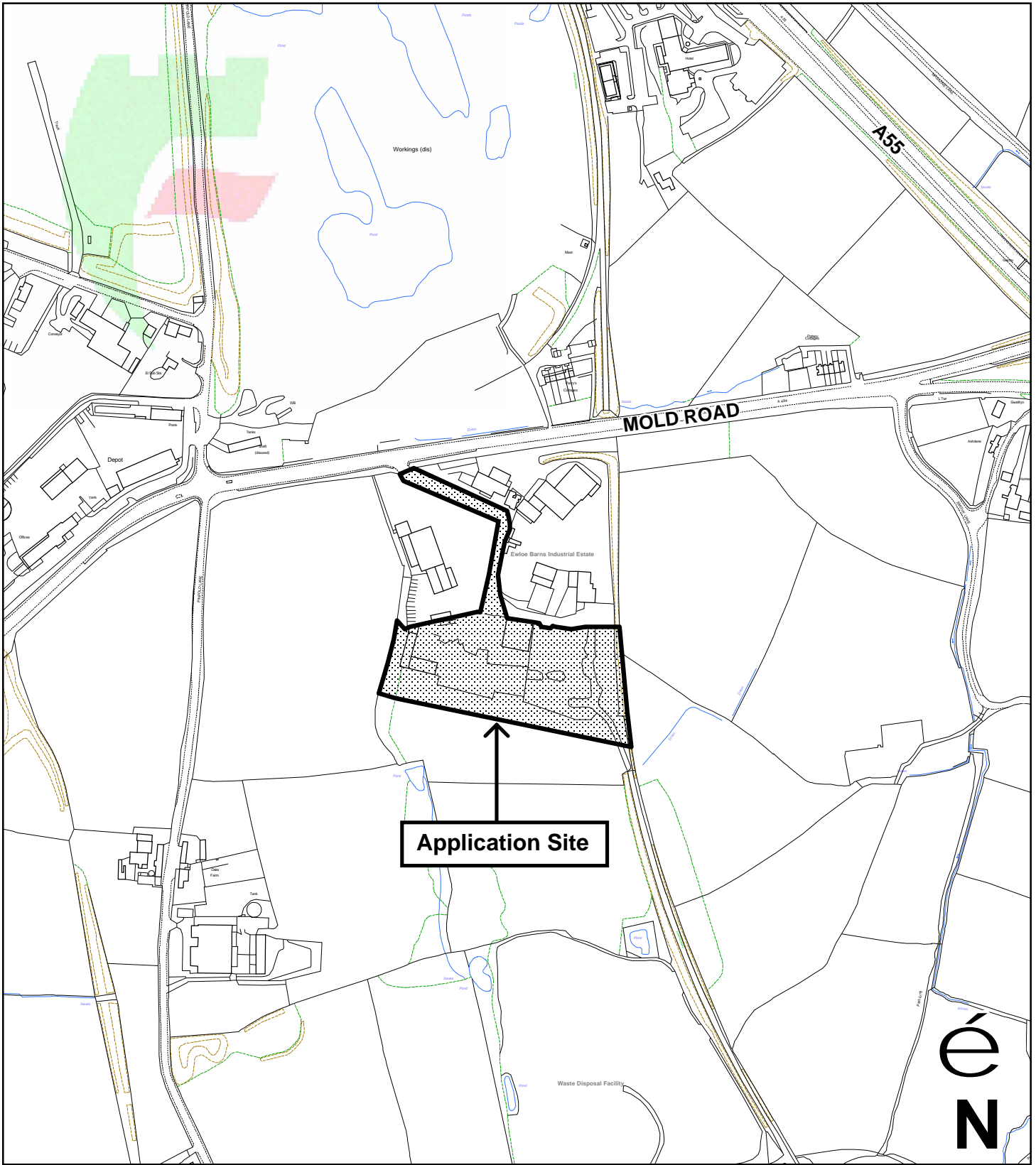
Planning Application & Supporting Documents

National & Local Planning Policy

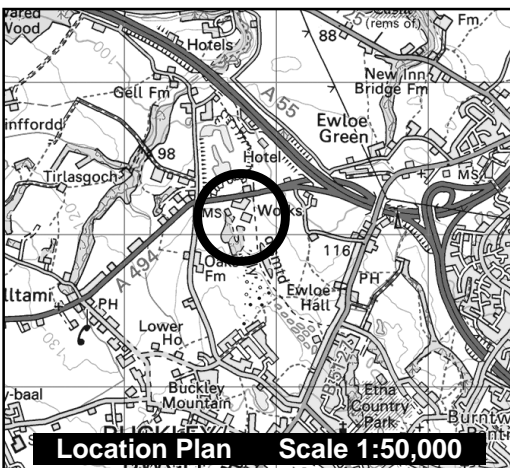
Responses to Consultation

Responses to Publicity

Contact Officer: Martha Savage
Telephone: (01352) 703298
Email: Martha.savage@flintshire.gov.uk

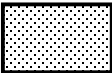



Application Site



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 2766
Planning Application	52359

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH SEPTEMBER 2015**

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

SUBJECT: **OUTLINE APPLICATION – ERECTION OF 19 DWELLINGS AT TY CARREG, STRYT ISA, HOPE**

APPLICATION NUMBER: **053445**

APPLICANT: **MS. J. GLENDENNING**

SITE: **TY CARREG, STRYT ISA, HOPE**

APPLICATION VALID DATE: **29TH MAY 2015**

LOCAL MEMBERS: **COUNCILLOR T. NEWHOUSE**

TOWN/COMMUNITY COUNCIL: **HOPE COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **THE SCALE OF THE PROPOSALS EXCEED THAT FOR WHICH POWER TO DETERMINE IS DELEGATED TO THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application is submitted in outline only, with matters of detail Reserved for subsequent consideration with the exception of access and scale, details of which are provided. The application seeks to establish, via a planning permission, the principle of the development of this allocated site for residential development.
- 1.02 Whilst some matters are Reserved, the applicant has provided and indicative series of drawings which suggest how the site could be developed Members are reminded that these details are purely illustrative.

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

2.01 That conditional permission be granted, subject to the applicant entering either into a Section 106 agreement, providing a unilateral undertaking or the making of an advance payment which provides for the following;

1. Ensure the payment of a commuted sum equivalent to £1100 per dwelling in lieu of on site play and recreation provisions. Such sum to be paid to be used as a contribution towards to provision of a wheeled sports facility at The Willows Recreation Ground, Hope. Such sum to be paid upon occupation of 50% of the approved dwellings.
2. Ensure the payment of a commuted sum of £55,407 which is required to provide specialist Art teaching accommodation at Castell Alyn High School. Such sum to be payable before the commencement of development.

2.02 Conditions

1. Outline - Time limit
2. Outline - Details of reserved matters
3. In accord with approved plans
4. Outline - Submission and approval of site levels
5. Garage fronts to be set 5.5 metres behind back edge of footway or 7.3 metres from edge of carriageway.
6. Gradient of access road to be a maximum of 1 in 15.
7. Submission of detailed siting, layout and design, means of traffic calming, surface water drainage, street lighting and construction of internal estate roads road prior to commencement.
8. Scheme for parking & turning facilities to be submitted & agreed.
9. Travel plan to be submitted prior to first occupation of any dwellings.
10. Scheme for positive means to prevent surface water run off on to Highway to be submitted and agreed.
11. No development until a construction traffic management plan is submitted and agreed.
12. Scheme for comprehensive integrated drainage system to be submitted and agreed.
13. Submission of Ecological Mitigation Strategy and Reasonable Avoidance Measures.
14. No tree works unless qualified ecologist present to ensure no adverse impacts upon nesting birds or roosting bats.
15. Materials and finish colours to be submitted and agreed.
16. Tree and hedgerow protection to be submitted, agreed and implemented prior to works commencement.

- 2.03 If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 is not completed within six months of the date of the committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor T. Newhouse
Requests committee determination.

Hope Community Council

No adverse comments. Draws attention to the volume of traffic which already exits from the Beeches onto Wrexham Road.

Highways DC

No objection to the proposals and requests the imposition of conditions.

Pollution Control Officer

No adverse comments.

Education - Capital Projects and Planning Unit (CPPU)

Advises that sufficient capacity exists in the local primary school (Ysgol Estyn) and therefore no contribution is sought in this respect.

Advises that the local Secondary School affected by the proposals would be Castell Alun High School which is already over capacity. (See Section 7.31 – 7.40 for more details on this issue.)

Public Open Spaces Manager

Advises that an on site play facility would not be required. Advises that a commuted sum of £1100 per dwelling should be sought to contribute to the provision of recreational facilities within the locality. (See Section 7.28 – 7.30 for specifics)

Natural Resources Wales

No objection subject to the imposition of conditions.

Dwr Cymru/Welsh Water

No adverse comments. Requests the imposition of conditions.

Wales & West Utilities

No adverse comments.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site, notice and neighbour notification letters. At the time of writing this report, 50No. letters have been received in response raising objections on the following grounds;

- Increased traffic will adversely affect highway safety;
- Proposals rely on a single inadequate point of access to wider highway network;
- Existing highway infrastructure is inadequate to accommodate more traffic;
- Adverse impacts upon residential amenity arising from layout;
- Adverse impacts upon pedestrian safety;
- Adverse impacts upon ecological features in the locality;
- Inadequate education infrastructure to accommodate proposals;
- Inadequate local healthcare infrastructure to accommodate proposals;
- Proposals for development of the site were refused during UDP process on basis of inadequate access;
- Overdevelopment; and
- Issues associated with contamination from historical HGV parking.

5.00 SITE HISTORY

5.01 No previous site history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- | | | |
|--------------|---|--|
| Policy STR1 | - | New Development. |
| Policy STR4 | - | Housing. |
| Policy STR7 | - | Natural Environment. |
| Policy STR11 | - | Sport, Leisure & Recreation |
| Policy GEN1 | - | General Requirements for Development. |
| Policy GEN2 | - | Development Inside Settlement Boundaries. |
| Policy D1 | - | Design Quality, Location and Layout. |
| Policy WB1 | - | Species Protection |
| Policy TWH1 | - | Development Affecting Trees and Woodlands |
| Policy TWH2 | - | Protection of Hedgerows |
| Policy AC13 | - | Access and Traffic Impact. |
| Policy HSG3 | - | Housing on Unallocated sites within Settlement Boundaries. |
| Policy HSG8 | - | Density of development. |
| Policy SR5 | - | Play areas and new housing development. |

6.02 The above policies offer a general presumption in support of development proposals of this type upon sites within settlement boundaries. Accordingly, the proposals would comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This outline application proposes the development of this 0.72 hectare site for the purposes of residential development. Whilst the application is submitted in outline, matters in respect of access and scale are provided for consideration. Indicative details submitted suggest that the site could be developed for approximately 19 dwellings, together with the provision of an area of public open space and the formation of a new point of vehicular access from Almond Way to the south east of the site.

7.02 Site and Surroundings

The site comprises an area of undeveloped land within the settlement boundary of Hope as defined within the Flintshire Unitary Development Plan. The site has latterly been used for the grazing of horses and a former stable building is located upon the site.

7.03 The site bounded by existing residential development to the south and south east with boundaries formed by a combination of walls, fences and established hedgerows. Access is proposed via the boundary directly of the existing highway limits of Almond Way. The land to the north and east comprises further areas of undeveloped land. However, these areas are located outwith the settlement boundary and are therefore open countryside.

7.04 The site is bounded to the north east and north west by existing mature hedges, interspersed with mature trees. A belt of trees bisects the site on a north east – south west alignment, forming 2 broadly equivalently sized land parcels. The site is relatively flat on a north – south alignment with a fall from east to west, reflecting the surrounding landform.

7.05 Main Issues

The main issues for consideration are:

- The principle of development;
- Access & highway considerations;
- Design and impact upon amenity;
- Ecology and Trees;
- P.O.S and play provisions;
- Infrastructure impacts

- 7.06 The Principle of Development
The site is located within the settlement boundary of Hope which is defined as a Category B settlement within the adopted Flintshire Unitary Development Plan. Policy GEN2 identifies a presumption in favour of the development of such sites but identifies that in the case of unallocated 'windfall sites' there are limitation imposed via policy HSG3.
- 7.07 Policy HSG3 directs that upon unallocated sites within settlement boundaries, new housing development will be permitted in Category B settlements where it does not conflict with the planned housing provision for the County, as set out in the UDP, and does not conflict with Policy GEN1. Having regard to criteria b) of HSG3, growth within Hope stands at 10.3% (April 2014).
- 7.08 The bringing forward of such windfall sites is consistent with the strategic aims of the UDP and the UDP Inspector's conclusions in relation to housing, in that housing development should be primarily directed towards sustainable settlements such a Category B settlements. This is because there are a greater range of facilities, services and infrastructure within such settlements in the County.
- 7.09 Members are reminded that as this site located within the settlement boundary, albeit not allocated for residential development, the requirements of developers as set out in the Councils Developer Guidance Note : Speculative Housing Development Proposals, do not apply to this site.
- 7.10 Access and Highway Impact
Matters of access are not Reserved for future consideration in this application. The proposals provide for a single point of access to be derive from the northern end of Almond Way. Access is proposed via 5.5m wide carriageway with 2m footways on both sides.
- 7.11 Consultation has given rise to a large body of representations raising objection upon highway impact and access grounds. The objection cite that a previous application for the development of this site was refused planning permission upon such a basis. This is not factually correct. A planning application for the development of the site was not submitted.
- 7.12 Members will recall that this site previously formed part of a larger proposed housing allocation within the deposit draft UDP under policy HSG1(40). Members will equally recall that this initial allocation was reconsidered by the Council in the light of representations and a change proposed via PC 325 which deleted the allocation and removed almost all of the site from the settlement boundary. That part of the allocation retained, albeit it as vacant white land within the settlement boundary and not as a formal allocation, forms this application site. Members will equally recall that this land equates to

that area which was retained within the settlement boundary for Hope within the adopted Alyn and Deeside Local Plan.

- 7.13 The basis for Proposed Change PC 325 was that there were concerns relating to the adequacy of the vehicular access serving the proposed allocation. The inspector, in considering the proposed change, noted that:

'the existing estate road giving potential access to the site is not adopted. Furthermore, it would involve an overly long cul-de-sac and require a secondary means of access.'

- 7.14 It should be noted by Members that the Inspector ultimately accepted PC35 and the larger allocated site was withdrawn from the UDP and the settlement boundary drawn back to that which is indicated within the adopted UDP.

- 7.15 Since the consideration of these matters there has been a change of circumstances in relation to the status of the road network inasmuch as the estate roads have now been adopted.

- 7.16 Accordingly, the proposed development of this 0.65ha site stands to be considered upon its own merits in access terms and in the light of this change of circumstances. I am advised in response to consultation by Highways DC that the proposals are acceptable in highway and access terms, subject to the conditions set out in Paragraph 2.2 above. In coming to this view, a detailed Transport Statement was requested of the applicant and regard has been had to the contents of this statement. It is considered that the proposals would not have any material impact upon the operation or safety of the local highway network and both the access point onto the A550 and the A550 itself are both acceptable in terms of visibility and capacity to accommodate the proposed development.

- 7.17 Design and Amenity Considerations

The proposals provide details in respect of design, external appearance, scale and layout, notwithstanding that all of these issues (excepting scale of the overall development) are Reserved for future approval. The submitted design and access statement provides indications of the parameters of scale of the proposed dwellings and insofar as scale as (a Reserved Matter) is concerned, it is simply the development of the site for 19 dwellings which is sought to be established at this stage.

- 7.18 Bearing this in mind, the development of this 0.65 hectare site for 19 dwellings would equate to a density of development equivalent to 29.25 dwellings per hectare (d.p.h). I am satisfied, having regard to the advice within Policy HSG8, that the proposed scale of development is in accordance with the stated aim of development within Category B settlements seek to achieve 30 d.p.h.

- 7.19 The indicative layout suggests houses arranged around an adoptable road, turning head and private drives. The dwellings adjacent to the tree and hedgerow lined northern boundaries are set an appropriate distance from these trees. (See Section 7.23 – 7.27) For more details on this issue)
- 7.20 The indicative dwellings are of a form and scale reflective of the general vernacular in the area although I appreciate that the dwellings fronting Stryt Isa are of a larger footprint and set within much larger and spacious plots than those upon Almond way and the surrounding residential estate via which access is proposed to be derived. I therefore consider that the site should be read in the context of Almond Way and The Beeches and therefore conclude that the form and layout indicated would be acceptable in design terms. The indicative details of the dwellings suggest buildings of 2 and 2.5 storey form to be constructed of brick and render beneath slate or tile roofs, all of which is consistent with the local vernacular.
- 7.21 The site layout is in line with Council standards on space about dwellings/overlooking/privacy and is complimentary to the general character of the area which has a mixture of property types and styles.
- 7.22 Therefore the proposed development is considered acceptable in design and appearance terms subject to approval of precise details at Reserved Matters stage. The existing natural features to the site boundaries are generally retained and protected as part of the development scheme.
- 7.23 Ecology and Trees
The site boundaries are formed by a mixture of trees and hedgerows of generally good quality. Furthermore, the site is divided into its 2 field parcels by a further hedgerow interspersed with trees. These form strong defensible boundaries to the site and are important in both amenity and ecological terms.
- 7.24 Certain trees are indicated to be removed to facilitate the development, however they are lesser quality self seeded specimens. Equally, the route of the access and the proposed road seeks to exploit existing weak points within the hedgerows and avoid the obvious quality mature trees. The application is accompanied by a trees assessment which indicates that the quality of the trees and any works required as part of the development. I would propose to condition the works in accordance with this assessment. In addition, the tree protection zones identified will be required to be set out and fenced before any other site works occur.
- 7.25 Furthermore, the hedgerows and trees offer potential nesting and roosting sites for bats and birds. Accordingly I propose to condition that no works to any trees or hedgerows are undertaken without first a

qualified ecologist having investigated those trees upon which works are to be undertaken to establish that neither nesting birds nor bats are present. No work shall be undertaken until a report confirming the absence of either is submitted and agreed.

7.26 The hedgerows are a key ecological feature of the site, together with the ditch which runs alongside these hedgerows. Both are important and subsequent Reserved matters applications will be required to detail how these features are to be retained and incorporated into the eventual detailed scheme for the site. The remainder of the site is agricultural grassland which is species poor and of low ecological value.

7.27 The site does not lie within any designated sites for ecological value but there are records of Great Crested Newts within 500m of the site to the west and east. Whilst there are no suitable breeding habitats on the site and the land itself offers poor terrestrial habitat, the ditch system does offer potential for terrestrial and connection habitat. Accordingly, I propose to condition to submission of a scheme of Reasonable Avoidance Measures and mitigation to be submitted and agreed prior to the commencement of works.

7.28 Recreation and Play

The proposals provide an indication of on-site public open space intended for informal recreation and play. Consultations with the Public Open Spaces Manager has revealed that rather than formal provision within the site for play, a commuted sum should be sought to be utilised in connection with projects for play and recreation within the community.

7.29 The consultation has established that the sum requested should be used in connection with a project to establish a wheeled sports facility at the nearby Willows Recreation Grounds. In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.

7.30 Accordingly and in line with LGPN 13: Open Space Requirements, I recommend that a contribution equivalent to £1100 per dwelling is sought via a S.106 agreement to satisfy this requirement.

7.31 Other Infrastructure Implications

It has been suggested by third party responses to consultation that the settlement does not have sufficient capacity within the existing infrastructure to accommodate the proposed development of a further 19 dwellings. Specifically cited is the lack of capacity at local education and healthcare centres.

- 7.32 Members will be aware that applications of this type are the subject of consultation with the Capital Projects and Planning Unit within the Local Education Authority. This consultation has established, having regard to SPG23 : Developer Contributions to Education, the development would not give rise to any contribution requirement at primary school level as there is sufficient capacity within the school both currently and following this development (if approved).
- 7.33 Such capacity is not available at the nearest high school (Castell Alun). The current capacity of the school stands at 1240. There are presently 1359 pupils attending the school. The proposals would give rise to an additional 3 pupils. Accordingly, upon the application of the SPG23 guidance, a sum of £55,407 would be sought for educational purposes as a consequence of this development.
- 7.34 Members will recall from recent discussions in respect of this school and the implications of the effects of the CIL Regulations upon the ability of the Local Planning Authority to seek contributions via S.106 Agreements in respect of educational infrastructure in respect of this school.
- 7.35 The infrastructure and monetary contributions that can be required from the a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.
- 7.36 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests;
1. be necessary to make the development acceptable in planning terms;
 2. be directly related to the development; and
 3. be fairly and reasonably related in scale and kind to the development.
- 7.37 While the Authority does not yet have a charging schedule in place, the CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.

7.38 The Planning Authority has secured 5 obligations towards Castell Alun High School since April 2010 namely;

Reference No.	Site Address	Contribution Amount
048186	Land at Bridge Farm, Fagl Lane, Hope	£31,500
048313	Land at Wood lane Farm, Penyffordd	£139,607
048676	Land at Babylon Fields, Higher Kinnerton	£21,000
048471	Land at Cymau Lane, Abermorddu	£24,500
048892	Land at the Former White Lion Public House, Penymynydd	£52,500

7.39 I am advised that since the advent of the provisions of the CIL Regulations, The Director of Lifelong Learning has identified separate projects in respect of educational needs a Castell Alyn High School which are distinct and separate to the project to which the above listed obligations relate. I am advised that the sum sought will be used as a contribution towards a project to develop the provision of a resource for specialist Art teaching accommodation at the school.

7.40 I am satisfied, on the application of the tests set out in S.122 of the CIL Regulations and as detailed above, that such a contribution would satisfy these requirements. I am also satisfied that the sum is sought for a specific identified project and as such, would not be caught by the S.123 prohibition with the CIL Regulations.

7.41 Objections have also been advanced in respect of the perceived impact upon existing local health care facilities. Members will be aware that responsibility for planning services to meet the needs of the community in this regard rests with the Local Health Board. However, I would remind Members that the healthcare building, providing doctors, dental and local health board services approved on land at Rhyddyn Hill in Hope is presently under construction. Those services are anticipated to be in place before the development proposals to which this application relates come to fruition (in the event that planning permission is granted).

7.42 Other Matters

Concern has raised been raised in respect of the potential for the site to be contaminated as a consequence of HGV parking which is alleged to have occurred upon the site historically. Consultation with the Council's Pollution Control Officer has revealed that there is no concern on this basis.

7.43 Neither Natural Resources Wales nor Welsh Water has raised objections to the proposal. Welsh Water have requested that conditions be imposed with regard to the submission and agreement of the precise methods and means of site drainage. NRW have requested a condition for the submission of a scheme of surface and foul water drainage. The request of both bodies are essentially the same and therefore I propose single condition requiring a comprehensive drainage scheme to be submitted and agreed.

8.00 CONCLUSION

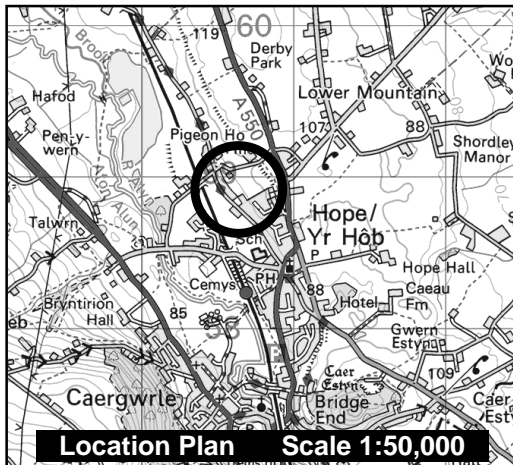
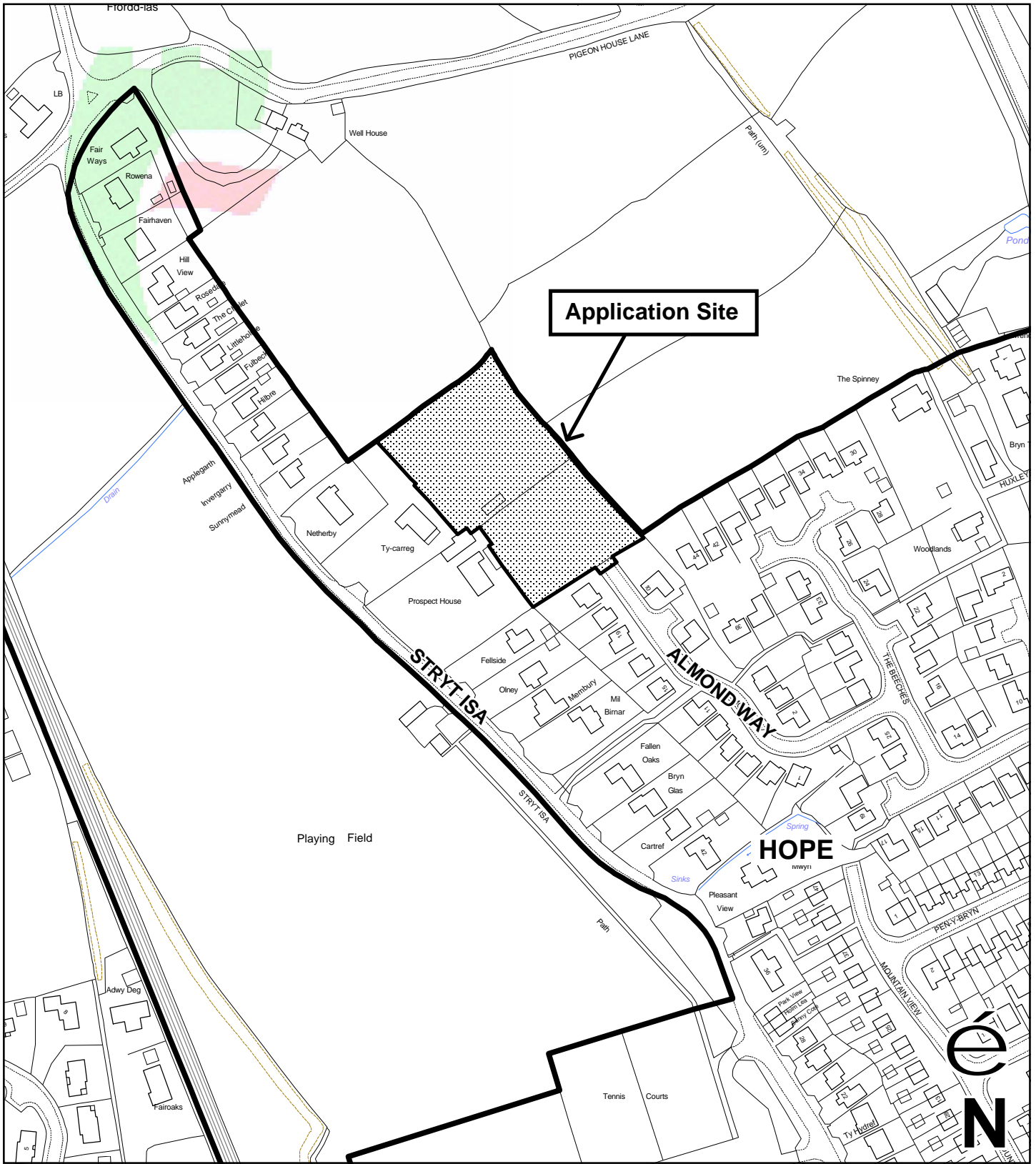
8.01 I consider that the proposal is acceptable in principle and the development proposed would be acceptable at this location meeting the Council's requirements. I therefore recommend accordingly.

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

LIST OF BACKGROUND DOCUMENTS

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

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



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

Legend

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

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OS Map ref	SJ 3058
Planning Application	53445

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH SEPTEMBER 2015**

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

SUBJECT: **FULL APPLICATION-PROPOSED CHANGE OF HOUSE TYPES ON PLOTS 146-154,157-159,162-171, 173-174 AND THE ADDITION OF 2 ADDITIONAL PLOTS AT "CROES ATTI", CHESTER ROAD, OAKENHOLT, FLINTSHIRE**

APPLICATION NUMBER: **053783**

APPLICANT: **ANWYL CONSTRUCTION COMPANY LTD**

SITE: **LAND AT "CROES ATTI", CHESTER ROAD, OAKENHOLT, FLINTSHIRE**

APPLICATION VALID DATE: **10TH JULY 2015**

LOCAL MEMBERS: **COUNCILLOR RITA JOHNSON**

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT AND TO FOR A SECTION 106 AGREEMENT OBLIGATION/UNILATERAL UNDERTAKING TO RE-IMPOSE ALL THE REQUIREMENTS OF THE ORIGINAL LEGAL AGREEMENT ATTACHED TO THE ORIGINAL OUTLINE APPLICATION.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The present full application relates to an area of land that forms part of the original site granted planning permission on land at Croes Atti, Chester Road, Oakenholt. This application site forms only part of the overall site consisting of 27 hectares which was granted outline planning permission for a mixed use development comprising

residential development, public open space, infrastructure works, landscaping and education and community facilities. The present application forms part of the third phase of development which already has reserved matters approval for 306 dwellings under planning application reference 050300. This application seeks to amend the house types and layout already agreed on certain plots with houses already used on the site, although in a slightly different layout resulting in the addition of two additional plots on this part of the site.

The issues for consideration are the principle of development, design/appearance. Visual/residential impacts, highway impacts

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

2.01 That conditional planning permission be granted subject to conditions and subject to the applicant entering into a section 106 obligation/Unilateral Undertaking to re-impose all the requirements of the original legal agreement attached to the outline planning permission i.e.

- Scheme to be in general conformity with the Revised Development Brief,
- Construct or to reimburse the Council for the reasonable cost of a footpath/cycleway linking the site with Leadbrook Drive,
- Phasing/occupation of housing,
- Setting aside of 1.5 hectares of land and its transfer for a school site and an extension to the school site of not less than 1.0 hectare,
- Setting aside of land for a shop site,
- Setting aside of a site of 0.45 hectares for a health centre,
- Setting aside of a site of 0.25 hectares for a community centre and its transfer
- Provision of 4.5 hectares of open space including an enclosed equipped children's play area, a landscape strategy, a management strategy for open space areas including establishment of a management company
- Provide for a maximum of 10% of number of dwellings for affordable

Conditions

1. In accordance with approved plans.
2. Time limit on commencement.
3. A schedule of materials to be submitted to and approved prior to being used, unless otherwise agreed in writing with the Local Planning Authority.
4. Submission of landscaping scheme for approval.
5. Implementation of submitted landscape plan.
6. No development to commence until road work improvements are agreed and undertaken.

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

3.00 CONSULTATIONS

3.01 Local Member
Councillor Rita Johnson
No response at time of writing.

Flint Town Council
No response at time of writing.

Head of Assets and Transportation
No objections to the application and confirm that do not intend to make a recommendation on highway grounds.

Head of Public Protection
No adverse comments to make regarding the proposal.

Clwyd Powys Archaeological Trust
Confirm that there are no archaeological implications for these proposed changes.

4.00 PUBLICITY

4.01 Site Notices
Three site notices have been posed in the area and at the time of writing no comments have been received.

5.00 SITE HISTORY

5.01 **98/17/1308**
Outline residential development and associated recreational, community and retail was originally reported to committee on 14.12.99 which resolved to approve subject to a Section 106 Agreement – No decision was ever issued due to changed circumstances of the applicants.

035575
Outline application for a mixed use development including residential, open space, infrastructure, landscaping, education and community facilities was reported to committee on 19.7.2004 which resolved to approve subject to a Section 106 Agreement - the agreement was signed and the permission issued on 11.7.06.

044035

Highway improvements, street lighting and all associated works, on land at Croes Atti, Chester Road, Oakenholt, in connection with the outline planning permission (ref. 035575) - Granted permission on 23rd April 2008.

044033

Reserved matters application - residential development consisting of 189 no. dwellings, public open space, new roundabout and all associated works at Croes Atti, Oakenholt - Granted 11th July 2008.

046562

Substitution of house types on plots 119, 124, 128-129, 131-132, 136, 138, 139, 142-144, 146-150, 160-163, 165-166, 170-177 and 183 on land at Croes Atti, Oakenholt, granted 11th July 2008.

046595

Reserved matters application for residential development consisting 132 no. dwellings, new roads, open space and all associated works on land at Croes Atti, Chester Road, Oakenholt, granted on 19th January 2012.

049312

Application for a Lawful Development Certificate for construction of vehicular access from Prince of Wales Avenue, Flint to serve residential development at Croes Atti, Oakenholt, permitted by outline planning permission code number 035575 dated 11th July 2006 – granted 5th April 2012.

049154

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted granted on appeal on 10th October 2012.

049425

Variation of condition no.15 attached to planning permission ref: 046595 at Croes Atti, Chester Road, Oakenholt – granted on appeal on 15th March 2013.

049426

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted – withdrawn.

050300

Reserved matters application for erection of 312 residential dwellings and associated works at Croes Atti – granted on 3/4/2013.

050258

Proposed house type substitutions and amendments to plots 62-99,105-107, 110-118 and associated works-granted on 27/8/14.

050385

Erection of 2 no. pole mounted housing advertisements 20/2/2013.

050967

Application for approval of reserved matters following outline approval. (035575) granted 21/10/13.

050975

Plot substitution of house types on 4 plots-granted 25/9/13.

051002

Application for approval of reserved matters following outline approval. (035575) - granted 4/12/13

051136

Erection of 2 no. V-Boards for housing advertisement-consent granted 28.8.13.

051716

Approval of details reserved by condition no.11 (landscape management plan) attached to planning permission ref: 35575 – approved 15/10/14.

052062

Approval of details reserved by condition Nos 3 (materials), 4 (programme of archaeological work), 5 (landscaping details), 7 (existing and proposed ground levels and finished floor levels), 10 (detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads), 11 (prevention of run-off of surface water) and 12 (wheel wash facilities) attached to planning permission ref: 50967-partly discharged 6/6/14.

052757

Application for the approval of details reserved by conditions 3, 4, 9 and 12 attached to planning permission ref: 050300 partially discharged 12/12/14.

053058

Variation of condition Nos. 5 and 15 of planning permission ref: 050300 to allow the construction of plots 175 to 198 before complying with conditions 5 & 15 - approved 2/3/15.

053126

Application for the approval of details reserved by condition 13 (Scheme for reasonable avoidance measures and methodology) attached to planning permission ref: 050300 12/2/15.

053438

Change of position of house types on plots A35, A36 & A38, change of house type on plot A37 and amended car parking arrangement to plots A39 & A40-granted 13.5.15.

053624

Change of house types on plots 30 & 31 and change of house type position on plot 32 - granted 4/6/15.

053662

Proposed residential development to consist of 20 No. semi-detached houses, 2 No. semi-detached bungalows and 1 No. special needs bungalow together with access road and parking.-still under consideration.

053758

Retention of existing signage and display of 2 No. totem signs-consent granted 8/7/15.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Flintshire Unitary Development Plan (FUDP) The FUDP shows the land as a housing commitment and outline planning permission has now been issued in addition to reserved matters approvals. In the context of the development as a whole a large number of the policies of the plan are relevant but the most significant policy is Policy HSG2 - Housing at Croes Atti, Flint. Other relevant policies include D1-D4 which refer to design/location/layout/landscaping and Policy GEN1 (General Requirements for Development). The proposal is considered to accord with the aims of the relevant development plan policies

7.00 PLANNING APPRAISAL

7.01 Proposed Development

The site forms part of an overall site of 27 hectares which was granted outline planning permission for a mixed use development scheme comprising residential development, public open space, infrastructure works, landscaping and education and community facilities. The previously granted outline scheme and reserved matters applications have established the principle of residential development on this site.

7.02 In design terms the current application site forms part of the third phase of development which already has reserved matters approval for 306 no. dwellings. The previously granted outline scheme/reserved

matters applications were subject to extensive negotiations between the applicant and the Council. The current application seeks to amend the layout and house types of 27 of the previously permitted plots and in broad terms replaces these with similar house types which vary in design from terraces to semi-detached and detached dwellings resulting in the provision of two additional plots on this part of the site.

7.03 Design and appearance

The proposed scheme is designed to link into the proposed new distributor road which is to serve the overall site. The density and character of proposed properties within the site vary in design from two storey terraces, semi-detached and detached dwellings. Generally densities across the site do not vary greatly and are considered to be reflective of that previously permitted for the overall site.

7.04 Effect on adjacent/future residential amenities

The proposed development will be bordered on all sides by either existing open countryside or previously permitted parcels of land which will have either housing or open space. The proposed dwellings are considered to be located at some distance away from existing residential properties and therefore are not detrimental to their amenities by way of overlooking or physical proximity.

7.05 As regards future residential amenities, the proposed dwellings are considered to provide adequate private amenity space in addition to space about dwellings, whilst at the same time benefiting from formal and informal public open spaces.

7.06 Affordable Housing

The original outline planning permission for the overall site required that if justified, up to 10% of dwellings on the site should be social/affordable and was secured via a Section 106 legal agreement. The exact number/location of affordable units within the overall development has yet to be determined, however, the final figure will have to be in accordance with the terms of the Section 106 legal agreement.

7.07 Highways

The proposed development will have its principal access point into the previously permitted “spine” road for the site which in turn will ultimately feed into other points of access at the A548 Chester Road, Prince of Wales Avenue and Coed Onn Road.

8.00 CONCLUSION

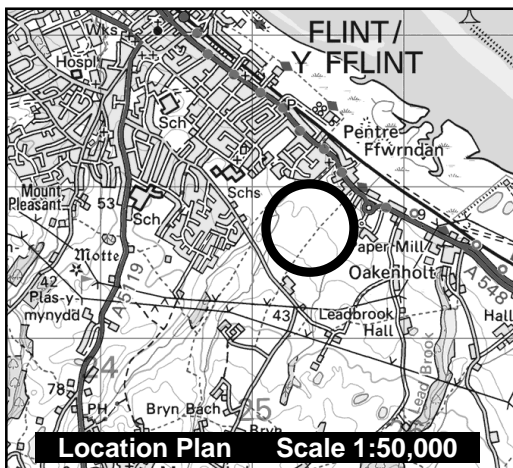
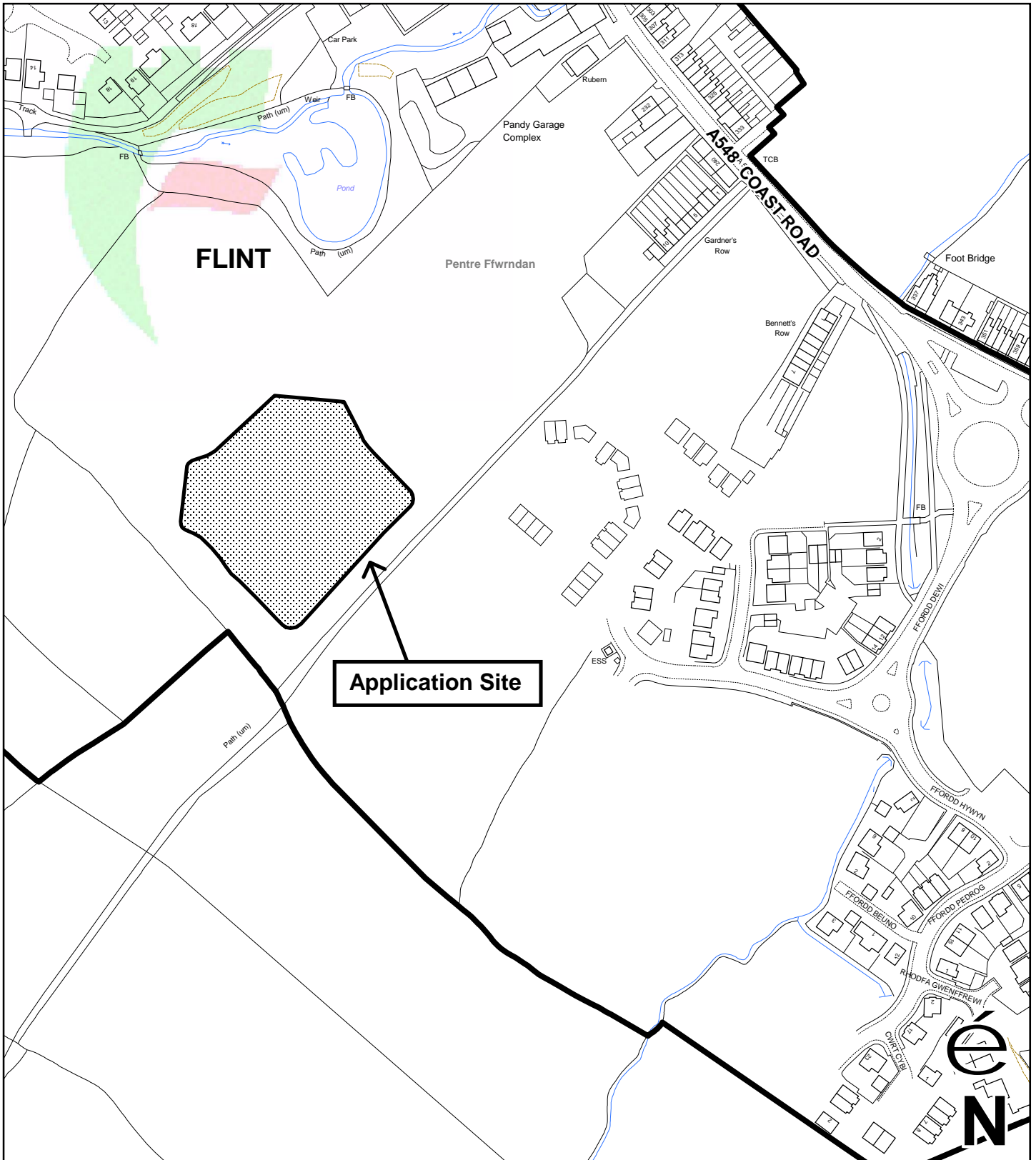
8.01 The proposed development in would allow for the replacement of existing permitted dwellings with amended house styles and the provision of two additional dwellings on this part of the development and is therefore acceptable in principle and design.

- 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

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Telephone: (01352) 703259
Email: karl.c.slater@flintshire.gov.uk



Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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OS Map ref SJ 2571

Planning Application **53783**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9th SEPTEMBER 2015**

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

SUBJECT: **FULL APPLICATION – ERECTION OF SINGLE STOREY DWELLING AND ASSOCIATED WORKS ON LAND ADJOINING SEAVIEW, LLANASA ROAD, GRONANT**

APPLICATION NUMBER: **053789**

APPLICANT: **MR M. WEBSTER**

SITE: **LAND ADJOINING SEAVIEW, LLANASA ROAD, GRONANT**

APPLICATION VALID DATE: **28 MAY 2015**

LOCAL MEMBERS: **CLLR S. WILLIAMS**

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

REASON FOR COMMITTEE: **S106 REQUIREMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full planning application seeks consent for the erection of a detached single storey dwelling and associated works on land off Llanasa Road, within the defined settlement boundary for Gronant. The existing private access road requires visibility improvements over adjoining land, which need to be secured by means of a Section 106 Obligation.

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

2.01 Subject to the applicant entering in to a Section 106 Agreement or Unilateral Undertaking to secure a visibility sight line in perpetuity in a westerly direction, with no obstruction in excess of 1.00m above the level of the nearside channel and to the following conditions:

1. Time commencement.
2. In accordance with plans.
3. Land investigation methodology, contaminated land.
4. Details of foul and surface water drainage – acceptability of soakaways, prior to commencement of development.
5. No surface water to connect to public sewerage system.
6. Details of retention of existing and proposed boundary treatment
7. Land drainage run off shall not be permitted to drain in to public sewerage system.
8. No development permitted within 3 m of centreline of public sewer.
9. Parking and turning to be provided clear of highway.
10. The existing access shall be improved in construction for first 5m in to the site.

If the obligation pursuant to Section 106 of the Town & Country Planning Act 1990 is not completed within six months of the date of the committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member
Councillor S. Williams
No response received at time of writing.

Llanasa Community Council
Requested site meeting to see the application site and discuss the application. This has subsequently been carried out with the case officer and the highways officer. No other response has been received from the community council following this site meeting.

Head of Assets and Transportation
No objection in principle to amended plans received 20 July 2015, however recommend that any permission shall include conditions with regards to facilities being retained for parking and turning clear of the highway and these being completed prior to the proposed development being brought in to use. The access shall be improved in construction for the first 5m into the site and shall be hard paved in bituminous macadam material.

Require a Section 106 Obligation to ensure that the sight line is safeguarded in perpetuity with no obstruction in excess of 1.00m above the nearside channel.

In addition any permission shall include the Highways Supplementary Guidance Notes with particular reference to Clauses 3 & 4.

Head of Public Protection

No objections in principle to the development, however the site is in former lead mining area, with an old mine shaft shown on historic maps within 10m of the site. As the development is for residential which could be particularly vulnerable to the presence of contamination, it is recommended that any consent be conditioned to facilitate site investigation of the nature and extent of contamination to be carried out, any remediation recommended in this report shall be implemented prior to the occupation to the dwelling.

Dwr Cymru Welsh Water

If minded to grant consent, conditions and advisory note to ensure no detriment to existing residents or the environment or Welsh Water assets

Natural Resources Wales

No response received at time of writing.

SP Energy

Plans showing Manweb equipment HSG Publications and location map showing the location of apparatus.

4.00 PUBLICITY

4.01 Site Notice

Two objections received on the following grounds

- Highway safety. – Llanasa Road busy, inadequate width of lane /access and lack of visibility and traffic generation.
- No footways on the narrow lane, which cannot be improved.
- Scale of development will compromise quality of living both for new dwelling and existing.
- Impact on amenity and inadequate separation distances and private garden area.
- Elevated position of plot in relation to existing dwelling results in inadequate privacy.
- Drainage – soakaways will cause problems due to heavy clay soils
- Ask if planning permission granted that hours of construction work are controlled.

5.00 SITE HISTORY

5.01 053383

Erection of single storey dwelling and associated works - Withdrawn 04.05.15.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development.

GEN 1 - General Requirements for Development.

GEN2 - Development Inside Settlement Boundaries.

D2 – Design.

WB1 - Species Protection.

AC18 - Parking Provision and New Development.

Local Planning Guidance Note No 2 Space Around Dwellings.

TAN 18 Transport.

The proposal is in general accordance with the above development plan policies Guidance Note and Technical Advice Note

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application seeks consent for the erection of a detached dwelling and associated works. The application site is located within the settlement boundary of Gronant, with a subsequent presumption in favour of development. Gronant is a category B settlement where the principle of sustainable development, as in this case, is acceptable.

7.02 Site Description

The application site is located to the rear of existing road frontage dwellings and adjacent three other dwellings located down a narrow access lane serving these properties. The site is presently a former garden/amenity area laid out as such at present.

7.03 The site is generally level, following the site topography which slightly slopes from the main road to the site, with a change in levels of approx. 1m over the whole area and approx. 0.5m to 1m in level in relation to the adjoining properties bounding the site. The site is enclosed by a mixture of hedges/shrubs and fence boundaries.

7.04 Proposal

The single storey dwelling is proposed to be 5.2m in height to its apex and remaining roof lines to be 4m or 3.5m in height. The foot print of the proposed building is approx. 116m². The property is proposed to be set to the middle of the development plot to enable parking and

turning provision to be provided to the frontage of the site. The rear plot depth is limited to between 7m and 5m, notwithstanding this, it is considered to be reflective of the piecemeal development of this area and still attains an amenity space provision of approx. 60m² which is considered appropriate in regard to this particular site and the proposed orientation of the property on the plot and in relation to adjoining properties. There is no predominant plot size/scale or type of development in the immediate area and the proposal is reflective of the resulting piecemeal nature of development. In this context the separation distances are also considered to be acceptable as explained below.

7.05 Access

The plot proposes to use the existing narrow unadopted access, and this aspect has been considered in depth by the highways officer. Following an earlier scheme which was withdrawn, discussions were held between the applicant and the highways officer in regard to the highways requirement of the application to enable support of the application in highway terms, to enable appropriate mitigation measures for the implementation of the scheme.

7.06 Highways officers have discussed in detail the necessary requirements to attain highway approval, prior to the submission of the current application, these measures have now been incorporated in to the submitted application. These measures allow for the hard surfacing of the access for 5m from the back edge of the highway, the re siting of the telegraph pole, removal of part of the existing leylandi hedge, (to aid visibility between the application site and Seaview). Parking and turning provision for both Seaview and the proposed plot are notated on the submitted plan and are proposed to be conditioned to be provided and retained in connection with any subsequent approval.

7.07 In addition to the above highways have recommended that visibility from the access lane to the main road is safeguarded in the critical direction, overland outside the applicant's ownership, by securing visibility over land outside the applicant's ownership (Menora) in perpetuity via a Section 106 Obligation. Although the applicant has served the relevant Cert B on the owner of the land, and included this land within the red line of the application site, I have not received any confirmation at present that the owner of Menora is to enter into a legal agreement, with the applicant this is not a material consideration. It is also noted that any permission shall have regard to Clauses 3 & 4 of the Highways Supplementary Guidance Note.

7.08 Other Matters

During the consultation procedure objections were received from adjoining residents with regard to the development of the plot, (as noted in the publicity section of this report). Concerns have been raised with regards to the development of a small plot. These

comments are noted, however each application is considered on its own merits, as each application is different. In this instance the site is within the settlement boundary and the plot is considered to be capable of accommodating the proposed property. The separation distances, enable a separation of approx. 21m to Derwent Cottage, 22m to Orchard End and approx. 18m to North Pines. The proposed development is to have a kitchen window on the side boundary facing Orchard End, as this is not defined to be a habitable room, this is acceptable, in any regard the existing boundary treatments which are to be retained and the proposals required by condition, would preclude any potential adverse impact. The location and orientation of North Pines in relation to the development means that the rear of North Pines will be adjacent to the parking and turning area and will not be overlooking the built form of the development.

7.09 Concerns have also been raised in regard to the difference in levels between the site and the adjoining properties, the difference in levels is at between approx. 0.5m and 1m is not detrimental to amenity, especially as the property proposed is single storey, 5.2m at its highest and the difference in the remaining roof heights from 4m to 3.5m, helping it assimilate in to the plot and the wider area.

7.10 Drainage for the surface water is proposed by soakaway provision, concerns have been raised with regard to the adequacy of this as there have been drainage issues previously on the site and surrounding area thought to be caused by the pond in the former garden area, exacerbated by the clay soil of the site. Notwithstanding this, drainage proposals will be considered in detail at the Building Regulations stage. Consultations with Dwr Cymru /Welsh Water have raised no concerns with regards to drainage.

7.11 The site is within in an area extensively mined for lead, historic maps show a lead mine shaft within 10m of the site, as such there is justification that contamination could be present in all or some of the site, as the proposal is for residential development, this could be particularly vulnerable to the presence of contamination. It is recommend that any consent be conditioned for a site investigation of the nature and extent of the contamination is carried out, and a report specifying the measures to be taken to remediate the site to render it suitable for the development. The site shall be remediated in accordance with the approved measures prior to occupation.

8.00 CONCLUSION

8.01 It is considered that the proposed development is compliant with the relevant adopted Flintshire Unitary Development Plan policies, Local Guidance Note and Technical Advice Note and will not lead to adverse impact upon residential amenity.

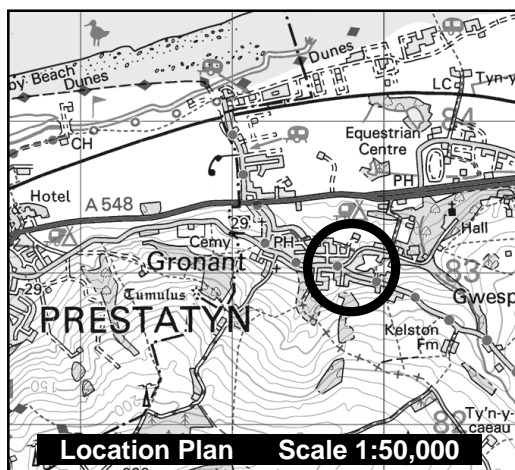
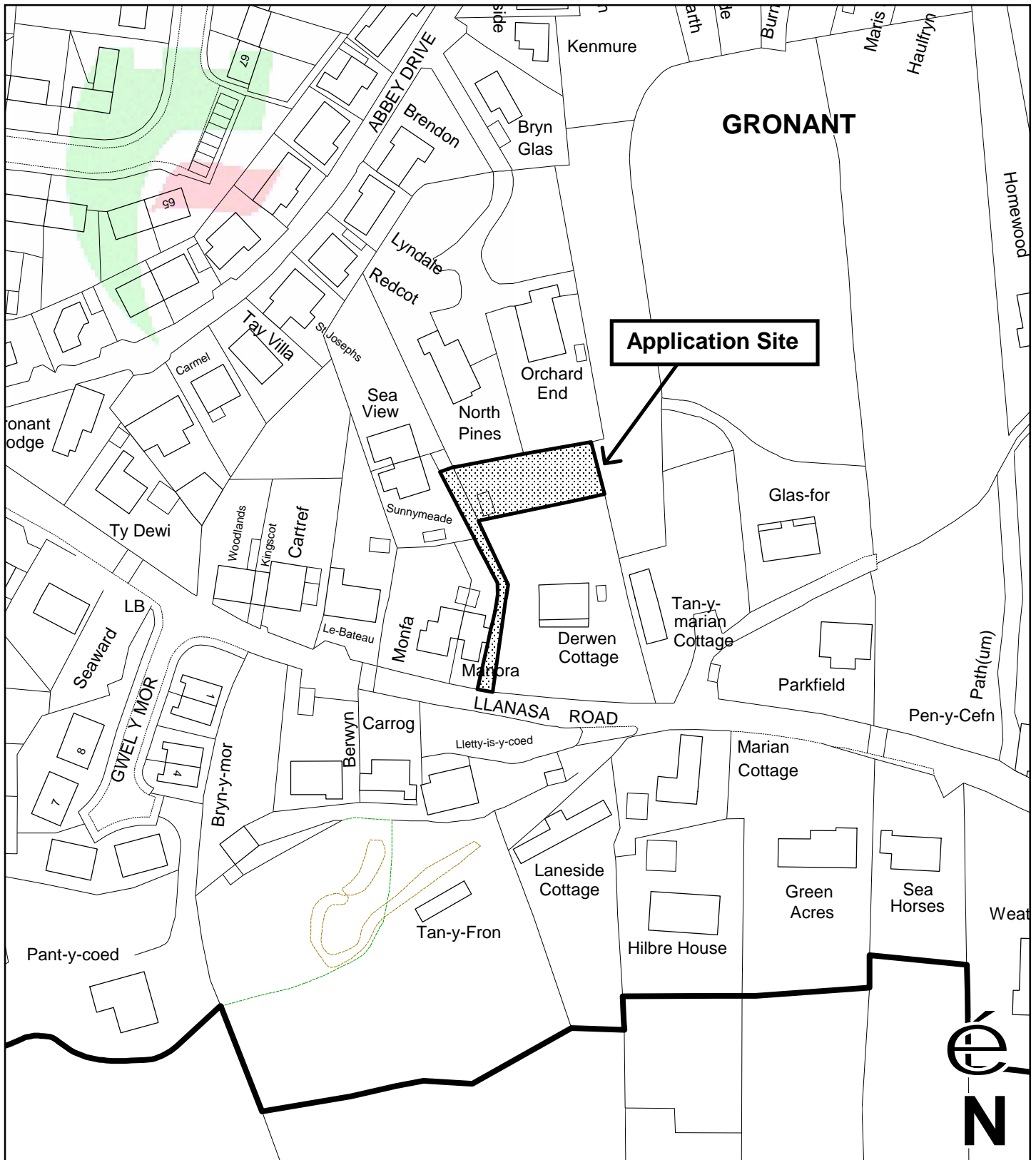
- 8.02 It is therefore considered that permission be granted, subject to the conditions referred to earlier in the report and the applicant entering in to a S106 Obligation to secure adequate visibility in the critical direction in perpetuity.
- 8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Barbara Kinnear
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Email: [Barbara.kinnear@flintshire .gov.uk](mailto:Barbara.kinnear@flintshire.gov.uk)

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **53789**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: 9TH SEPTEMBER 2015

REPORT BY: CHIEF OFFICER (PLANNING AND ENVIRONMENT)

SUBJECT: CHANGE OF USE TO EQUESTRIAN AND CARAVAN STORAGE AT "TYDDYN Y GWYNT FARM", RHYDYMWYN, MOLD, FLINTSHIRE.

APPLICATION NUMBER: 053794

APPLICANT: MR. R. DAVIES-COOKE

SITE: TYDDYN Y GWYNT FARM
RHYDYMWYN
MOLD
FLINTSHIRE.

APPLICATION VALID DATE: 29TH MAY 2015

LOCAL MEMBERS: COUNCILLOR. C. LEGG

COMMUNITY COUNCIL: HALKYN COMMUNITY COUNCIL

REASON FOR COMMITTEE: SITE AREA EXCEEDS THAT FOR WHICH DELEGATED POWERS ARE CONFERRED TO THE CHIEF OFFICER TO DETERMINE

SITE VISIT: NO

1.00 SUMMARY

- 1.01 This full application seeks approval for a change of use of this site to equestrian use. The proposals include operational development in the form of the creation of an outdoor manege. Caravan storage is proposed within one of the existing former agricultural buildings which form part of the site.
- 1.02 The issues for consideration are the principle of the development in planning policy terms and the effect on the character of the open countryside.

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

2.01 Conditions:

1. Commencement within 5 years
2. Development as per approved plans
3. No external lighting without a further grant of permission.
4. Caravan storage not to exceed 10 units.
5. No external caravan storage.
6. Car parking facilities to be provided prior to the first use of the premises
7. DIY livery not to exceed 16 horses.
8. Passing places to be provided prior to first use.
9. Finish colours of Yorkshire boarding to be agreed.

3.00 CONSULTATIONS

3.01 Local Member

Councillor C. Legg

No response at time of writing.

Halkyn Community Council

No objection provided the proposal is policy compliant.

Highways DC

No objections.

Pollution Control Officer

No objections.

Natural Resources Wales

No objections.

4.00 PUBLICITY

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

4.02 At the time of writing there have been no response to this consultation exercise.

5.00 SITE HISTORY

5.01 No previous relevant history

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1	-	New Development
Policy STR7	-	Natural Environment
Policy GEN1	-	General Requirements for Development
Policy GEN3	-	Development in the Open Countryside
Policy D4	-	Outdoor Lighting
Policy L1	-	Landscape Character
Policy AC13	-	Access and Traffic Impact
Policy AC18	-	Parking Provision and New Development
Policy RE4	-	Small Scale Rural Enterprises
Policy SR2	-	Outdoor Activities

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the change of use to a mixed use of agricultural and equestrian. The proposals include the creation of an outdoor manege; the conversion of existing agricultural shed to provide stabling accommodation, tack room, w.c and kitchen facility; conversions of an existing agricultural shed to form an area for the interior storage of caravans; and the laying out of parking facilities and an access passing place.

7.02 Site and Surroundings

The site forms the easternmost parcels of land amongst a larger agricultural holding at Tyddyn Y Gwynt comprising some 13.44 hectares of land. The application site includes a range of buildings, located primarily to the west of the site, comprising a mixture of traditional farmhouse and outbuildings of stone and slate constructions, and more modern steel framed agricultural barns with profiled sheet steel cladding.

7.03 The northern two field parcels are relatively flat on both axis. The third parcel to the south slopes steadily southward. Each field boundary is formed by mature hedgerows interspersed with mature indigenous trees. Both site topography and nature are reflective of the wider landscape in this open countryside location.

7.04 Access to the site facilitated by a hard surfaced access track from the eastern boundaries heading westward to the farmhouse.

7.05 The Proposals

The proposals involve the conversion of the large combined agricultural sheds which form the easternmost buildings within the agricultural complex. The conversions involve the internal reconfiguration of the former cattle shippon areas of the western part of the building to create 26No. stable units accessed via central hard surfaced corridors. The stabling corridors are accessed via existing

doorways in the north and south elevations of the building. In addition, an old milking parlour is proposed to be converted to provide kitchen and W.C facilities.

7.06 The eastern part of the building, presently used to provide temporary calving pens, is proposed to be internally cleared of the partitions etc so that the presently hard surfaced area can be used to provide an internal hard surfaced space for the internal storage of 10No. caravans.

7.07 The westernmost part of the most northerly of the three field parcels forming the application site is proposed to be used as the site for a riding manege. The manege is proposed to be some 60 metres by 30 metres and fenced with timber post and rail fencing. The surface is proposed to be formed by a silica sand and fibre mixture.

7.08 Main Issues

The main issues for consideration are:

1. the principle of the development in planning policy terms; and
2. the effect on the character and appearance of the open countryside.

7.09 Principle of Development

Policy GEN3 'Development in the Open Countryside' allows for developments related to tourism, leisure and recreation to be located in the open countryside, provided there is no unacceptable impact on the social, natural and built environment. In this case it is considered the equestrian enterprise would not be detrimental to the social, natural or built environment.

7.10 Policy SR2 'Outdoor Activities', permits activities where the activity proposed is of a type, scale and intensity that would not unacceptably harm the character and appearance of the site and its surroundings, residential or other amenity, or any landscape, nature or conservation interest. The policy also requires sites to be accessible by a choice of modes of transport.

7.11 There are no residential properties in close proximity to the application site, the nearest dwellings being associated with other small holdings located well to the north of the site. There will be no impact on the amenity of these dwellings with the introduction of a new use. It is not considered that either the operation of the equestrian activities or the caravan storage would have any significant impact on amenity. The site is accessible by a choice of modes of travel other than the private car, as it is located on a bus route, therefore there are alternatives options for accessing the site.

7.12 Policy RE4 'Small Scale Rural Enterprise' is relevant to the proposal. The proposal complies with the policy as the buildings to be converted are structurally sound and capable of conversion without major or complete reconstruction and it is suitable for the specific re-use. The development is of a form, bulk, design and materials and sited so as to respect the character of the site and surroundings. It does not unacceptably harm features or areas of landscape, nature conservation or historic value. The permission can be conditioned to not allow external storage or operations which would be harmful to visual amenity or to the character and appearance of the area. Satisfactory on-site parking, servicing and manoeuvring space for the nature and volume of traffic likely to be generated which should be capable of being served satisfactorily by the highway network is proposed.

7.13 PPW paragraph 7.6.8 in relation to 'supporting the economy', says the re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for, amongst other matters, recreation. Local planning authorities should adopt a positive approach to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm building complexes, provided that:

- a. they are suitable for the specific reuse;
- b. conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality;
- c. their form, bulk and general design are in keeping with their surroundings;
- d. imposing conditions on a planning permission overcomes any planning objections;
- e. if the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction;
- f. conversion does not result in unacceptable impacts upon the structure, form, character or setting where the building is of historic and/or architectural interest.

7.14 It is considered that the proposal complies with both local and national planning guidance.

7.15 Impact upon Landscape Character

Notwithstanding the policy position, I consider the key issue in this case is the impact on the character and appearance of the open countryside. The landscape in this area is characterised by rolling farmland with field parcels bounded by mature hedges and trees. The landscape is interspersed with small farm holdings and further afield to this site, mineral workings associated with aggregate extraction. The landscape is seen as part of the foreground to the AONB which lies further to south west and on higher ground.

- 7.16 The only aspect of the proposals within would introduce a visually new element within the landscape is the proposed manege. However, this is not proposed to be illuminated and therefore its impact upon a wider bas in the landscape is very limited. The manege is bounded by agricultural style post and rail fencing and therefore would not appear incongruous in this landscape.
- 7.17 All other aspects of the proposals are contained within the existing buildings with no additional extensions. The proposals actually seek to improve the external visual appearance of the buildings by the replacement of the dilapidated and incongruous profiled sheeting with Yorkshire boarding which is much more reflective of the more modern buildings in this agricultural landscape.
- 7.18 I have considered the potential impact of the proposed car parking area and the improvements to the access track. The access track is proposed to be altered by the creation of a passing place. This will result in the increased width of the track for a 20 metre length from 4.8 metres to 7.5 metres. In the context of the length of the access and the appearance of the trackway, this is negligible. Similarly, the car parking area is proposed to be formed upon an already existing area of hard standing to the east of the building. This area is presently unsightly and used for a mixture of parking and equipment and bale storage. The car parking would be less intrusive, being intermittent, and does not introduce any more 'hard' form within the landscape than already exists.

8.00 CONCLUSION

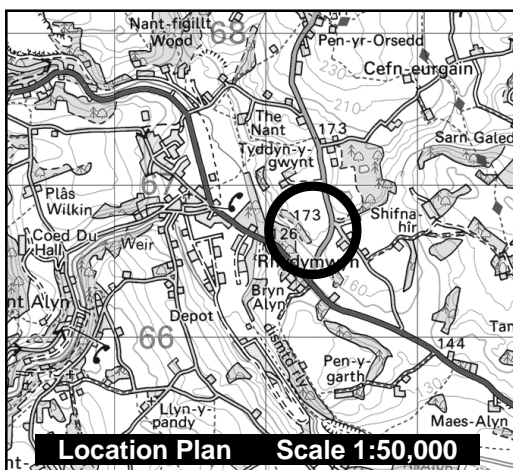
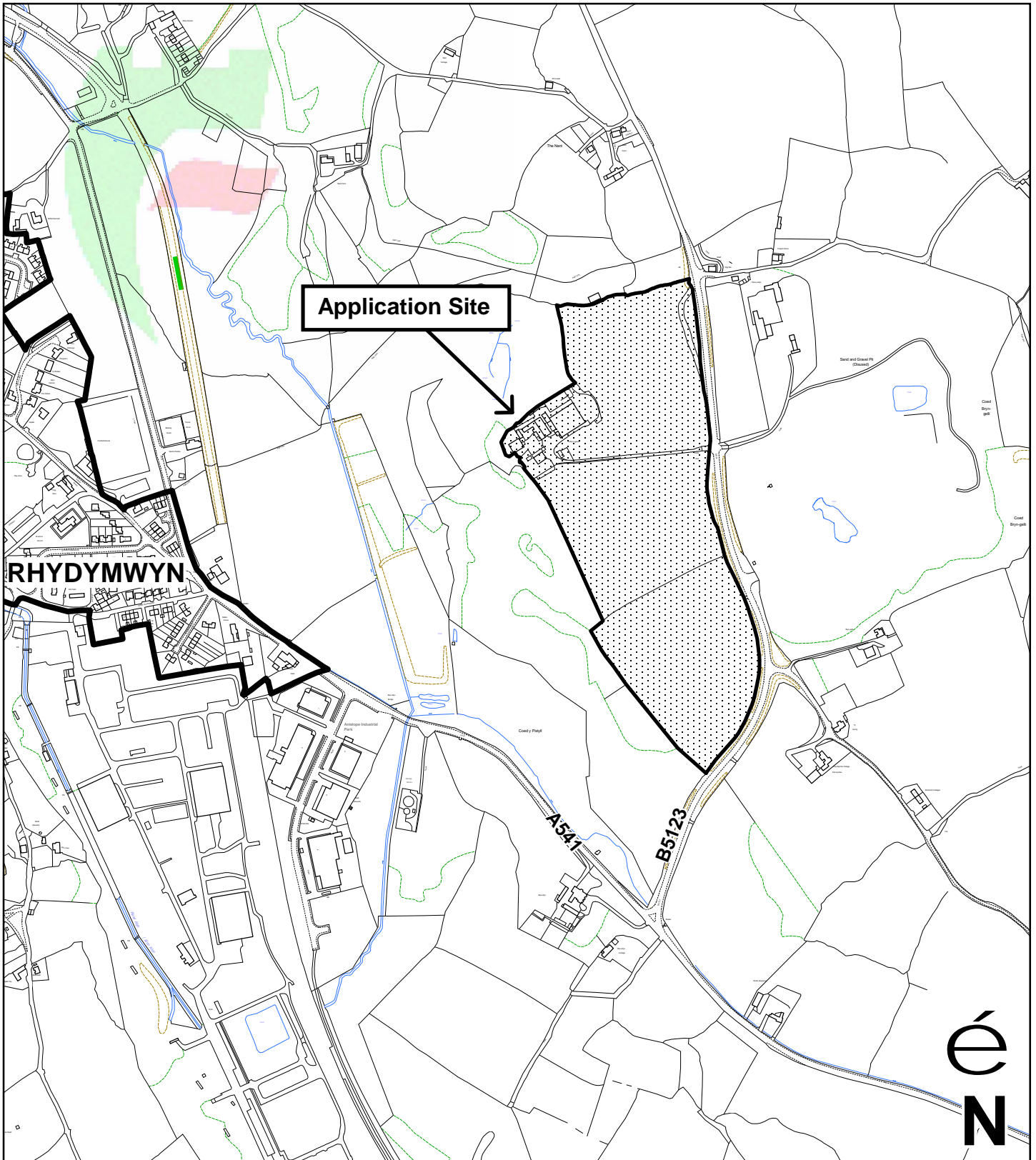
- 8.01 It is considered that the proposed change of use is appropriate development in the open countryside given the non-intrusive nature of the use of the site. The proposed conversion of the buildings for the stables, ancillary facilities and caravan storage do not involve any extension to the existing structures and the proposals actually seek to improve the external appearance of the buildings and therefore their impact in the landscape. Accordingly, the proposals comply with the requirements of the identified policies and are considered acceptable in all other respects.
- 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

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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	1:7500
OS Map ref	SJ 2166
Planning Application	53794

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH SEPTEMBER 2015**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 1 NO. DWELLING AT FFORDD Y WAEN, NANNERCH**

APPLICATION NUMBER: **053293**

APPLICANT: **MISS SUSAN WILLIAMS**

SITE: **LAND AT FFORDD Y WAEN, NANNERCH**

APPLICATION VALID DATE: **19TH FEBRUARY 2015**

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

TOWN/COMMUNITY COUNCIL: **NANNERCH COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SECTION 106 REQUIREMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application is for the erection of a single storey dwelling for three elderly ladies that live close by. The site lies to the south west of Brynhyfryd, Ffordd y Waen, Nannerch.
- 1.02 As the proposal is to meet a specific local need, it is considered to be acceptable in principle in planning policy terms.
- 1.03 With regards to the details of the dwelling, given the design, size, scale, form and materials used, these are considered to be in keeping with the Clwydian Range and Dee Valley AONB, adjacent Nannerch Conservation Area and setting of the listed building.

1.04 The proposal will not either have a significant detrimental impact upon the adjacent occupier in relation to overlooking, loss of light and obtrusiveness due to it being single storey and that an existing high wall separates the two properties.

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

2.01 That subject to the applicant entering into a Section 106 Agreement ensuring occupation by the three ladies and subsequent disposal of the dwelling thereafter to people from the Council's affordable housing register at a 30% discount, conditional permission be granted.

1. Time limit on commencement of development.
2. In accord with approved details.
3. All external materials of the dwelling to be further submitted and approved.
4. Rooflights to be of the conservation type, fitted flush with roof.
5. Details of solar panels to be further submitted and approved.
6. Removal of permission development rights, extensions, alterations, etc.
7. Foul water and surface water discharges shall be drained separately.
8. No surface water to connect, directly or indirectly, to the public sewerage system.
9. Land drainage run-off shall not be permitted to discharge into public sewerage system.
10. Comprehensive integrated drainage further submitted to and approved in writing by the Local Planning Authority.
11. Existing access improved to provide sightlines of 2.4 m x 25 m in each direction and within which no obstruction to visibility in excess of 1 m.
12. Existing agricultural access shall be set out in accordance with standard detail.
13. Facilities provided and retained within site for parking and turning of vehicles.
14. Positive means to prevent run-off of surface water from any part of site onto highway to be further submitted and approved.
15. All works with the development not to take place during breeding bird season, March to August.
16. Replanting of hedgerow to take place following planting season after first occupation of dwelling.
17. Scheme of bird and bat box mitigation submitted and approved.
18. Landscaping scheme to be further submitted and agreed.
19. Implementation of landscaping scheme.
20. Details of all windows and doors to be further submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member
Councillor W.O. Thomas
No response received at time of writing.

Nannerch Community Council
No objections.

Head of Assets and Transportation
Recommends any permission to include suggested conditions and notes placed upon any planning permission granted.

Head of Public Protection
No adverse comments to make on the application.

Housing Regeneration & Strategy Manager
The planning permission needs to include a requirement for a Section 106 Agreement, to ensure that when the property is sold on, it is done so, to people from the Council's affordable housing register at a 30% discount.

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

Natural Resources Wales
NRW would object to issue of consent for this proposal unless additional information can show it would not have adverse effects upon protected species. No response received, to additional information.

Clwydian Range & Dee Valley AONB Joint Advisory Committee
No objection to the development in principle. This is a sensitive site which adjoins the Conservation Area and has a relationship to nearby listed buildings. Conservation Officer should be satisfied the development will complement these heritage assets.

JAC considers all retaining walls/structures should be faced in traditionally finished natural local stone and would recommend that the roof lights should be conservation style units. Proposed solar panels should be integrated into the roof rather than surface mounted, and the reflectivity/colour of the panels/frames blended into the natural slate roof further details of proposed refuse/recycling store are also required.

Concerned that realignment of the wall fronting the highway to meet visibility requirements (and construction of proposed refuse/recycling store) will result in harm to existing mature trees along this boundary which are a significant landscape feature. Would seek assurances on this point and examination of alternative options such as a modest reduction in the existing wall height.

SP Energy Networks
No objection.

4.00 PUBLICITY

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

5.00 SITE HISTORY

5.01 No other planning applications have been submitted on the site.

Adjacent Site – South

048242 – Erection of DDA compliant bungalow – Refused 14th April 2011. Appeal dismissed 25th October 2011.

046955 – Erection of DDA compliant bungalow – Refused 15th January 2010.

045406 – Erection of DDA complaint bungalow – Refused 2nd April 2009.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
STR1 – New Development.
STR4 – Housing.
STR7 – Natural Environment.
STR8 – Built Development.
GEN1 – General Requirements for Development.
GEN2 – Development Inside Settlement Boundaries.
D1 – Design Quality, Location & Layout.
D2 – Design.
D3 – Landscaping.
TWH1 – Development Affecting Trees & Woodlands.
TWH2 – Protection of Hedgerows.
L2 – Area of Outstanding Natural Beauty.
WB1 – Species Protection.
HE1 – Development Affecting Conservation Areas.
HE2 – Development Affecting Listed Buildings and Their Settings.
AC13 – Access & Traffic Impact.
HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.
HSG10 – Affordable Housing Within Settlement Boundaries.

EWP12 – Pollution.
EWP13 – Nuisance.
EWP16 – Water Resources.
IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note No. 2 – Space Around Dwellings.
Local Planning Guidance Note No. 4 – Trees & Development.
Local Planning Guidance Note No. 8 – Nature Conservation & Development.
Local Planning Guidance Note No. 9 – Affordable Housing.
Local Planning Guidance Note No. 22 – Planning Obligations.

National Planning Policy

Planning Policy Wales (Edition 7, July 2014).
Technical Advice Note (TAN) 2: Planning & Affordable Housing (2006).
Technical Advice Note 5, Nature Conservation & Planning (2009).
Technical Advice Note (TAN) 12: Design (2014).

In principle, as the site is located within the settlement limit of Nannerch and classed as a Category C settlement, the dwelling has to meet a proven local need. Given the age, medical condition and the unsuitable existing living accommodation of the proposed occupiers together that they have lived in the village for a long time, it is considered that a specific local need is being met. What needs to be considered are the details of the proposals.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of approximately 966 sq.m. of a piece of flat, overgrown agricultural land currently used for the outside storage of agricultural machinery to the south west of the existing two storey dwelling of Brynhfryd, Nannerch.

7.02 Access to the site is gained via an existing track through the land which in turn is accessed off Ffordd y Waen.

7.03 The site is located to the North West of the village of Nannerch, situated to the west of an existing group of dwellings within the complex of Nannerch Hall.

7.04 The proposals involve the erection of a single storey dwelling and alterations to the existing field access to the North West. The dwelling is designed specifically for disabled occupation by 3 sisters currently living close by to the site at Lollipop Cottage, Nannerch. Medical records have been submitted to substantiate the need and emphasise that the current two storey dwelling fails to meet their day to day basic requirements and that psychological and physical benefits would derive from them being relocated to a single storey unit particularly

with purpose built disabled facilities.

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, and the effects upon the character and appearance of the AONB, conservation area and setting of the listed buildings close by, together with the effects upon wildlife and the amenities of adjoining residents.

7.06 Background

Members may be aware that similar applications have been submitted previously on the site to the south which have been refused planning permission, with one being dismissed on appeal. These applications have been refused as the site is located outside the settlement limit for Nannerch and also that the proposed dwellings are not in keeping with the Conservation Area, open countryside and setting of the adjacent listed building of Nannerch Hall.

7.07 Principle of Development

The site is located within the settlement boundary of Nannerch as defined within the adopted Flintshire Unitary Development Plan (FUDP). As such Policy HSG3 of the Plan applies. Nannerch is also defined in the FUDP as a Category C settlement. Such settlements had a growth ceiling of 10% over the Plan period and a stipulation that any new dwellings up to that ceiling must meet a proven local need. The monitoring period of growth, as required by HSG3, ended on 1st April 2015 and therefore the growth ceiling no longer applies. In any event. The growth rate in Nannerch is well below 10%. The key policy issue is whether the proposal is meeting a proven local need. This is defined in the FUDP as either satisfying the need for a dwelling for a rural enterprise worker or meets a local need for affordable housing.

7.08 The application has been submitted on the basis that three elderly ladies live in an adjacent property for some considerable time and have an established support network as well as forming a tight unit themselves. Given their age and medical conditions, the present two storey dwelling is considered to be an unsuitable form of accommodation.

7.09 Given the above circumstances, it is considered that there is a specific local housing need which is not being met by the present two storey dwelling. The proposed single storey dwelling is designed in a way that the occupants would have suitable personal accommodation but with shared lounge, dining and kitchen facilities. The accommodation is therefore very specific to their particular needs but needs careful consideration to ensure that it is sympathetic having regard to both the adjacent conservation area and the listed Nannerch Hall.

- 7.10 In order to meet the local needs clause within HSG3, it is normally the case that dwellings are either rented at a lower than market rate or are subject to a legal agreement requiring that on first sale of the property a proportion of the sale price (typically 30%) is donated to the Council to be used in delivering affordable housing initiatives in the locality. However, in other instances where a purpose designed dwelling to meet a very specific need has been permitted this has been on the basis that the dwelling is offered on first sale either to the Council or to a Housing Association at market value to give an opportunity for it to be used by local persons with similar medical needs. In this particular case the Housing Regeneration & Strategy Manager requires that when the property is sold on it is done so to people from the Council's affordable housing register at 30% discount.
- 7.11 Highway Implications
Vehicular access to the site will be gained from the existing gated entrance to the field to the north west of the site, off Ffordd y Waen. Onsite parking for two vehicles together with manoeuvring space is being provided to the north of the dwelling within the proposed curtilage.
- 7.12 Alterations to the existing access are proposed in order to achieve the sightlines requested by the Highways Development Control Manager. This will involve the removal of sections of existing hedgerow either side of the access. However, it is proposed for these sections to be replanted outside of the visibility splays.
- 7.13 Given the above, the Highways Development Control Manager raises no objections to the proposals subject to the suggested conditions and notes places upon any planning permission granted.
- 7.14 Character & Appearance
The site is located within the Clwydian Range Area of Outstanding Natural Beauty, adjacent to the Nannerch Conservation Area and in close proximity to the Grade II Listed Building of Nannerch Hall. It is therefore located in a sensitive area, which currently detracts from the village's image. Nannerch Hall exerts an influence over this area of the village with its impressive garden context to one side and walled/courtyard cottages to the other.
- 7.15 As a result of the above, the Applicant's Architect carried out pre-application discussions with the Conservation Officer which resulted in agreement that the new building should not try to compete with the scale and massing of the Hall and in terms of details should be simple in form and materials. The requirement for a single storey dwelling to optimise access for disabled use, ties in with the Conservation Officer's ideals. Thus the design of the proposed dwelling is of a Welsh long cottage to simplify building form and minimise the volume

of the roof structure. It will be constructed within a mix of stone and rendered walls with a slate roof. Solar panels will be constructed within part of the roof upon the rear elevation, with rooflights to be placed within the roof on both side elevations (east & west). Hard and soft landscaping is proposed within the proposed garden area. The proposals do not involve the felling of any mature trees but the removal of sections of existing hedgerow but which will be replanted outside of the sightlines.

7.16 Given the above and the appropriately worded conditions, it is considered that the proposals do not significantly adversely affect the adjacent conservation area or setting of the listed building and maintains the natural beauty of this part of the AONB.

7.17 Wildlife

The majority of the site is disturbed ground with piles of debris/disused agricultural items, tall herb and scrub with limited ecological value. The buildings are either in a poor state of repair or open and drafty, all of low potential for bats. However, the combination of buildings, vegetation and debris means the site does have potential for nesting birds. Swallows and House Sparrows were recorded during the preliminary ecological assessment.

7.18 The key features are the mature beech trees along the northern boundary which have potential for roosting bats due to their maturity although no obvious cracks/crevices etc. are visible. The submitted ecology report recommends that all the semi-mature and mature trees will be retained.

7.19 Given the above and that suitable worded conditions can be placed upon any planning permission granted regarding that any site clearance/building demolition works are undertaken outside of the breeding bird season and the installation of swift boxes upon the scheme, there will be no significant detrimental impact upon wildlife as a result of the development.

7.20 Amenities of Proposed/Existing Occupiers

As the proposal is to be single storey single storey, that the only property to be possibly affected (Brynhyfryd) is located 14 m away and that there is a high wall along the boundary separating the two, there will be significant detrimental impact upon the amenities of the proposed occupiers and the occupiers of Brynhyfryd in terms of overlooking, loss of light and obtrusiveness.

8.00 CONCLUSION

8.01 For the above reasons, the proposals are considered acceptable in planning terms.

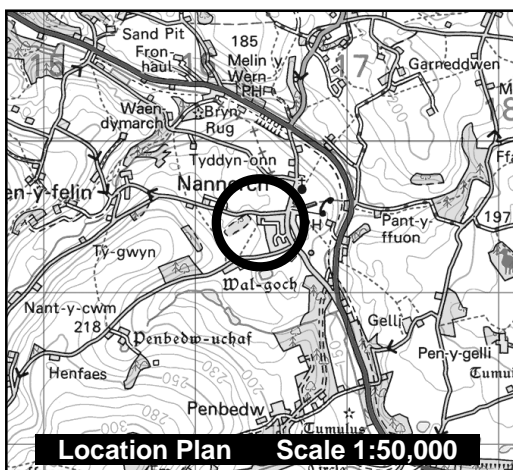
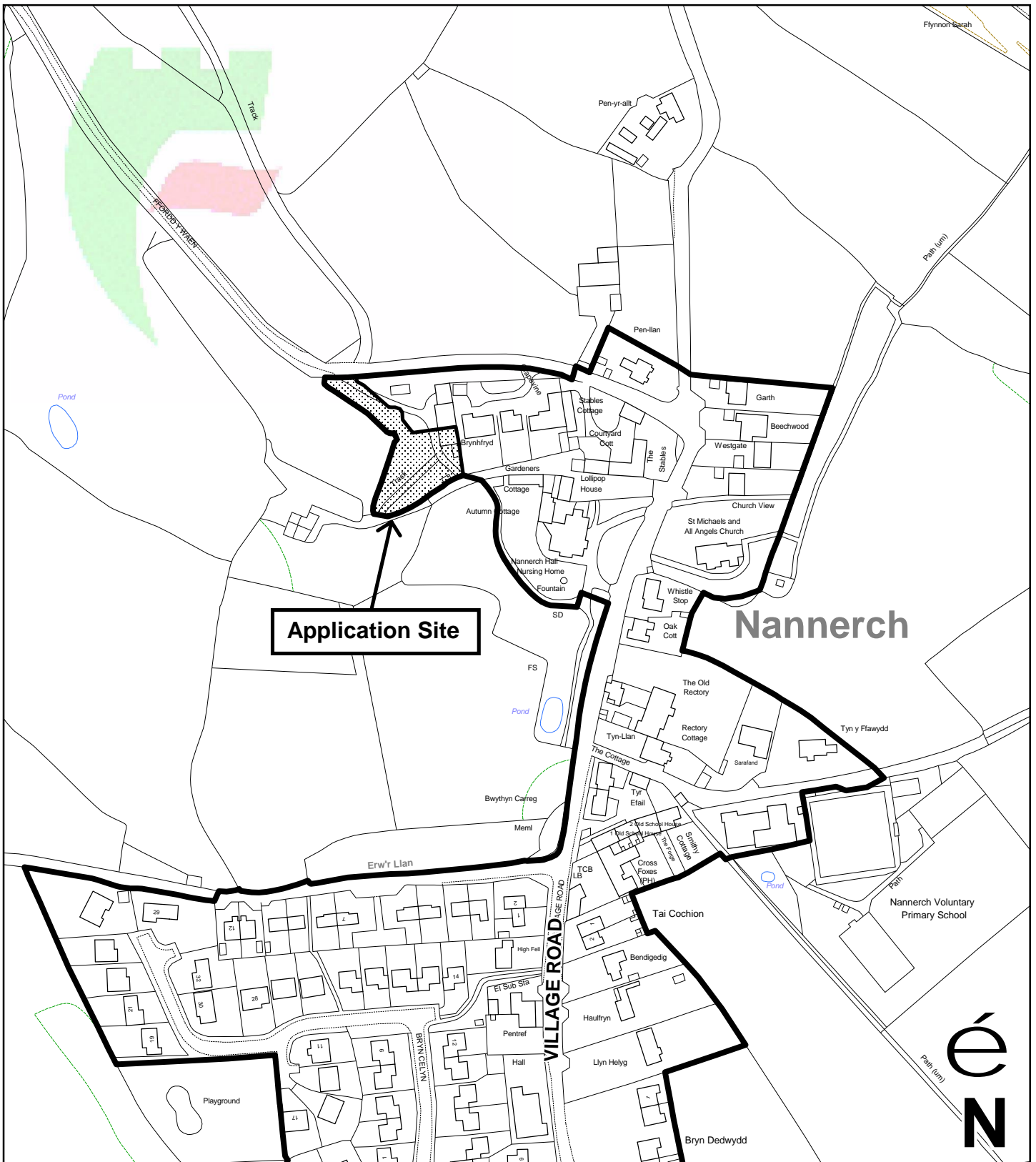
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

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



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 Chief Officer: Mr Andrew Farrow

Legend

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

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Planning Application	53293

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH SEPTEMBER 2015**

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

SUBJECT: **CHANGE OF USE OF GROUND FLOOR OF FORMER PUBLIC HOUSE TO 3 NO. FLATS AT 'CROSS KEYS', CONNAH'S QUAY, DEESIDE**

APPLICATION NUMBER: **053381**

APPLICANT: **MR J. LEA**

SITE: **'CROSS KEYS', CONNAHS QUAY, DEESIDE**

APPLICATION VALID DATE: **18TH MARCH, 2015**

LOCAL MEMBERS: **COUNCILLOR P SHOTTON,
COUNCILLOR A DUNBOBBIN**

TOWN/COMMUNITY COUNCIL: **CONNAH'S QUAY TOWN COUNCIL**

REASON FOR COMMITTEE: **OUTSIDE OF DELEGATION SCHEME**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application seeks planning permission for a change of the ground floor of the former Public House into 3 no. flats at 'Cross Keys', Connah's Quay. The application is put before Members for consideration as any approval would be subject to the completion of a Section 106 Agreement, Unilateral undertaking or advance payment for financial contribution towards the upgrade of the existing play area at York Road, Connah's Quay.

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

- 2.01 That subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of and £733 per apartment in lieu of improvements to the existing play area at York Road, Connah's Quay, that planning permission be granted.

Conditions:

1. Time limit on commencement
2. In accordance with approved plans
3. The indicated parking facilities to be retained within the site in perpetuity

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor P. Shotton :
No response received at time of writing report.

Councillor A. Dunbobbin:
No response received at time of writing report.

Connah's Quay Town Council
No objections.

Head of Assets and Transportation
Request condition requiring the indicated parking facilities to be retained in perpetuity.

Head of Public Protection
No adverse comments.

Lifelong Learning (Leisure)
Request that in accordance with Planning Guidance Note No. 13 Public Open Space provision, that a capital contribution is sought of £733.00 per flat in lieu of on-site public open space.

4.00 PUBLICITY

- 4.01 Site Notice, Neighbour Notification
No responses received at time of writing report

5.00 SITE HISTORY

- 5.01 Ref No 048302 – Demolition of public house and erection of 8 no. houses and 1 no. bungalow, withdrawn 2.4.15

Ref No. 049445 – Change of use to car sales including erection of garage building and 2 no. portacabins approved 25.4.12

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN 1 – General Requirement for Development

Policy GEN2 – Development inside Settlement Boundaries

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries

Policy AC13 – Access and Traffic Impact

Policy AC18 Parking provision and New Development

7.00 PLANNING APPRAISAL

7.01 This application seeks the change of use of the ground floor of the former Public House known as 'Cross Keys', Connah's Quay. The application site is located within the settlement boundary of Connah's Quay and is a two storey brick and rendered building under a tiled roof and has been vacant for a number of years. The existing building has a residential occupancy to the first floor which has been maintained from the previous use as a Public House. The ground floor of the premises has been stripped of all items associated with the former use and is now empty apart from a small area which is used for storage. It is this ground floor that the applicant intends to convert to 3 no. flats. To the side and rear of the building is a large car park which originally served the Public House. In 2012, this car park was granted permission under reference 049445 for use as car sales with associated portakabin buildings.

7.02 Principle of development

Connah's Quay is a Category A settlement with a growth rate of 11% as of April 2013. The UDP strategy through policy STR4 directs housing development to Category A settlements. The application is therefore considered acceptable in principle subject to meeting the other requirements of Policy HSG3 in relation to impact on the character of the site the surrounding area and Policy GEN

7.03 Impact on amenity

The proposal involves internal alterations only to subdivide the floor space into 3 residential flats with the exception of the blocking up of a doorway to the rear and insertion of new windows to the side and rear elevations. The elevation which faces onto Church Street will remain unaltered. The positioning of the new windows is such that they are not detrimental to the amenity of the adjacent occupiers of the site. Given that there is minimal visual change to the building, it is considered that the proposal would not impact on visual amenity.

- 7.04 Access and Parking
The applicant intends to gain access to the site through the existing access which serves the adjacent car sales area with 5 reserved car parking spaces being marked out for the occupiers of the proposed flats. The occupiers will have access at all times to these spaces via a lockable gate. The remaining car sales area and staff/customer parking will be unaltered.
- 7.05 The proposals have been assessed by the Highways Officer who has no objection to the change of use subject to the imposition of a planning condition requiring the indicated parking facilities are retained in perpetuity. It is therefore considered that the proposal will not impact on highway safety.
- Open Space Provision
- 7.06 A contribution of £733.00 per flat is requested in lieu of on-site provision of open space to improve the existing play area facility at York Road, Connah's Quay.

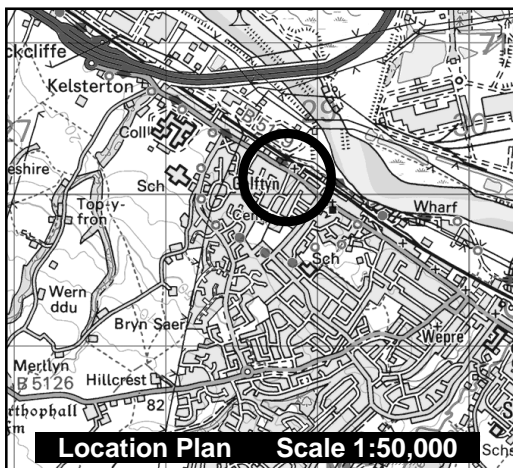
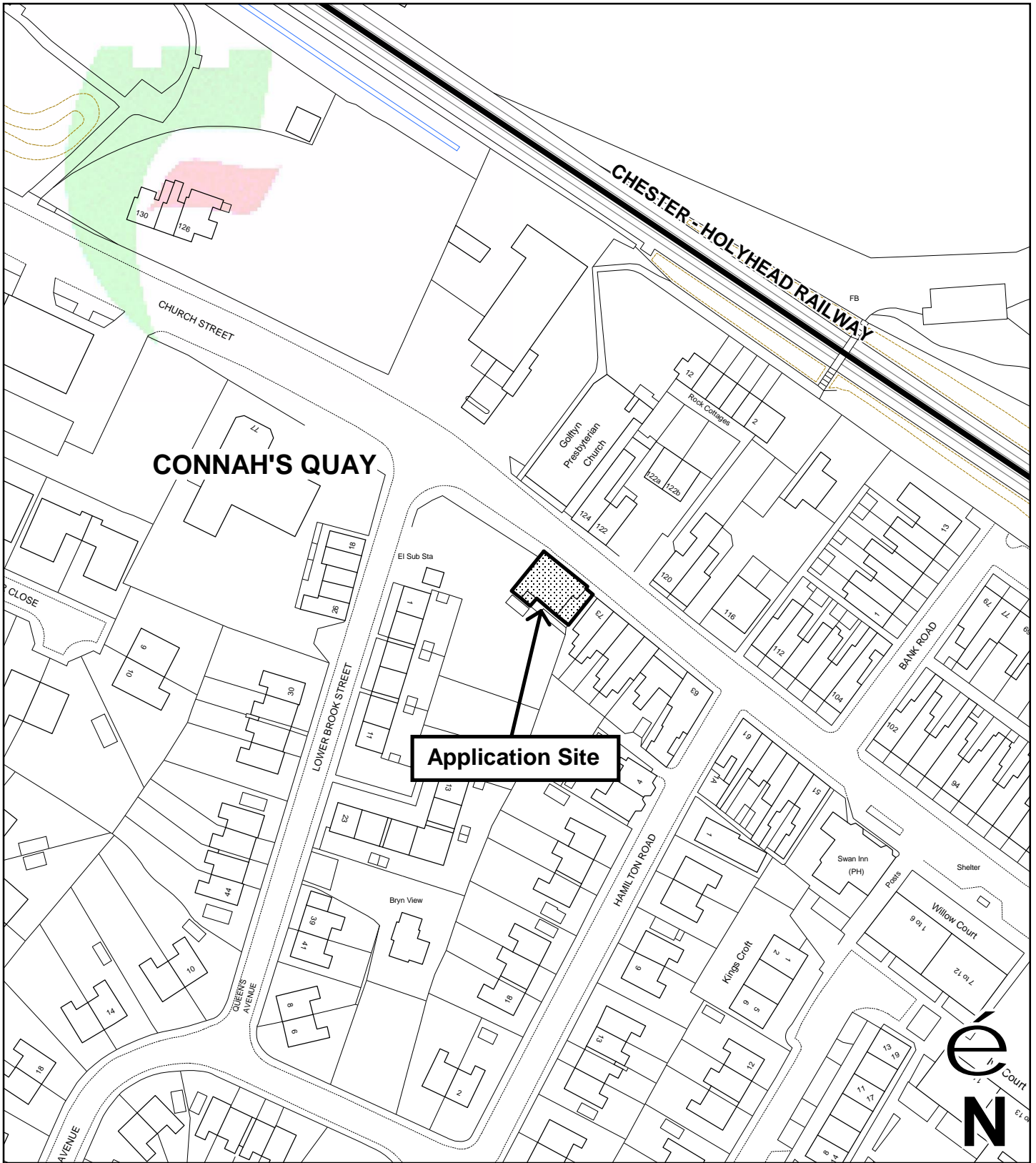
8.00 CONCLUSION

- 8.01 In conclusion, I am satisfied that the proposal will not adversely impact on the adjacent occupiers or users of the site and that highway safety is not comprised. The proposed development is therefore considered acceptable in principle and detail subject to the conditions outlined in paragraph 2.01 above
- 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

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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 **53381**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH SEPTEMBER 2015**

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

SUBJECT: **APPEAL BY MR DAVID READ AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A SINGLE WIND TURBINE (45 METRE HUB HEIGHT, 67 METRE BLADE TIP HEIGHT) TWO METERING UNITS, ACCESS TRACK, ASSEMBLY AND CRANE AREAS AT TY COCH, CROSSWAYS ROAD, PEN Y CEFN, CAERWYS – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 051826

2.00 APPLICANT

2.01 MR. DAVID READ

3.00 SITE

3.01 TY COCH, CROSSWAYS ROAD,
PEN Y CEFN, CAERWYS.

4.00 APPLICATION VALID DATE

4.01 25TH FEBRUARY 2014

5.00 PURPOSE OF REPORT

5.01 To inform members of the Inspector's decision in relation to an appeal into the refusal to grant planning permission for the erection of a single wind turbine (45 m hub height, 67 m blade tip height), two metering units, access track, assembly and crane areas upon land adjacent to Ty Coch, Crossways Road, Pen y Cefn, Caerwys, Mold CH7 5BP. The application was refused at Committee and the appeal was dealt with by way of an exchange of written representations and was **DISMISSED**.

6.00 REPORT

6.01 Background

Members may recall that this application was reported to the Planning & Development Control Committee on 21st January 2015 whereby it was refused on the grounds 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 upon the setting of the listed buildings of Ty Coch and Plas Cerrig Farm.

6.02 Issues

The Inspector considered that the main issues were the effect of the proposals upon the character and appearance of the surrounding rural area, part of which lies within an Area of Outstanding Natural Beauty and the effect of the proposal on the setting of buildings listed as being of special architectural or historic interest at Ty Coch and Plas Cerrig.

6.03 Character and Appearance

It was noted by the Inspector, that the site is in an area of gently undulating countryside with an open character which allows views in several directions. It lies within 800 m or so south of the A55 close to Junction 31 and its associated service area, around 680 m east of the B5122, and approximately 350 m north of Crossroad Road. There are also various public rights of way in the immediate vicinity.

6.04 In such a location the Inspector considered that a turbine of the height proposed would appear as a prominent feature on the skyline from many locations with the rotation of the blades drawing the eye. Although the area is crossed by two lines of electricity pylons, they are static in nature and the proposed turbine would be significantly taller than the pylons. Whilst acknowledging that the Zone of Theoretical Visibility (ZTV) takes no account of screening from vegetation, buildings, and minor changes in topography, the submitted ZTV suggests that the turbine hub would theoretically at least be visible from most areas within a 5 km radius apart from the area around Whitford to the north east and the A541 corridor. The Inspector decided that the visual impact of the proposal would also be experienced during periods of poor visibility and the hours of darkness owing to the National Police Air Service requirement for the turbine to be illuminated.

- 6.05 The application was accompanied by a Landscape and Visual Impact Appraisal (LVIA). This identifies a moderate adverse effect during the operational phase on the Clwydian Range Regional Landscape Character Area within which the site lies. As LANDMAP aspect areas are concerned, a similar effect is identified on the visual and sensory aspect area within which the site lies, noting that the proposed development would be visible on the same skyline as the pylons which run through the aspect area in several views from the surrounding area with the turbine becoming another prominent feature on this skyline.
- 6.06 The LVIA indicates effects on the other aspect areas within which the site lies ranging from imperceptible through negligible to slight adverse. Insofar as other aspect areas in the vicinity are concerned, predominant effects are identified on two further visual and sensory aspect areas, due to views of the turbine being available from the more open and elevated areas of these areas.
- 6.07 The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) is located around 3,700 m to the south and 2,920 m to the south west of the site. The Inspector considered that the proposed turbine would be seen in views into and out of the AONB, breaking the skyline in many instances, and the LVIA assessed the overall effect on the AONB as being moderate adverse.
- 6.08 The turbine would be much taller than the existing manmade elements in the local landscape, incorporate moving elements, be seen as a prominent feature from a wide area particularly during the winter months, and result in long term effects. As a result, the Inspector was of the view that the magnitude of landscape effects would be high within a radius of several kilometres and that the overall effect would be substantial adverse.
- 6.09 As visual effects were concerned, the LVIA identifies moderate to substantial adverse effects in respect of users of the A55 (the key visitor gateway to North Wales), A5151, A5026, B5122 and public rights of way. Moderate adverse effects are also identified in respect of parts of the settlements of Caerwys, Gorsedd and Lloc with a number of individual dwellings experiencing effects ranging up to substantial adverse. The Inspector considered that users of the service area at Junction 31 would also experience a substantial adverse visual effect with the turbine breaking the skyline against the backdrop of the AONB.
- 6.10 Listed Buildings
The original farmhouse and agricultural range at Ty Coch some 260 m from the proposed turbine are listed as being a well preserved small roadside farmstead of a type once common in Flintshire, retaining 19th century character. Plas Cerrig Farm around 560 m away contains three separately listed buildings. The farmhouse including an

attached former barn and bakehouse is listed as a well preserved sub medieval regional house type improved as part of a visually strong 19th century farm group. A barn, cart shed and granary as well as a cowshed are listed for their contributions to an impressive farm group. Given the agricultural origins, the rural landscape setting in which these buildings exist is of considerable importance to their significance and the way they are perceived, experienced and valued.

- 6.11 Views of the turbine from the above listed buildings would be largely screened by other buildings and, during the summer months at least, by natural vegetation. Nevertheless, setting is defined as the surroundings in which an historic asset is experienced, its local context, embracing present and past relationships to the adjacent landscape. From other locations, including the B5122, Crossways Road and public rights of way in the area, the Inspector considered that the turbine would feature prominently on the skyline in the surroundings in which the listed buildings are experienced with the scale and movement of the blades drawing the eye. Although the Appellant suggested that the impact would be moderate adverse at worst, the Inspector was of the view that it would be substantial adverse.
- 6.12 Other Considerations
The Inspector also considered concerns raised relating to health issues, visual and noise impacts and the impact of shadow flicker.
- 6.13 Welsh Government's TAN8 Planning for Renewable Energy was stated by the Inspector which asserts that there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health.
- 6.14 The Inspector found that the turbine would not represent an unpleasantly overwhelming and unavoidable presence in main views from the nearby properties of Plymouth Copse, such that there would be every likelihood of the properties being regarded as unattractive and thus unsatisfactory places to live.
- 6.15 The submitted Assessment of Environmental Noise established that the predicted operational noise levels at key noise sensitive locations would not exceed the limits established in ETSU-R-97. The Inspector did not disagree with these findings.
- 6.16 It was mentioned by the Inspector that shadow flicker effects have been proven to occur only within ten rotor diameters of a turbine, which in this case would be 440 m. The nearest properties are 700 m away. Thus these are well in excess of 440 m such that shadow flicker effects would not be experienced.

6.17 It was acknowledged that the turbine would contribute to the Welsh Government's renewable energy targets and this attracted substantial weight in the overall balance of the Inspector. Further benefits noted by the Inspector would result from farm diversification and the contribution to the local economy.

7.00 CONCLUSION

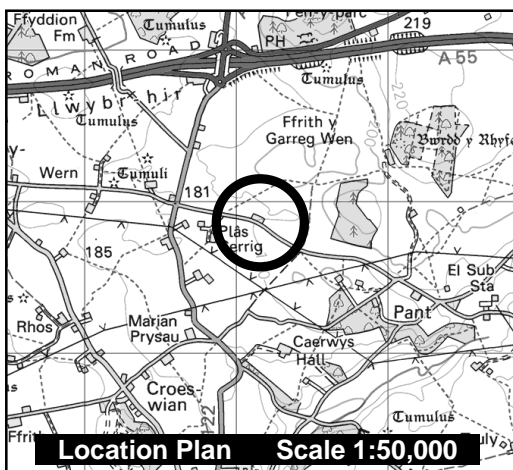
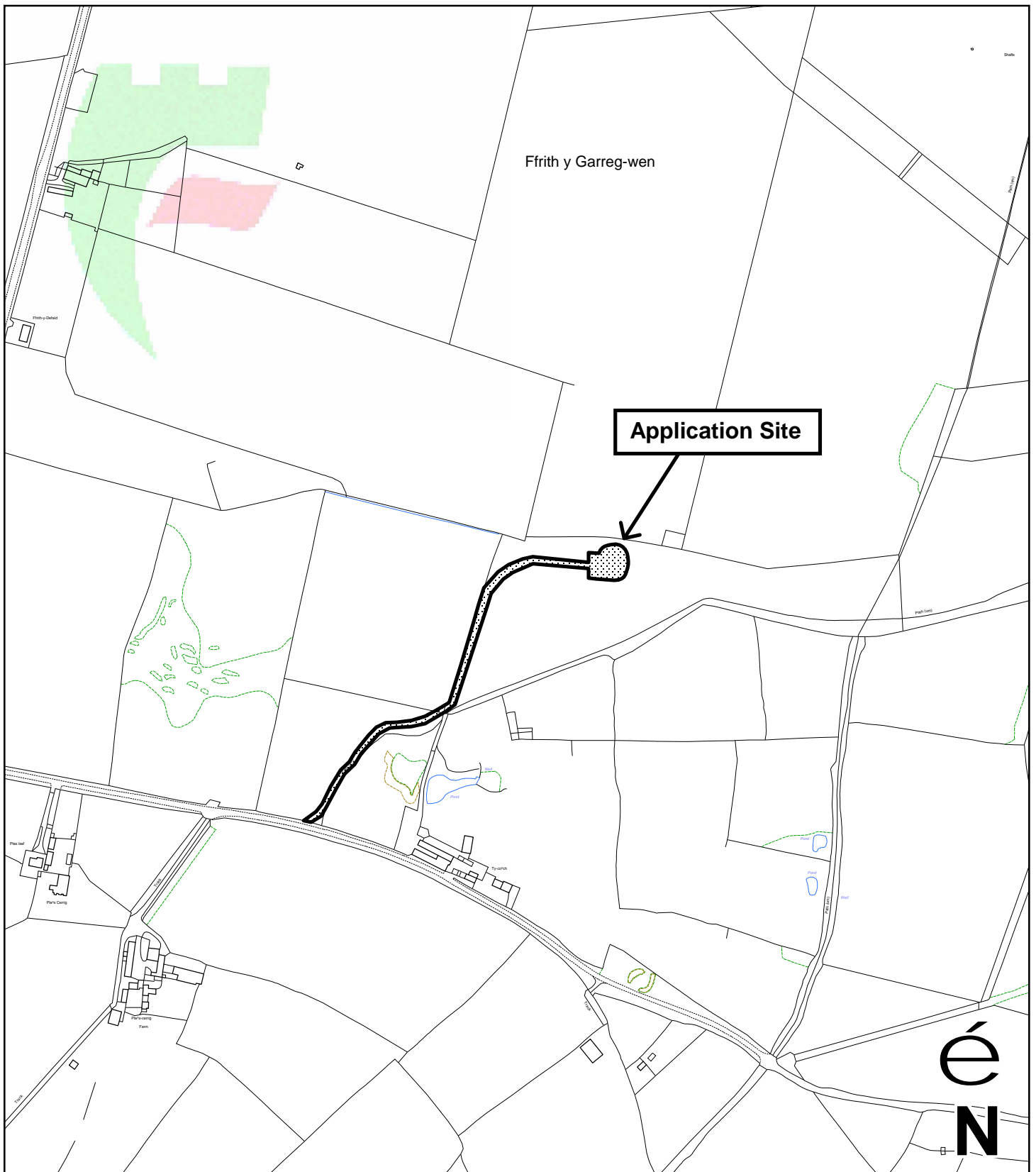
7.01 Consequently, for the reasons above, the Inspector **DISMISSED** the appeal.

LIST OF BACKGROUND DOCUMENTS

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

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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OS Map ref SJ 1375

Planning Application **51826**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH SEPTEMBER 2015**

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

SUBJECT: **APPEAL BY MR. & MRS M. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR REPLACEMENT OF EXISTING BUILDINGS WITH 1 NO. ECO DWELLING AT MARSH FARM, CHESTER ROAD, OAKENHOLT – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 052504

2.00 APPLICANT

2.01 MR. & MRS M. JONES

3.00 SITE

3.01 MARSH FARM,
CHESTER ROAD, OAKENHOLT.

4.00 APPLICATION VALID DATE

4.01 **05.08.2014**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in respect of the refusal to grant planning permission for replacement of existing buildings with an eco dwelling and landscaping at Marsh Farm , Chester Road, Oakenholt , Flint . The application was refused at Planning Committee and the appeal was dealt with by way of written representations and was DISMISSED.

6.00 REPORT

6.01 Introduction

This appeal considered the replacement of existing buildings with an eco-dwelling at Marsh Farm, Chester Road, Oakenholt, Flint outside the settlement boundary of Flint in the open countryside.

6.02 Main Issue

The Inspector considered the main issue in this appeal to be whether there were material considerations sufficient to outweigh any conflict with local and national planning policies, which seek to strictly control new development in the open countryside, outside settlement boundaries.

6.03 Policy

The Inspector noted that the appeal site lies outside the settlement boundary of Flint. Policy HSG4 states that new dwellings outside settlement boundaries will only be permitted where it is essential to house a farm/forestry worker who must live at or very close to their place of work not in a nearby settlement. There is no evidence that the proposal was required for this purpose and as such it conflicts with Policies HSG4 and GEN3 of the Flintshire Unitary Development Plan. Neither was there any evidence forwarded to support a broader category of rural enterprise worker referred to in Planning Policy Wales (PPW), in which new development away from settlement boundaries should be strictly controlled.

The Inspector noted that PPW specifically precludes buildings currently in use for agricultural / forestry purposes from the definition of previously developed land and that PPW recognises that not all previously developed land is suitable for development.

6.04 Infill

In the Inspectors opinion the site does not constitute an infill development, as the existing development at Marsh Farm stands by itself and is not in group.

6.05 Housing Land Supply

Whilst it was noted by the Inspector that Flintshire does not have a 5 year land supply as required by Planning Policy Wales, and whilst this is an important material consideration, it in his opinion does not justify setting aside the Unitary Development Plans spatial distribution of growth to provide a single dwelling that would only make a minimal contribution to meeting the shortfall. The Inspector Noted the 2013 Joint Housing Land Availability Study in which it noted that developments will be assessed on their individual merits and will not be approved merely because they would make increase housing land supply.

6.06 Eco Dwelling

The Inspector noted the proposed creation of an innovative and carbon neutral dwelling, but considered these merits to fall short to outweigh the identified conflict of the development with local and national planning policies.

6.07 National Development Framework

The Inspector noted reference to the NDF for Wales but considered that it could only be considered as conjecture and could be given very little weight in the consideration of the appeal.

6.08 Annex Accommodation

The Inspector considered that the development could not be considered as “annex accommodation “ as the development was clearly intended to be an independent dwelling and the 4 bedroom detached dwelling proposed would not be subsidiary to the existing dwelling in terms of design and scale.

7.00 CONCLUSION

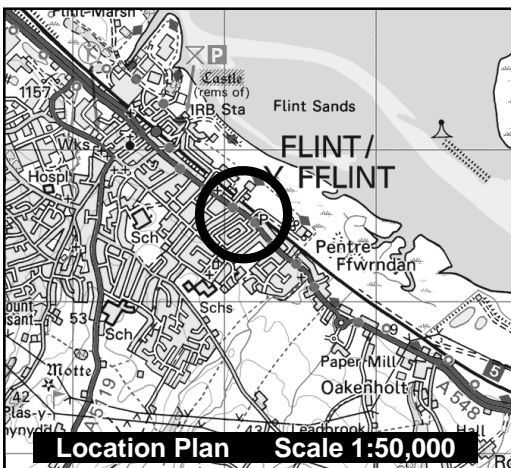
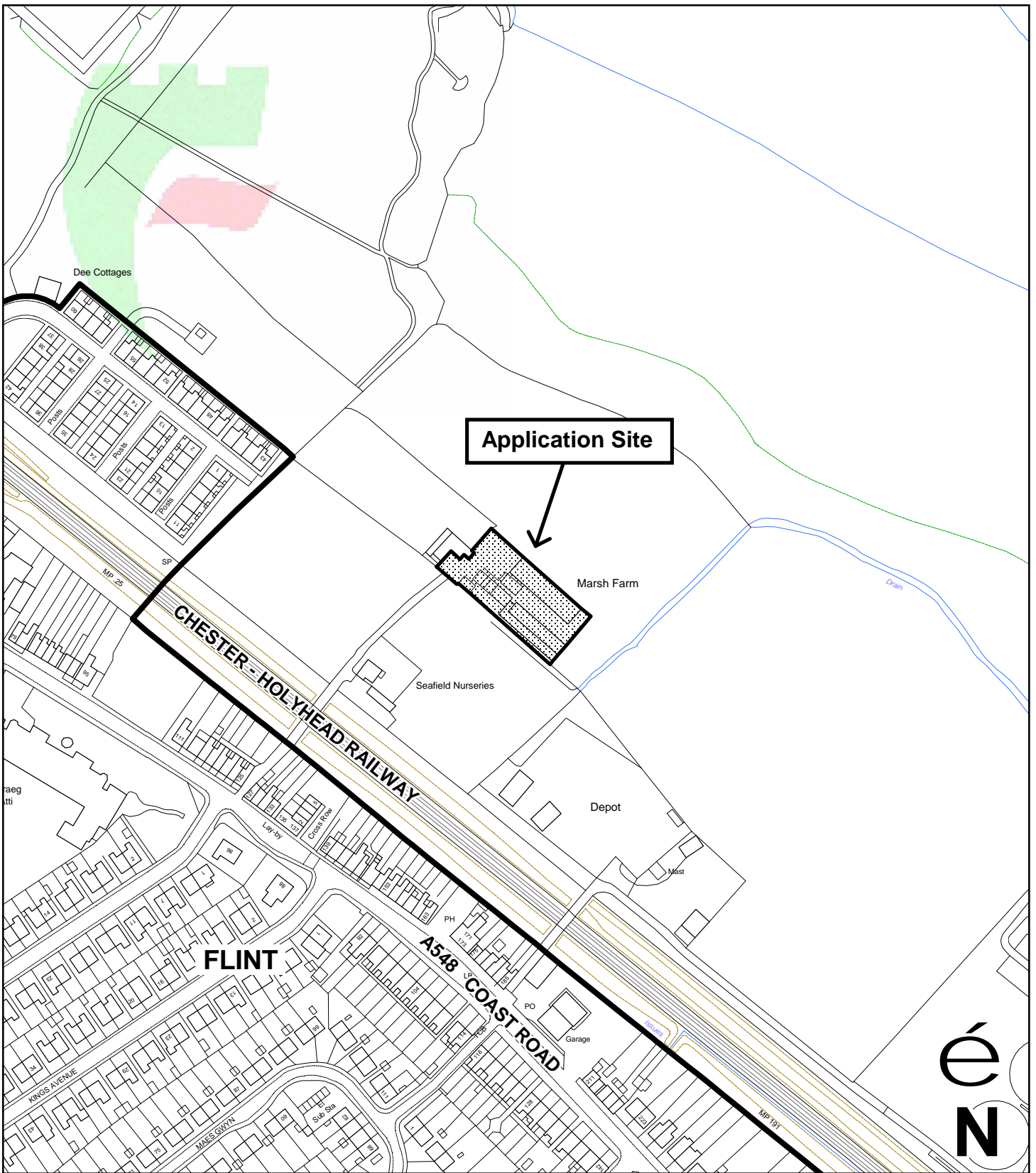
7.01 The Inspector concluded that the development for the reasons cited above conflicts with local and national planning policies, HSG4, GEN3 and PPW and concluded that the appeal be DISMISSED.

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 **52504**

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