

# Public Document Pack

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Chief Officer (Governance)  
Prif Swyddog (Llywodraethu)



To: Members of the Planning and Development  
Control Committee

CS/NG

18 May 2016

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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, 25TH MAY, 2016** at **1.00 PM** to consider the following items.

Yours faithfully

Peter Evans  
Democracy & Governance Manager

## **WEBCASTING NOTICE**

This meeting will be filmed for live broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 6 months.

Generally the public seating areas are not filmed. However, by entering the Chamber you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and / or training purposes.

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## AGENDA

1 **APPOINTMENT OF CHAIR**

To appoint a Chair for the Committee.

2 **APPOINTMENT OF VICE-CHAIR**

To appoint a Vice-Chair for the Committee.

3 **APOLOGIES**

4 **DECLARATIONS OF INTEREST**

5 **LATE OBSERVATIONS**

6 **MINUTES** (Pages 5 - 20)

To confirm as a correct record the minutes of the meeting held on 20 April 2016 (copy enclosed).

7 **ITEMS TO BE DEFERRED**

8 **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 25<sup>TH</sup> MAY 2016**

| <b>Item No</b>  | <b>File Reference</b> | <b>DESCRIPTION</b>   |
|---|-----------------------|--|
| <b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b> |                       |  |
| <b>8.1</b>  | <b>054322 - A</b>     | 054322 - A - Full Application - Proposed Individual Vehicular Access Points for Plots 2, 3 & 4 of Previously Consented Gypsy Site at Magazine Lane, Ewloe (Pages 21 - 28)  |
| <b>8.2</b>  | <b>054670 - A</b>     | 054670 - A - Outline Application for the Erection of 8 No. Dwellings at Conway Street, Mold (Pages 29 - 40)  |
| <b>8.3</b>  | <b>054886</b>         | 054886 - General Matters - Change of Use of Vacant Police House (Formerly a Dwelling) into a 9 Bedroom HMO and Associated Access Improvements at 63 High Street, Saltney (Pages 41 - 44)   |
| <b>Item No</b>  | <b>File Reference</b> | <b>DESCRIPTION</b>   |
| <b><u>Appeal Decision</u></b>   |                       |  |
| <b>8.4</b>  | <b>052377</b>         | 052377 - General Matters - Proposed Redevelopment for the Erection of 12 No. Dwellings Including Demolition of Existing Outbuildings and Creation of New Access at Bank Farm, Lower Mountain Road, Penyffordd. (Pages 45 - 50)   |
| <b>8.5</b>  | <b>053690</b>         | 053690 - Appeal by Mr. A. Evans Against the Decision of Flintshire County Council to Refuse Planning Permission for the Amended Application for the Erection of an Agricultural Storage Building (Part Retrospective) at Fron Haul, Brynsannan, Brynford - ALLOWED (Pages 51 - 56) |
| <b>8.6</b>  | <b>053238</b>         | 053238 - Appeal by Mr. T. Clarke Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of Industrial Units at Pistyll Farm, Nercwys - ALLOWED (Pages 57 - 64)   |



## **PLANNING AND DEVELOPMENT CONTROL COMMITTEE** **20 APRIL 2016**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 20 April 2016

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

Councillors: Marion Bateman, Chris Bithell, Ian Dunbar, Carol Ellis, Alison Halford, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Lowe, Nancy Matthews, Neville Phillips, Gareth Roberts and David Roney

### **SUBSTITUTIONS:**

Councillor: Veronica Gay for Mike Peers and Jim Falshaw for Owen Thomas

### **ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillor Dave Mackie for agenda item 6.5. Councillor Rita Johnson (adjoining ward Member) for agenda item 6.3

The following Councillors attended as observers:

Councillor: Haydn Bateman

### **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

## **167. DECLARATIONS OF INTEREST**

Councillor Carol Ellis declared a personal and prejudicial interest in the following application because her son was employed by Airbus:-

**Agenda item 6.6 – Full application – Development of external infrastructure comprising air supply units, duct work, stacks & supporting steel work & associated roadways & landscaping to support the operation of 2 no. booths within the Paint Shop Building at Chester Road, Broughton (055021)**

In line with the Planning Code of Practice:-

Councillors Veronica Gay and Richard Lloyd declared that they had been contacted on more than three occasions on the following application:-

**Agenda item 6.2 – Change of use of vacant Police House (formerly a dwelling) into a 9 bedroom HMO and associated access improvements at 63 High Street, Saltney (054886)**

Councillor Alison Halford declared that she had been contacted on more than three occasions on the following application:-

**Agenda item 6.5 – Full application – Erection of 1 No. detached dwelling and a detached double garage at 37 Wood Lane, Hawarden (054899)**

**168. LATE OBSERVATIONS**

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

**169. MINUTES**

The draft minutes of the meeting of the Committee held on 23<sup>rd</sup> March 2016 had been circulated to Members with the agenda.

**RESOLVED:**

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

**170. ITEMS TO BE DEFERRED**

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

**171. FULL APPLICATION – ERECTION OF 33 NO. APARTMENTS WITH ASSOCIATED CAR PARKING AT ALBION SOCIAL CLUB, PEN Y LLAN, CONNAH'S QUAY (054607)**

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 provided details of the site description and its location and advised that the principle of development had been accepted. She explained that the site was currently occupied by the Albion Hotel. It was proposed that 33 apartments would be developed on the site with one car park space for each apartment and nine visitor spaces. There had been some concerns about the height of the apartments but officers had worked with the applicant to achieve a sustainable development in this location. The officer explained that the application had been deferred from the previous meeting due to concerns about waste management but following on from this, it had been confirmed that if the management company failed, it would be possible for a smaller Council bin lorry to access the site and turn around within the site. A condition could also be included to surface the internal road to a suitable standard.

On the parking provision for the site, the officer confirmed that the maximum standards would require 50 spaces but due to the location of the site and the proximity to public transport, it was felt that 33 spaces was acceptable.

Highways had requested an additional condition requiring submission of a Travel Plan if the application was approved and it was also proposed that a Section 106 (S106) obligation be attached to the permission which the officer detailed.

Mrs. J. Faulkner (on behalf of Mrs Mullholey) spoke against the proposal and expressed concerns that the 2.5 storey apartment block, which would be sited six feet from a neighbouring boundary, would restrict views and result in loss of privacy. She spoke of anti-social behaviour that had occurred in other flats in the area which had become Houses of Multiple Occupation (HMO) and raised significant concern that this could reoccur in this development. Mrs. Faulkner felt that there were insufficient car parking spaces for the number of apartments proposed and suggested that residents could have two cars per apartment. She also felt that the entrance to the site was unacceptable and that the increased traffic in the area could lead to a serious accident. Mrs. Faulkner said that she would not be opposed to houses or bungalows on the site.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He referred to the Local Members who were unable to attend the meeting and thanked Mrs. Faulkner for her comments. Concerns had been raised about the issue of waste collection but it had been confirmed that the waste would still be collected if the management company failed. The Local Members had also expressed concerns about the small number of parking spaces on the site but acknowledged that this was in line with the Council's policy. Councillor Dunbar queried whether the S106 educational contribution should be for Bryn Deva School and not for Goltyn Primary School as reported. He noted that the application had been deferred from the previous meeting and suggested that if the application was refused, then the applicant would appeal and costs could be awarded against the Council. He felt that this proposal was better than what was currently on the site and that it would alleviate the problems of antisocial behaviour in the area.

In sharing the concerns raised about parking standards, Councillor Chris Bithell suggested that even residents living in town centres might have more than one car per family and would still need to park the vehicles even if they were not being used. He said that the current policy for town centre developments was 1.5 spaces per unit which would result in a shortfall on this site of nine spaces and therefore did not comply with policy. He said that he had raised a similar concern at the previous meeting and had suggested that the issue be considered by the Planning Strategy Group. Councillor Bithell commented on a layby used by visitors to the neighbouring church and suggested that vehicles parked there may affect the visibility splay of the entrance to this site. He raised concern about the request for a travel plan and suggested that they were rarely adhered to and added that he still had concerns about the issue of refuse collection. Councillor Richard Lloyd asked whether any of the parking spaces were designated as disabled spaces.

Following the comments made, the officer advised that she had confirmed with the Education Officer that Goltyn Primary School was the

nearest to the site. She explained that the parking standards were maximum not minimum and as the site was in an urban area where there were alternative modes of transport, one space per apartment was deemed to be acceptable. Purchasers would be advised that there was only one space per apartment and the provision of a travel plan would also be included as part of the sales details for the dwellings. She advised that concerns had originally been raised on the issue of waste because of the use in the area of a six wheel refuse vehicle but it had been confirmed that a four wheel refuse vehicle, which the Council also had available, could access the site and turn around within the site. The officer advised that none of the parking spaces had been specifically designated as disabled spaces.

Councillor Bithell sought clarification on whether the access would be open at all times to ensure that the visibility splay was maintained. The Senior Engineer – Highways Development Control confirmed that a condition had been included for works on the access to be completed prior to the commencement of other works on the site and she confirmed that the visibility splays could be maintained.

In summing up, Councillor Dunbar welcomed the suggestion for designated disabled spaces and indicated that he would like to add that in his proposition and Councillor Jones, who had seconded the proposition, indicated her consent to the additional condition. Councillor Dunbar also reiterated his earlier comment that Bryn Deva school was nearer than Golftyn. The Development Manager confirmed that the contribution was based on proximity to the development site not ward boundaries.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), subject to the additional condition reported in the late observations and the additional condition for a minimum of two disabled parking spaces, and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or earlier payment of monies to provide the following:-

- An off-site commuted sum of £733 per unit in lieu of on-site provision to improve the junior play facilities at Central Park, Connah's Quay
- A contribution of £98,056 is required towards educational enhancements at Golftyn Primary School
- A commuted sum of £360,000 to facilitate access to affordable housing in Connah's Quay
- Local Planning Authority review terms of the proposed management agreement for the apartments in order to ensure that it requires private refuse collection

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



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

**172. CHANGE OF USE OF VACANT POLICE HOUSE (FORMERLY A DWELLING) INTO A 9 BEDROOM HMO AND ASSOCIATED ACCESS IMPROVEMENTS AT 63 HIGH STREET, SALTNEY (054886)**

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 18 April 2016. 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 application and explained that the proposal was to convert a former dwelling into a House of Multiple Occupation (HMO) with six bedrooms with en-suite bathrooms and three bedrooms with a shared bathroom. Two parking spaces were on the existing driveway and an additional access point was proposed with a further two parking spaces. Both accesses would require reversing onto the High Street as there was insufficient space to turn within the site; Highways officers had not raised any issues with this. A bus stop was also situated outside the property. The main issues related to intensification of the residential use and the impacts relating to noise, disturbance, parking and access issues. There were no parking standards for a HMO and therefore four spaces was deemed appropriate because of the proximity to local facilities and a bus stop with services directly to Chester and into Flintshire towns; a cycle store was also to be included in the site. There were no windows in the property which directly overlooked the school playing fields or the adjacent residential properties in either the existing dwelling or the proposed extensions.

Mr. J. Morgan spoke against the application. He highlighted a number of issues which included that even though it had been indicated that the residents would be working professionals, this could change without notice and the building could be occupied by more vulnerable groups of people which could create child protection issues with the windows overlooking the school premises. He felt that the provision of only four parking spaces for nine bedrooms was a problem as there was no-where for all of the residents to park if they all had a vehicle and would create extra traffic on an already busy road. The school used the local church regularly and because there was no pedestrian crossing in the area, any additional traffic could increase a danger for those crossing the road.

Councillor Richard Lloyd proposed refusal of the application, against officer recommendation, which was duly seconded. He felt that the site visit had allowed the Committee to see the location of the site, which was significant. It was close to the primary school, church and doctor's surgery and the property, which had not been a police station since the 1950s, had been empty for the past couple of years. He did not feel that the change of use to a nine bedroom house was a good use of the site and expressed significant concern about the requirement to reverse out of the site on the High Street. He commented on

the Design and Access Statement and on the issue of parking felt that four spaces for nine rooms was insufficient particularly as there was no convenient on or off-road parking in the area for the residents of this property or their visitors. Councillor Lloyd also expressed significant concern about the waste and recycling collections and said that nine extra bins on the pavement would make it impossible for pedestrians to pass. He shared Mr. Morgan's concerns about the close proximity of the site to the school and said that the application should be refused as it was not in keeping with the area, both accesses were dangerous, parking on the road would impact on the traffic flow and the rubbish collections would block the pavement.

The Local Member, Councillor Veronica Gay, spoke of attractions in Broughton that was attracting people to the area and of River Lane Industrial Estate which the traffic had to exit onto Boundary Lane and then travel up the High Street to the A55. She felt that to include another access near to the bus stop was unreasonable and added that there was no safe place to cross the road safely, particularly for the school children who visited the church on a regular basis. She felt that the second proposed vehicular access was below highways level and even though conditions had been put in place to lower the walls either side of the access, there were still concerns about the front of the dwelling being in line with the access. She did not believe that a nine bed HMO was in keeping with the area and sought clarification on the tenant profile of 'working professionals'. Councillor Gay expressed concern that the pavement was too narrow for the number of waste bins that would be put out by the residents and asked that a condition be included, if the application was approved, for the bins to remain within the curtilage of the site at all times. She suggested that the second access be removed from the proposal and queried why there was parking on the site if there was a bus stop outside the dwelling. Councillor Gay also asked what arrangements were to be put in place for the construction vehicles during the development of the site. She added that there had been 15 reported accidents on the road between Boundary Lane and Park Avenue.

Councillor Chris Bithell felt that the proposal would be an overdevelopment of the site and queried the requirement for shared bathrooms, kitchen and living accommodation. The number of car parking did not comply with the Council's standards of 1.5 spaces per dwelling and he expressed significant concern about the requirement for vehicles to reverse out of both accesses onto the high street. He said that Saltney was a ribbon development and this proposal would not assist with the significant traffic problems that were already experienced in the area. He added that a smaller development on the site would be more acceptable.

Councillor Carol Ellis felt that it was important to consider local knowledge in the determination of the application and reiterated the concerns of other Members about the amount of traffic already in the area, the requirement for shared bathrooms and kitchens and the need for vehicles to reverse out on to the street. She also commented on the possible future use of the property by vulnerable users and of the close proximity of the site to the school.

Councillor Richard Jones spoke of previous applications that had been refused in the past because they did not have a turning area within the site. He expressed significant concern about vehicles reversing out onto the main road and of the number of extra bins that would be put out on the pavement one day each week. He did not feel that the description of the application was what would be developed if the application was approved.

The Senior Engineer – Highways Development Control confirmed that Highways had no objections to the proposal subject to appropriate conditions and that even though there were no parking standards for a HMO, each proposal should be considered on its own merits. She said that it was not always a necessity to have a turning area within the site and on the issue of the accident history in the area, indicated there had been five recorded accidents in the last five years. She added that given the location and the public transport availability in the area, Highways supported the application.

In summing up, Councillor Lloyd reiterated his concerns about the small number of parking spaces and the requirement to reverse out on to the main road which he felt was dangerous. Any parking on the road would increase the traffic problems in the area and the kerbside collections would block the pavement and cause a danger for pedestrians. He added that the proposal was an overdevelopment of the site.

**RESOLVED:**

That planning permission be refused, against officer recommendation, on the grounds of overdevelopment, concerns about parking and the requirement to reverse out onto the main road.

**173. FULL APPLICATION – ERECTION OF 14 NO. SEMI-DETACHED HOUSES, 2 NO. SEMI-DETACHED BUNGALOWS, 6 TERRACED PROPERTIES AND 1 NO. SPECIAL NEEDS BUNGALOW TOGETHER WITH ACCESS ROAD AND PARKING AT LAND OFF COED ONN ROAD, FLINT (053662)**

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 had been deferred from the previous meeting to allow the application to be publicised further. This period had now elapsed and no further representations had been received. The site had been granted approval under application 050300 and this application was to amend house types on this part of the site.

Mr. J. Yorke spoke against the application and in referring to the Design and Access statement which he said referred to nine houses. He sought clarification on whether the contribution for play provision was for the playground at Oakenholt or Albert Avenue as both had been mentioned in the report. The Design Brief required affordable housing for young people to get

on to the housing ladder and in line with Technical Advice Note (TAN) 2, he suggested that this should be pepperpotted through the site and not just be in one location within the site. Mr. Yorke said that this application did not adhere to the condition required by 050300 as it was for social housing in one area of the site and suggested that these were not affordable homes. He expressed significant concern about the parking on Coed Onn Road and said that the Environment Impact Assessment was 13 years old. Concern had been expressed by the Ecology Officer because of the requirement to remove 13 feet of top soil alongside a Site of Special Scientific Interest (SSSI). He referred to an email that had been sent by the Planning Strategy Manager to Local Members, Councillors Vicky Perfect and Paul Cunningham, which implied that approval of this application implemented the planning condition imposed on phase 3 that the link road from Coed Onn Road to the A548 would be provided; he queried why this was not evident in this proposal. Mr. Yorke felt that this application was significantly different to those submitted in 1999, 2004, 2008 and other public exhibitions.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He said that the area had planning permission for 23 dwellings and that this application was for the same number of dwellings but of different house types and the development would also link the proposal for the distributor road. Councillor Christine Jones welcomed the inclusion of a special needs bungalow as part of the proposal.

The Adjoining Ward Member, Councillor Rita Johnson spoke against the application. She said that the application was part of the Croes Atti design brief which included affordable properties to be pepperpotted throughout the whole site. This application from a Housing Association was trying to change the site to 23 affordable homes was not part of the original application and suggested that this had not been adhered to. The area was classed as phase 3 which required that the through road to the A548 was to be completed to a base level but now it was proposed that only between 15 and 25 metres length of this road was required.

Councillor Chris Bithell raised concern about the suggestion that the affordable housing would not be pepper-potted through the site as he felt that this could lead to segregation. Councillor Alison Halford supported what Mr. Yorke had said about pepper-potting the affordable homes through the site and indicated that as it was a historic site, there was only a requirement for 10% affordable dwellings. Councillor Carol Ellis commented on the road and sought clarification on the requirement for the provision of only 15 to 20 metres rather than the through road as conditioned in the previous planning permission.

In response to the comments made, the Officer said that 10% affordable housing was a requirement for the whole site which the developer was still bound by and added that this proposal was in addition to that requirement. There was also a requirement as part of the original proposal to improve the junction of Coed Onn Road and the Croes Atti junction prior to any works commencing on site.

The Planning Strategy Manager said that Mr. Yorke had referred, in his objection letter and his address to Committee, to an email that he had sent to the Local Members which advised that the approval and subsequent implementation of this application totally initiated the part of the Phase 3 Section 106 agreement requiring full provision of the remainder of the estate link road through from Coed Onn Road to the A548. The Planning Strategy Manager said that the email actually said was “that as a consequence of this application gaining permission and subsequently being implemented, the part of the Phase 3 Section 106 agreement requiring an access link into the Croes Atti site from Coed Onn Road would be triggered”. It confirmed what the Planning and Highway officers had already advised Members.

Councillor Bithell referred to paragraph 7.09 on affordable housing and sought clarification on whether they would be spread throughout the site. In response, the officer reiterated his earlier comments that the applicant was bound by the agreement to provide 10% affordable housing across the whole site. The Development Manager advised that this application from a Housing Association was for 100% affordable dwellings on this part of the site, which was in addition to the 10% across the remainder of the site. Councillor Marion Bateman sought clarification on whether this proposal for 100% affordable housing would all be in one location. The Development Manager confirmed that it would be and asked Members to be mindful that if they were considering refusal of the application simply because it was for Housing Association properties, this would be difficult to sustain at appeal.

The Planning Strategy Manager said that there were three phases of development which had a condition to provide 10% affordable housing, so this application was in addition to that provision. He reminded Members that the Housing Association provided quality homes and provided a range of affordability options for their residents which could include selling the properties to the occupiers as a shared equity option.

In summing up, Councillor Dunbar confirmed that peppercotting of affordable homes was in place throughout the whole of the Croes Atti site.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a Section 106 agreement, providing a unilateral undertaking or the making of an advanced payment which provides for the following:-

- Ensure the payment of a contribution of £733 per dwelling (£16859) in lieu of on-site play and recreation facilities, to upgrade the existing children’s play area at Oakenholt.

**174. FULL APPLICATION – ERECTION OF JOINERY WORKSHOP AT JOINERY YARD, VALLEY ROAD, FFRITH (054266)**

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 18 April 2016. 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, which was for a joinery workshop to replace a building destroyed by fire, had been referred for Committee determination by the Local Member. The main issues for consideration were the impact on the public footpath, drainage and noise. He added that this proposal was for a building smaller than the one previously on the site.

Ms. H. Arndt spoke against the application on the grounds of concerns about the drainage solutions for the site and the negative impact on the property 'The Glen'. She explained that 'The Glen' was a lower lying property than the joinery yard therefore water naturally drained onto 'The Glen' from the concrete surface and the concern was regarding the proposed shed and the surrounding concrete yard. There was a current soakaway on the site which was omitted from the site maps and the application and it was unclear what would happen to the soakaway under the new plan but there would be a negative impact on the adjoining land. She quoted from policy GEN 1 (d) and (i) and suggested that these had not been complied with in this proposal. She felt that a soakaway was not a suitable solution for the site and was not a manageable solution for the rainwater at the Joinery Yard.

Mr. O. Jones spoke in support of the application on behalf of the applicant. He firstly apologised for speaking at the site visit and explained his reasons for his comments. He said that the applicants felt that the report was comprehensive and factual and asked that it be put on record the input from other departments within the Council particularly the Drainage Engineer. He felt that the Council through its economic policy supported and encouraged such developments as this. He refuted any allegations that this application would increase any drainage problems on adjacent land.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. She congratulated the officer for the report and indicated that the drainage proposals had been explained on the site visit. The building was smaller than what had previously been in place and would bring employment to the area. In seconding the proposal, Councillor Richard Jones said that the application need not have been referred to Committee for consideration and that it should be approved.

**RESOLVED:**

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

**175. FULL APPLICATION – ERECTION OF 1 NO. DETACHED DWELLING AND A DETACHED DOUBLE GARAGE AT 37 WOOD LANE, HAWARDEN (054899)**

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, explaining that a previous application had been approved on this site as part of a Section 106 (S106) obligation because the Category B settlement had exceeded its growth for the Unitary Development Plan (UDP) period. However, the applicant had not signed the S106 and the proposal was therefore refused under delegated powers. This application was a resubmission of that proposal but in view of the date of the UDP there was no longer a requirement to comply with policy HSG3 and therefore approval of the application was recommended.

Mr. I. Warlow spoke against the application which, he advised, he had also done on the previous application for this site. He felt that the plans had not shown how close the site was to the properties at 35 and 37 Wood Lane. He raised concern about the significant excavation that would be required as this site was elevated by six feet and if groundwork was not carried out, the ground floor rooms would be at the same height as his first floor rooms. The side windows would also overlook his daughter's bedroom window. There would be light and noise pollution on neighbouring properties as a result of the application and concern had been expressed about the ability to comply with condition 10. He added that the owners of number 37 had been asked to sign a contract to indicate that they would not object to the proposals for this property. Mr. Warlow felt that the site would impact on the local area and there had already been an additional 100 properties being permitted in the locality and therefore this one extra property was not required. He also felt that it was backland development and that the application should be refused.

Mr. C. Shaw, the applicant, spoke in support of the application. The earlier application had required the completion of a Section 106 agreement but this had not been signed because he had deemed the scheme to be unviable if the S106 had been signed. He had listened to the concerns raised and explained that the floor levels were at a similar level to those of number 37. Both of the Local Members had asked for Committee determination. As the UDP had expired in April 2015, he felt that this should be treated as a new application and considered on its own merits. There had been no objections from the Head of Assets and Transportation and the addition of one dwelling would not significantly increase the traffic in the area. The issue of backland development had been addressed and there were already houses to the rear of 31, 33 and 35 Wood Lane. The Council only had a 3.7 year housing land supply which was below the five year requirement by Welsh Government and it was reported that it was a sustainable windfall site that should be treated favourably. The proposal complied with planning policy on space around

dwelling, separation distances between dwellings, overlooking impact and provision of amenity space.

Councillor Alison Halford, the Local Member, proposed refusal of the application, against officer recommendation, which was duly seconded. She felt that the application should be refused because of the impact of the development on residential amenity, highways, potential coal mining legislation and was backland development. Ewloe had reached 17.5% growth rate and 2547 houses had been built in the area upto 2008 and another 100 since 2009 and another 23 had not been started and a further 19 were under construction. An appeal had also been lost for a further 41 dwellings outside the settlement boundary on agricultural land in a built up area when the schools were full and the roads and infrastructure could not cope. A large hole had appeared nearby which could be the result of mineshafts in the area which was a cause for concern. She said that it was completely unfair for a four bedroom house to be built in the garden and added that the owner of number 37 regretted signing the legal agreement that he would not object to the proposal. Councillor Halford felt that there were too many houses in the area and that one more was unnecessary. She queried the need for an affordable dwelling if the applicant already had a home and said that it had been suggested that he could only stay in the area if he built in the back garden of the property. There was a loophole in the policy and following a review the policy had been changed.

The other Local Member, Councillor Dave Mackie, also spoke against the application. He referred to paragraph 7.02 where it was reported that approval had been granted but for an affordable dwelling and suggested that this was a major factor in the deliberations by Committee. This application would be considered on its own merits and not following the previous approval for affordable housing consent. He highlighted paragraph 7.11 about acceptable growth during the UDP period but the monitoring of growth over the plan period had ended on 1 April 2015. He felt that this proposal was for backland or tandem development but had not been reported, which he felt was inconsistent and therefore quoted from Planning Policy Wales 9.3.3 on sensitive infill developments and 9.2.13 on tandem development, which it suggested should be avoided. He also referred to 11.51 of UDP which stated that tandem development was unsatisfactory. Paragraph 7.15 of the report mentioned the effect on 37 Wood Lane but not on the residents of number 35. The resident of that property had made clear of the harm that would be created by the development. Councillor Mackie referred to two other areas of concern which were in relation to condition 10 and the level of ground if it was six feet higher in the garden than in the houses in front then there could be overshadowing and loss of light.

Councillor Gareth Roberts said that the settlement was already full and the applicant had applied for an affordable dwelling which he had questioned how a four bedroom dwelling could be classed as affordable. The goalposts had changed because the Council did not have a five year housing land supply as the completions method was no longer used to calculate the supply. The reason for the initial refusal was no longer there and he was struggling to find a



reason to refuse the application. Backland development was not a reason for refusal and suggested that approval of the application was accurate.

Councillor Chris Bithell concurred that the issues that were previously in place were no longer applicable as the monitoring of growth bands had ceased on 1 April 2015. The Local Members had referred to backland development and of the mineshafts in the area but a condition had been included for a site investigation and remediation to be undertaken if necessary. On the issue of backland development, he felt that the Committee needed to consider what harm the proposal would have on the area if it was approved. The application complied with space around dwellings, and sufficient distances from surrounding dwellings and not directly overlooking other properties. On balance Councillor Bithell felt that the application could not be refused and said that he would vote in favour of the proposal.

The officer said that the key was the merits of the development and highlighted paragraphs 7.06 and 7.17 on the previous permission. The Development Manager said that it was not the case that standards had reduced since 2014. Mr. Warlow had reiterated his concerns and they had been taken into consideration in the determination of the application. The proposal met design standards and the access had been considered acceptable as it had been in 2014. In terms of detail this was the same proposal as was before Members at that Committee.

The Planning Strategy Manager commented that Councillor Mackie had made the point that the property being affordable had been the reason for the approval of the previous application. The site had to also meet other planning requirements and all issues around the location of the proposal had to be acceptable. He also commented on the decision of the Appeal Inspector and added that HSG3 had not changed but the degree to which it could be implemented had changed. Elements of HSG3 on growth were no longer applicable as the UDP plan period had expired and Hawarden was a sustainable settlement. There was no planning argument to refuse one more property and on the issue of applying consistency to their decisions, reminded Members that they had approved an application on a site at Boar's Head in Ewloe at a previous meeting.

In summing up, Councillor Halford said that she had not implied that affordable housing would demean her ward. She felt that WG had changed their policy and she suggested that no piece of land was safe from development. She said that backland development was against policy and that the application should be refused due to loss of amenity, overlooking, overdevelopment and highways. She added that the infrastructure could not cope and the schools were full and she expressed concern about the coal mining that had previously been undertaken in the area. The Chief Officer (Planning and Environment) responded that the Coal Authority had included a condition for works to be carried out and the issue of highways had not been raised during the proposal to refuse the application or in the summing up. Councillor Halford said that she thought she had mentioned highways and the Chief Officer responded that there was no evidence of a highways impact.

On being put to the vote, the proposal to refuse the application, against officer recommendation, on the grounds of loss of amenity, overdevelopment and overlooking was LOST and therefore the application as recommended, was approved.

**RESOLVED:**

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

**176. FULL APPLICATION – DEVELOPMENT OF EXTERNAL INFRASTRUCTURE COMPRISING AIR SUPPLY UNITS, DUCT WORK, STACKS & SUPPORTING STEEL WORK & ASSOCIATED ROADWAYS & LANDSCAPING TO SUPPORT THE OPERATION OF 2 NO. BOOTHS WITHIN THE PAINT SHOP BUILDING AT CHESTER ROAD, BROUGHTON (055021)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Councillor Carol Ellis, 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 for consideration by the Committee because of the height of the development.

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

**RESOLVED:**

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

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

**177. GENERAL MATTERS – APPLICATION FOR THE VARIATION OF CONDITION NO. 10. (EXTENSION TO WORKING HOURS) & CONDITION NO. 26 (INCREASE HEIGHT OF STOCKPILES) ATTACHED TO PLANNING PERMISSION 052359 AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARN INDUSTRIAL ESTATE, MOLD ROAD, EWLOE (054536)**

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 Chief Officer (Planning and Environment) advised that the report was seeking clarification on the wording for the reason for refusal of planning

permission from the Planning and Development Control Committee meeting on 23<sup>rd</sup> March 2016. He advised that Councillor Carol Ellis had been contacted to discuss the wording as she had proposed refusal of the application at that meeting.

Councillor Ellis proposed that the suggested wording for refusal of the application be accepted, which was duly seconded.

**RESOLVED:**

That the following wording be used on the decision notice for application 054536:

“The proposed increase in working hours would result in unacceptable noise and disturbance on residential amenity, contrary to policies GEN1 (d), EWP 8 (b) and (f) and EWP13 of the adopted Flintshire Unitary Development Plan.”

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

There were 17 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.00 pm)

.....  
**Chairman**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> MAY 2016**

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

**SUBJECT:** **FULL APPLICATION – PROPOSED INDIVIDUAL VEHICULAR ACCESS POINTS FOR PLOTS 2, 3 & 4 OF PREVIOUSLY CONSENTED GYPSY SITE AT MAGAZINE LANE, EWLOE.**

**APPLICATION NUMBER:** **054322**

**APPLICANT:** **MR. J. PEDLEY**

**SITE:** **MAGAZINE LANE, EWLOE.**

**APPLICATION VALID DATE:**

**LOCAL MEMBERS:** **COUNCILLOR A HALFORD**  
**COUNCILLOR D MACKIE**

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

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

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

### **1.00 SUMMARY**

- 1.01 This is a full planning application for new vehicular access points and gates to serve Plots 1, 2, 3 and 4 of the consented gypsy/traveller site for 5 pitches. The creation of the access would require the removal of two sections of hedgerow to create two double driveways. The site has a wide roadside verge, therefore the amount of hedge required to be removed to provide the required visibility splays would be limited.

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

- 2.01
1. Time Commencement
  2. Plans
  3. Gates shall open inwards and positioned clear of the adopted highway
  4. Details of gates as approved unless otherwise agreed in writing
  5. The gates opening inwards and positioned clear of the adopted highway network
  6. Forming and construction of the means of site access shall not commence unless and until the detailed design for the culverting of the existing ditch over which the access will be formed is submitted and approved by the LPA
  7. Access will have a visibility splay of 2.4m x 40m in both directions with no obstruction in excess of 0.6m
  8. Landscaping to enhance roadside hedge

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor Mackie

Requests Committee determination. The trees and hedgerows should be protected and there is no need to break through them for further access points when the site has a consented access to serve the plots. Objects to the development as the site should try to have minimum impacts on the green barrier.

Councillor Halford

Requests Committee determination due to concerns from local residents that the development has already been carried out and general concerns about any developments on the site and to show transparency.

Hawarden Community Council

Object to this application as it contravenes the recommendation of the Planning Inspector to conserve the trees/hedgerows etc. on the site.

Highways Development Control Manager

No objections subject to;

- The gates opening inwards and positioned clear of the adopted highway network
- Forming and construction of the means of site access shall not commence unless and until the detailed design for the
- culverting of the existing ditch over which the access will be formed
- Access will have a visibility splay of 2.4m x 40m in both directions with no obstruction in excess of 0.6m

Public Protection Manager  
No adverse comments to make.

#### **4.00 PUBLICITY**

##### 4.01 Site Notice and Neighbour Notification 16 objections on the grounds of;

- Screening has not been implemented
- Damage to hedgerows
- Visual impact of the site
- The site is in the green barrier and this will cause further harm
- The access position would lead to the re-siting of mobile homes
- Urbanising impacts
- No need for further access points
- Risk to users of the lane by having more access points increases pedestrian vehicle conflict
- Conditions on permission require retention of the hedgerows

Letter from Campaign for the Protection of Rural Wales stating

- No need for alternative access points
- The proposed amended plot access points will require further tree and hedgerow removal which are protected by a condition
- The size scale and materials of the gates are industrial in scale and nature

#### **5.00 SITE HISTORY**

5.01 047896 - Change of use of land for the stationing of caravans for the residential purpose for 5no. Gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retention of existing stables. Refused 12.01.12.

049152 - Change of use of land for the stationing of caravans for the residential purpose for 5no. Gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use and retention of existing stables. Refused. Dismissed on appeal 08.10.12.

050463 - Use of land for the stationing of caravans for the residential purpose for 5No. Gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retaining existing stables. Refused. Allowed on appeal 10.04.14.

054095 - Proposed new vehicular access to serve plot 5 only of previously consented gypsy site Refused 09.03.16. Appeal under consideration.

054096 - Erection of day room/amenity building on plot 5 in lieu of previously approved day room as approved by permission 050463. Resolution to grant permission subject to S106.

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
GEN1 - General Requirements for Development  
GEN3 – Development in the Open Countryside  
GEN4 – Green barrier  
AC13 – Access and Traffic Impact  
AC18 – Parking Provision and New Development  
HSG14 – Gypsy Sites  
The proposal accords with the above policies.

## **7.00 PLANNING APPRAISAL**

- 7.01 Introduction  
This is a full planning application for new vehicular access points and gates to serve Plots 1, 2, 3 and 4 of the consented gypsy/traveller site for 5 pitches.
- 7.02 Site description  
The application site is located to the south west of Magazine Lane, with Ewloe barn wood to the west and the A55 to the south. There is agricultural land to the east. The site has consent for a gypsy traveller site of 5 pitches. Plots 1 – 4 run along Magazine Lane. The planning permission 050463 has been partially implemented in that the landscaping bund is in place and the power cables have been relocated. Hard core has also been laid across the site.
- 7.03 Proposed development  
The consent for a gypsy traveller site 050463 made provision for a shared single point of access off Magazine Lane, with an internal access road within the site serving each plot.
- 7.04 It is proposed to create 4 separate points of access to serve each plot 1-4 off Magazine Lane. These would be in two pairs with plots 1 and 2 and 3 and 4 having driveways directly adjacent to each other. The day rooms would remain in the same positions. The proposed access arrangements would require the re-siting of the static caravan on plot 2 to the opposite position within the plot. The red line area has been amended to include the internal road and turning area which is part of the consented layout to show that this could still be implemented. Each access would have 1.8 metre high close boarded wooden gates within a metal frame.
- 7.05 The proposed access for each plot crosses an existing drainage ditch. This would be culverted at each access point. It is stated that the proposed access points would be a secondary means of access and



the shared access would still be provided. The justification for this is that a secondary access could be used in cases of emergency, for example fire/emergency services or during unsociable hours to minimise disturbance from vehicle headlights.

7.06 History

The owner of plot 5 of the consented gypsy and traveller site submitted application 054095 for the creation of an access to plot 5 only from Magazine Lane. This was refused by Planning and Development Control Committee on 24<sup>th</sup> February 2016 on the grounds of;

“The creation of a new access point would have a detrimental impact on the character of the open countryside and the green barrier contrary to Policies GEN3 and GEN4 of the Flintshire Unitary Development Plan.”

7.07 An appeal has been submitted against that refusal and is currently being considered by the Planning Inspector through the written representations process.

7.08 Green barrier and impact on the character of the countryside

The consented gypsy site will have an impact on the green barrier and an urbanising effect on the open countryside as recognised by the appeal Inspector, however the need for more gypsy and traveller sites outweighed that harm.

7.09 The creation of the proposed access points would require the removal of two sections of hedge each measuring approximately 9 metres in width. The site has a wide roadside verge and therefore no further hedgerow would need to be removed to provide the required visibility splays.

7.10 A close boarded fence will be erected behind the existing roadside hedgerow within the site as boundary treatment. The proposed gates are close boarded timber panels 1.8 metres in height, which would match the internal fence. Highways have requested that the gates open inwards to prevent any obstruction on the highway and its verge if they were to be left open.

7.11 The visual impact of the creation of the access would be the removal of two sections of hedge both 9 metres in width and the insertion of two pairs of wooden gates in each opening wooden gates. As the principle of development is accepted it is not considered that the proposed development would have any additional unacceptable impacts on the green barrier or the open countryside location. A condition can be imposed to ensure that the remaining hedge is enhanced to screen the boundary fencing.

7.12 Highways

Highways have no objection to the proposed access subject to conditions as set out in their response. The access would not lead to any increase in traffic as it is to serve the consented site.

7.13 Other Matters

The proposed revised access arrangements would require the re-siting of the static caravan on plot 2 to the opposite position within the plot. This can be done under condition 5 of permission 050463 with agreement in writing by the Local Planning Authority. It is considered that there is no reason why the Council would object to the re-siting of the caravan if a request was made.

**8.00 CONCLUSION**

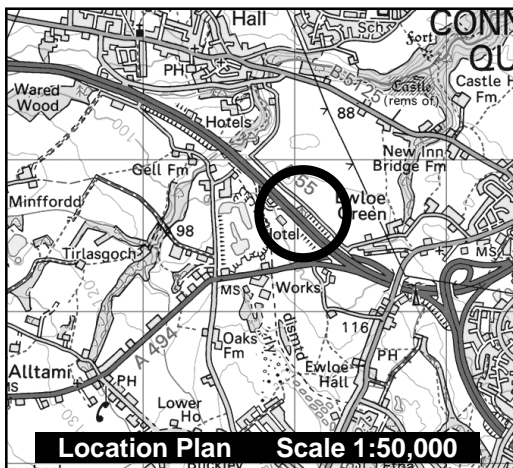
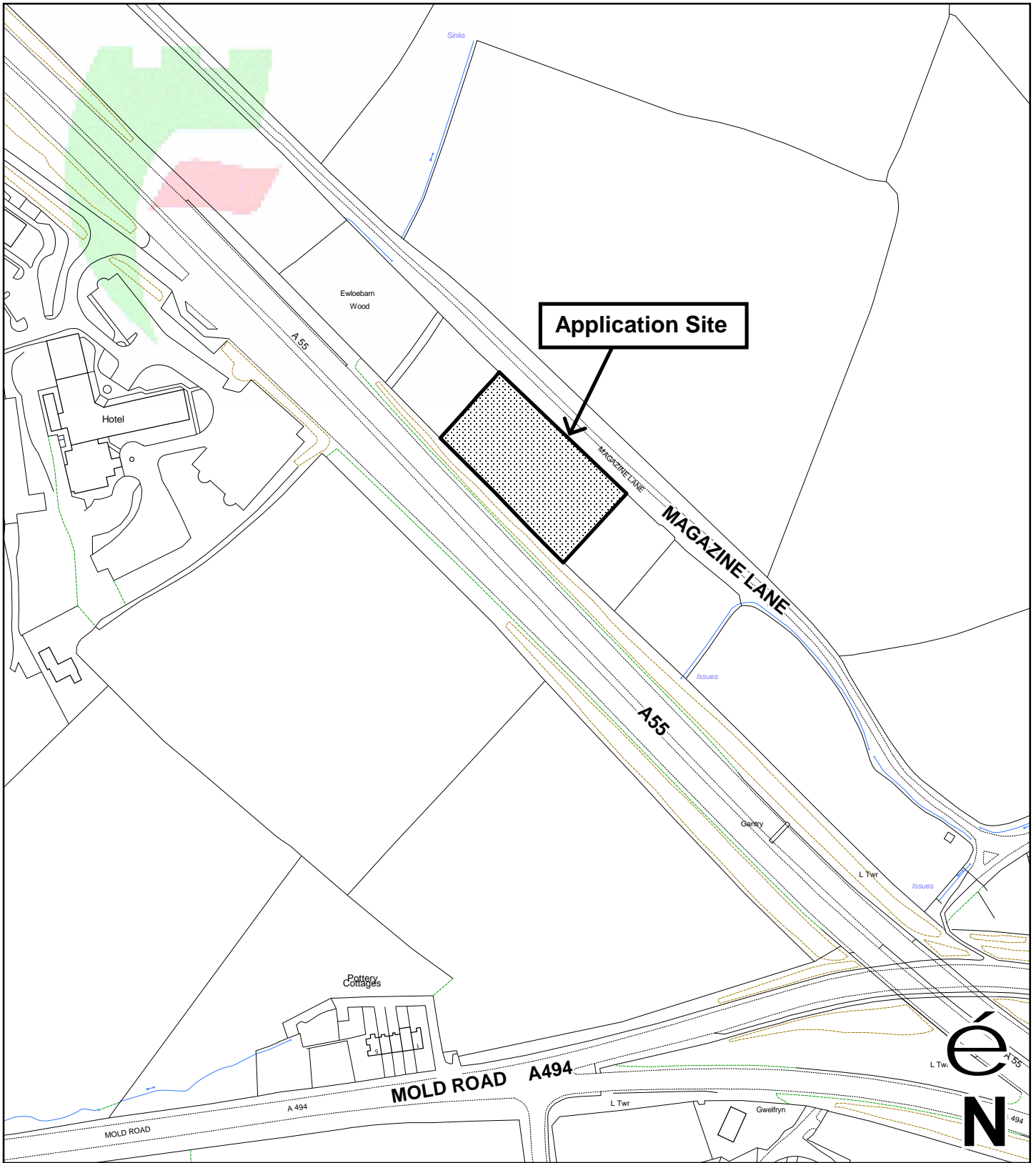
8.01 There are no highways objections to the siting of the accesses. The creation of the access would require the removal of two sections of hedgerow to create two double entrances. The site has a wide roadside verge, therefore the amount of hedge required to be removed to provide the required visibility splays would be limited. The proposed additional accesses and the proposed gates are not considered to have any significant additional harm to the impact of the site on the green barrier.

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, and has had due regard to its public sector equality duty under the Equality Act 2010.

**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 2866

Planning Application **54322**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> MAY 2016**

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

**SUBJECT:** **OUTLINE APPLICATION FOR THE ERECTION OF 8 NO. DWELLINGS AT CONWAY STREET, MOLD.**

**APPLICATION NUMBER:** **054670**

**APPLICANT:** **HGR JENNINGS LTD**

**SITE:** **CONWAY STREET, MOLD.**

**APPLICATION VALID DATE:** **2<sup>ND</sup> DECEMBER 2015**

**LOCAL MEMBERS:** **COUNCILLOR G.H. BATEMAN**

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

**REASON FOR COMMITTEE:** **AT THE REQUEST OF THE LOCAL MEMBER IN VIEW OF ACCESS CONCERNS WHICH HE WISHES TO BE VIEWED BY THE MEMBERS OF THE COMMITTEE.**

**SITE VISIT:** **YES FOR THE REASON OUTLINED ABOVE.**

### **1.00 SUMMARY**

1.01 This application seeks approval, in outline, for the redevelopment of this site with for a residential scheme of 8 houses. All matters are Reserved for future submission with the exception of access, details of which are provided for consideration at this stage.

1.02 Whilst some matters are Reserved, the applicant has provided an indicative site layout plan which suggest how the site could be developed Members are reminded that this detail is 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 the upgrade of play facilities at the existing children play area at Llys Pont y Garreg, Mold. Such sum to be paid upon occupation of 50% of the approved dwellings.
2. Ensure the payment of a commuted sum of £24,514 as a contribution to the provision of additional external areas for the teaching of physical education as part of the national curriculum at Glanrafon C.P. 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. Submission of detailed layout and design, means of traffic calming, surface water drainage, street lighting and construction of internal estate roads road prior to commencement.
6. Scheme for positive means to prevent surface water run off on to Highway to be submitted and agreed.
7. No development until a construction traffic management plan is submitted and agreed.
8. Submission of detailed siting, layout and design of the site access prior to commencement.
9. No formation of access until details agreed.
10. Formation of access to be kerbed and completed to base course and entrance radii prior to any other site works.
11. Access visibility sightlines of 2.4m x 43m in both directions. To be available and clear of obstruction during construction works.
12. Scheme for comprehensive integrated drainage system to be submitted and agreed.
13. Foul drainage discharge points to be between manholes SJ23638501 and SJ23639501.
14. Land contamination investigation to be submitted and agreed.
15. Such remediation as may be required as a consequence of Condition 14 to be submitted and agreed prior to any site works and implemented as per agreement.

16. External construction materials and finish colours to be submitted and agreed.
- 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 G. H. Bateman

Objects to the proposal on the basis that the creation of an additional point of access onto Conway street will exacerbate existing access problems occasioned by the on street parking of vehicles. Also considers that the creation of a point of access on this eastern side of Conway Street will increase the highway dangers to school children who access Ysgol Maes Garmon via Conway Street.

##### Mold Town Council

No response at time of writing.

##### Highways DC

No objection subject to the imposition of conditions in relation to, inter alia, the detailed design of the access and the provision of access visibility splays.

##### Pollution Control Officer

No response at time of writing.

##### Public Open Spaces Manager

Advises that on site recreation provisions should not be sought. A commuted sum payment should be sought of not less than £1100 per dwelling with such sum to be used to enhance the existing children's play area at Llys Pont y Garreg, Mold.

##### Capital Projects and Planning Unit (CPPU)

Advises that insufficient capacity exists in the local primary school (Glanrafon C.P) and therefore would be affected by these proposals. Advises that the nearest Secondary School is Ysgol Maes Garmon, which would not be affected by the proposals.

##### Dwr Cymru Welsh Water

No objection subject to conditions addressing the final drainage scheme design and connection to a prescribed discharge point.

##### Natural Resources Wales

Advises that they have been consulted upon a Flood Consequences Assessment and are satisfied that the applicant has demonstrated that the flood risks to the site can be managed to an acceptable level.

Suggests that a condition be imposed which addresses the need for a level of compensatory drainage storage within the proposed drainage system.

#### **4.00 PUBLICITY**

4.01 The application has been publicised by way of the display of a site notice and neighbour notification letters. At the time of writing this report, 6No. 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 on street parking arrangements cause congestion upon Conway Street. The proposal will exacerbate this.
- Adverse impacts upon residential amenity arising from noise and pollution from additional traffic;
- Adverse impacts upon pedestrian safety, especially school children; and
- Overdevelopment of the area.

1No. letter of support for the broad principle of the redevelopment of the site has been received but raises concerns in respect of the management of construction traffic during the construction phase

#### **5.00 SITE HISTORY**

##### **5.01 038466**

Demolition of garage and erection of 3 and 4 storey residential development.

Refused 27/2/2006

##### **045341**

Change of Use from garage site to self-storage container site.

Refused 9/12/2008

##### **045711**

Outline – 24 apartments

Permitted 23.3.2009

#### **6.00 PLANNING POLICIES**

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

Policy STR1 - New Development.

Policy STR4 - Housing.

Policy GEN1 - General Requirements for Development.

Policy GEN2 - Development Inside Settlement Boundaries.

Policy D1 - Design Quality, Location and Layout.



- Policy 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 0.19 hectare site for the purposes of residential development. Whilst the application is submitted in outline, matters in respect of access are provided for consideration. Indicative details submitted suggest that the site could be developed for approximately 8 dwellings, together with the formation of a new point of vehicular access from Conway Street to the east of the site.

### **7.02 Site and Surroundings**

The site comprises an area of land comprising part of the curtilage to the existing former garage premises at Morris' Garage. The site includes areas of hardstanding and a number of other structures and materials stored within the curtilage. The site itself is flat across its both its axis. The site is bounded to the north by the garage with the adjacent highways known as Brook Street and Wrexham Road beyond. There is no formal demarcation of this boundary. The southerly boundary of the site comprises an established hedge and associated fence to the property known as Garfield. The eastern boundary of the site abutting Conway Street is formed by a combination of corrugated sheet metal screening, an established hedgerow and a stone wall. A combination of wall and some hedges mark the western boundary of the site with the properties on Stryd Henardd.

7.03 The site surroundings are densely developed and are characterised as a mix of residential and education facilities. The residential component of the surroundings comprises 2 storey terraced dwellings on Conway Street, modern semi-detached 2 storey dwellings to the west on Stryd Henardd and a 3 storey sheltered housing apartment block on the junction of Brook Street and Wrexham Road to the north. In addition to the detached residence, Garfield, to the south, the site also lies in close proximity to Ysgol Maes Garmon and the Alun School.

#### 7.04 Main Issues

The main issues for consideration are:

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

#### 7.05 The Principle of Development

The site is located within the settlement boundary of Mold, which is defined as a Category A settlement within the adopted Flintshire Unitary Development Plan. Policy GEN2 identifies a presumption in favour of the development of such sites. The bringing forward of windfall sites such as this 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. This is because there are a greater range of facilities, services and infrastructure within such settlements in the County.

#### 7.06 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 Conway Street. Access is proposed via 5.3m wide carriageway with 1.8m footways on both sides.

7.07 Consultation has given rise to a number of representations raising concerns in relation to the perceived impact of the development upon the level of traffic generated, on street parking and the likely impacts upon highway and pedestrian safety, particularly that of school children. Consultation with Highways DC has established that there is no objection in principle to the proposed development but advises that conditions will be required to be imposed upon any subsequent grant of planning permission. Amongst these suggested conditions is a condition in respect of the visibility sightlines required at the proposed point of site access. These will ensure that adequate visibility is provided not only for vehicles emerging from the site but also of vehicles emerging from the site. This visibility also takes into account inter visibility between pedestrians and vehicles and I am satisfied that adequate provision can be made to ensure no detriment to highway or pedestrian safety.

#### 7.08 Flood Risk

The site occupies a location within a C2 flood zone. National guidance in relation to proposals of this nature, namely residential development, directs that such schemes should be resisted as a matter of principle. However, the applicant has submitted a Flood Consequence Assessment (FCA) for the consideration of Natural Resources Wales

(NRW) which NRW has considered and advises adequately demonstrates that the risks to the site in a flood event can be acceptably managed and as such raises no objection to the proposal. A request is made that the detailed design of the site drainage system provides for a compensatory storage facility as part of the system to regulate the flow of surface water from the site.

7.09 Design and Amenity Considerations

The proposals provide details in respect of the layout of the site, notwithstanding that all detailed design issues (excepting access) 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 8 dwellings which is sought to be established at this stage.

7.10 Bearing this in mind, the development of this 0.19 hectare site for 8 dwellings would equate to a density of development equivalent to 39 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 A settlements seek to achieve 30 d.p.h.

7.11 The indicative layout suggests houses arranged around an adoptable road and turning head. The dwellings adjacent to the existing houses on Conway Street and Stryd Henardd are set at appropriate distance from these dwellings.

7.12 The indicative dwellings are of a form and scale reflective of the general vernacular in the area. I consider that the site should be read in the context of Stryd Henardd in layout terms rather than the context of Conway Street as the proposals do not provide for terraced dwellings and therefore accord with the more modern form of residential development on Stryd Henardd. I therefore conclude that the form and layout indicated would be acceptable in design terms.

7.13 Recreation and Play

The proposals do not provide for 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.

7.14 The consultation has established that the sum requested should be used in connection with a project to upgrade existing play facilities at the nearby Llys Pont y Garreg children's play area. 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.

- 7.15 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.
- 7.16 Other Infrastructure Implications  
Consultation has highlighted a lack of capacity within the existing educational infrastructure to accommodate the pupils arising from the proposed development of a further 8 dwellings.
- 7.17 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 Secondary School level as there is sufficient capacity within the school (Ysgol Maes Garmon) both currently and following this development (if approved).
- 7.18 However, such capacity is not available at the nearest primary school (Glanrafon C. P). The current capacity of the school stands at 287. There are presently 282 pupils attending the school. Accordingly the school has only a 1.74% surplus of spaces for additional pupils. The proposals would give rise to an additional 2 pupils. This would erode capacity further below the 5% margin which is sought to be protected as set out in SPG23 guidance. Accordingly, upon the application of the guidance, a sum of £24,514 would be sought for educational purposes as a consequence of this development.
- 7.19 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.
- 7.20 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'.
- 7.21 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.

7.22 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.

7.23 The Planning Authority has secured 2 obligations towards Glanrafon C. P School since April 2010 namely;

| Reference Number | Site Address                                       | Contribution Amount |
|------------------|--|---------------------|
| 046496           | Land off Ruthin Road, Mold                         | £40,320             |
| 052208           | Land side of Ffordd Hengoed, Upper Bryn Coch, Mold | £61,285             |

7.24 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 at Glanrafon C. P School which are distinct and separate to the projects to which the above listed obligations relate. I am advised that the sum sought will be used as a contribution towards providing additional external areas to enable the teaching of physical education to the increased pupil numbers at the school as part of the National Curriculum. .

7.25 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.

## **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, and has had due regard to its public sector equality duty under the Equality Act 2010.

**LIST OF BACKGROUND DOCUMENTS**

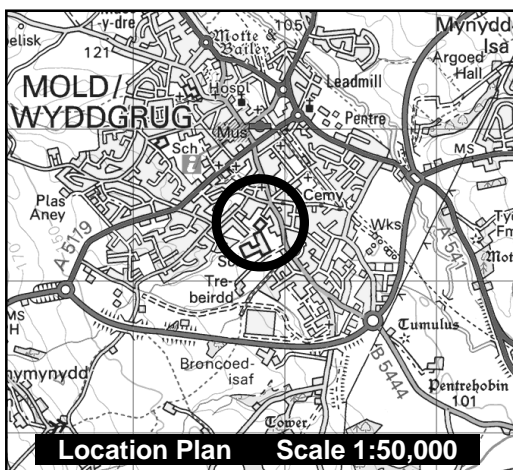
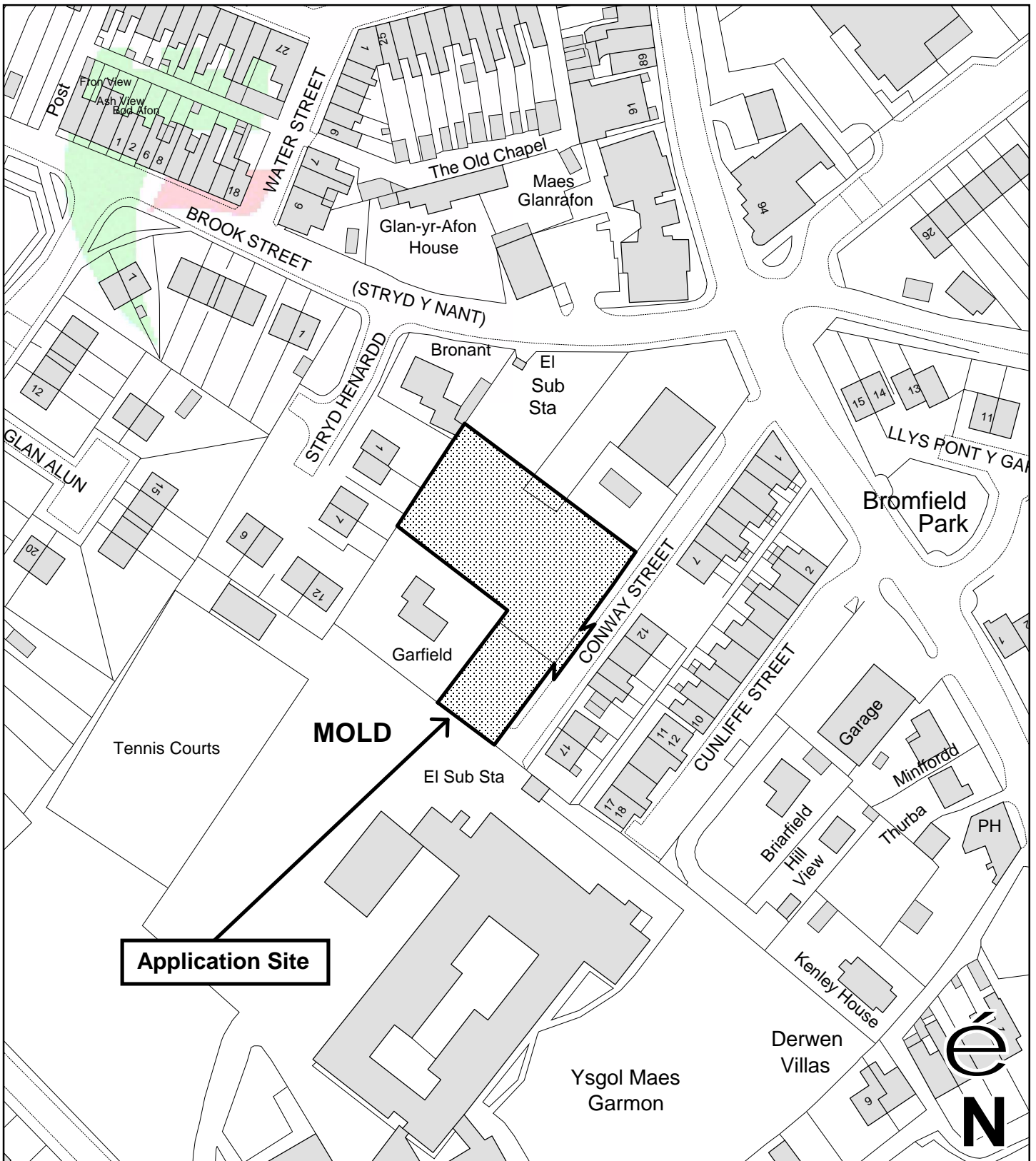
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

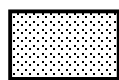
Responses to Publicity

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 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 **54670**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 25 MAY 2016**

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

**SUBJECT:** **GENERAL MATTERS - CHANGE OF USE OF VACANT POLICE HOUSE (FORMERLY A DWELLING) INTO A 9 BEDROOM HMO AND ASSOCIATED ACCESS IMPROVEMENTS AT 63 HIGH STREET, SALTNEY**

**1.00 APPLICATION NUMBER**

1.01 054886

**2.00 APPLICANT**

2.01 MR RICHARD HILL

**3.00 SITE**

3.01 63 HIGH STREET, SALTNEY

**4.00 APPLICATION VALID DATE**

4.01 05.02.16

**5.00 PURPOSE OF REPORT**

5.01 To clarify the reason for refusal following the resolution at Planning and Development Control Committee on 20<sup>th</sup> April 2016.

**6.00 REPORT**

6.01 Members resolved to refuse planning permission for the change of use of the vacant police house formerly a dwelling into a 9 bedroom HMO contrary to officer recommendation.

6.02 This report seeks to confirm the reason for refusal based on the debate at Planning and Development Control Committee on 20<sup>th</sup> April 2016. There are no specific policies within the Flintshire Unitary Development Plan relating to houses of multiple occupation.

6.03 “The proposed development is overdevelopment and it is considered the proposed development could give rise to parking on the highway which has the potential for creating highway safety issues. The proposed development is therefore contrary to policies GEN1 and AC18 of the Flintshire Unitary Development Plan.”

6.04 “The proposed new access point would lead to vehicles reversing onto the highway which would be detrimental to highway safety and the safety of pedestrians using the footway and the bus stop. The proposed development is therefore contrary to policies GEN1 and AC13 of the Flintshire Unitary Development Plan.”

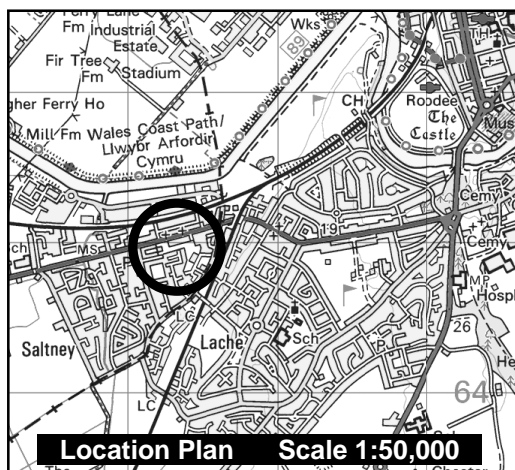
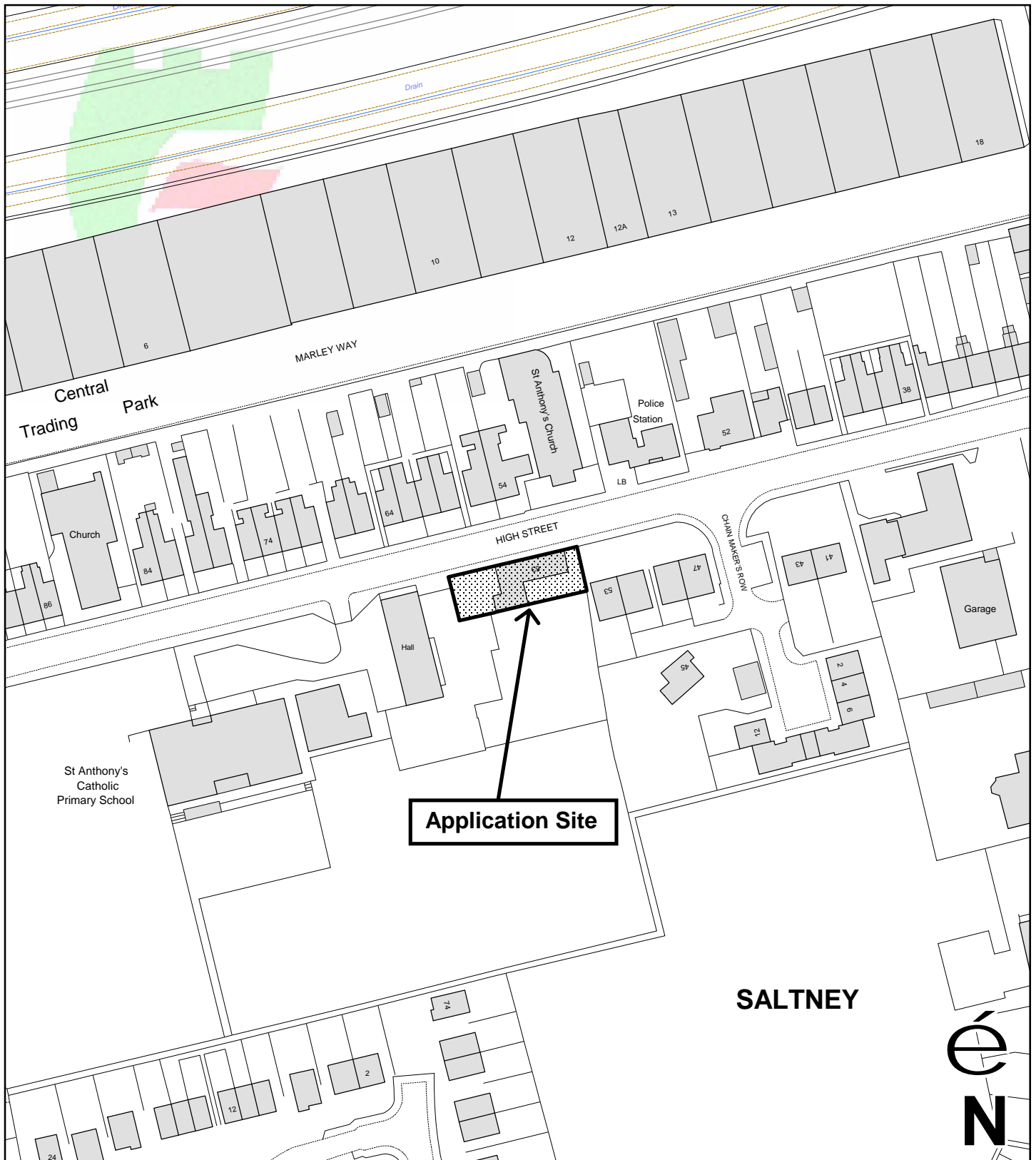
## **7.00 RECOMMENDATIONS**

7.01 That the decision be issued in accordance with the above reasons for refusal.

### **LIST OF BACKGROUND DOCUMENTS**



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

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 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**

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

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 25 MAY 2016**

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

**SUBJECT:** **GENERAL MATTERS - PROPOSED REDEVELOPMENT FOR THE ERECTION OF 12 NO. DWELLINGS INCLUDING DEMOLITION OF EXISTING OUTBUILDINGS AND CREATION OF NEW ACCESS AT BANK FARM, LOWER MOUNTAIN ROAD, PENYFFORDD.**

**1.00 APPLICATION NUMBER**

1.01 052377

**2.00 APPLICANT**

2.01 Mr T Holt of Holts Conservatories

**3.00 SITE**

3.01 Bank Farm, Lower Mountain Road, Penyffordd

**4.00 APPLICATION VALID DATE**

4.01 08.07.14

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the First Minister's decision in relation to the called-in decision of the Planning and Development Control Committee of 17 December 2014, when it was resolved to grant outline planning permission for 12 dwellings subject to conditions and a Section 106 obligation. The application was called in for decision by the First Minister on 12 March 2015, as the application raised planning issues which may be in conflict with national planning policies in respect of development in the countryside and which appeared to raise issues of more than local importance. An informal hearing took place on 7 October 2015. In her report, dated 24 November 2015, the Planning Inspector recommended that planning permission be granted. However, in his letter of 14 March 2016, the First Minister disagreed with the Inspector's recommendation and concluded that planning permission should be refused.

## **6.00 REPORT**

6.01 The hearing considered the proposal for the erection of 12 dwellings, the demolition of existing outbuildings and creation of a new access at the Bank Farm site. The lawful use of the site was agreed as light industrial, given that planning permission for that use had been granted in 2011, the pre-commencement conditions had been discharged in 2014 and the permission subsequently implemented.

6.02 The main issues in relation to the planning application were the effect of the development on the open countryside, including whether there would be conflict with the countryside policies of the development plan and whether the development could be considered sustainable. Other matters for consideration were the site's status as previously developed land; access to public transport; proximity to the settlement and changes since the previous call-in decision.

### Effect on the Open Countryside

6.03 The Inspector concluded that the site "despite being overgrown in nature" was "identifiable as a farm holding. As such the site makes a positive contribution to the surrounding countryside". The First Minister agreed that the site maintained its agricultural character and is visually in keeping with its countryside location.

6.04 The Inspector stated "the rundown state of the site, however, has a negative impact on the surrounding countryside and that a low density housing development, whilst resulting in the loss of farm buildings, would help conserve the positive character of the site". In contrast, the First Minister considered that the application was in outline and other legislation was in place to deal with the matter of untidy land. Whilst the reduction in crime and security problems would result from the scheme, the First Minister gave little weight to this in his assessment of the proposal.

### Development Plan Policy

6.05 The First Minister agreed with the Inspector's findings that Flintshire was not able to demonstrate a five year housing supply and accepted that weight should be given to that matter. However, as advised, in paragraph 6.2 of TAN1, this factor only holds considerable weight where the proposal would otherwise comply with the development plan and national planning policies.

6.06 The Inspector concluded that the site was outside a defined settlement boundary and was therefore contrary to policy HSG4 of the UDP. The Inspector also considered that the site was within open

countryside. The First Minister agreed with both these conclusions. Where the two parties disagreed was, that whilst the Inspector noted that the site was within 550m of the nearest residential area, within a mile of the village, had a bus service and footpath to the village to be provided, its location could be considered sustainable, the First Minister disagreed. He referenced PPW para 4.7.8 which states development in the countryside should be located within and adjoining those settlements where it can be best accommodated. On this matter, he concluded that the development was contrary to local and national planning policies.

#### Previously Developed Land

- 6.07 As noted above, both the Inspector and First Minister accepted that the status of the site had changed since the previously called-in application (which was refused) in 2005. Both agreed that the site was now defined as previously developed land (PDL). PPW promotes the use of PDL over greenfield sites and the Inspector gave this objective great weight in her assessment. The First Minister accepted the PDL definition, but did not accept that the site was suitable for residential development due to its location in open countryside and its distance from the village centre. In his view, the proposal was “not suitable for residential development as it would result in a fragmented development pattern with a poor relationship to the existing settlement”.
- 6.08 The Inspector and First Minister agreed that with bus stops within a “minute or two’s walk of the site”, services were frequent enough to offer an alternative to car journeys for work and shopping.

#### Proximity to the Settlement

- 6.09 On this point, again, the Inspector and First Minister disagreed. The former concluded that subject to the new footway link, the application site is sufficiently well-connected to the village to be considered to adjoin it, consistent with the principles of PPW, although accepting the walking distance to the village is further than what is generally considered reasonable. The First Minister concluded that he did not consider that, even with the new footpath link provided, the application site was sufficiently well connected to be consistent with the principles of PPW.

#### Changes Since the Previous Call-in Decision

- 6.10 When compared to the previously refused call-in decision, the Inspector said there had been significant changes in circumstances that should be attributed weight in her assessment. These included the change in the planning status of the land, the improved accessibility of the site; the lower density of the development and the lack of a five year housing supply.

- 6.11 In contrast, the First Minister gave these changes in circumstances much less weight in his assessment as he considered that the site's location, in open countryside and not adjacent to a settlement, meant that it was contrary to national and local policies.

#### Conclusion

- 6.12 In essence the Inspector and First Minister took different stances on whether the location of the proposed development constituted development that was acceptable in open countryside. The Inspector considered that the site, given its change in status as PDL, with bus stops nearby and a footway to be provided, was now sustainable. The First Minister reached a different conclusion. That two bodies, the Inspectorate and Welsh Government, formed different views suggests that the decision was finely balanced. Ultimately, having gone through the balancing assessment a different conclusion was reached by the First Minister, who attributed different weight to different factors, which he is entitled to do as a matter of planning judgment. He has not acted unreasonably, nor erred in law, so there was little prospect of a successful challenge his decision.

## **7.00 RECOMMENDATIONS**

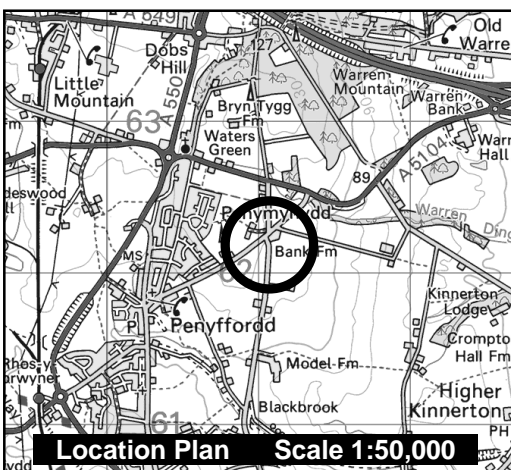
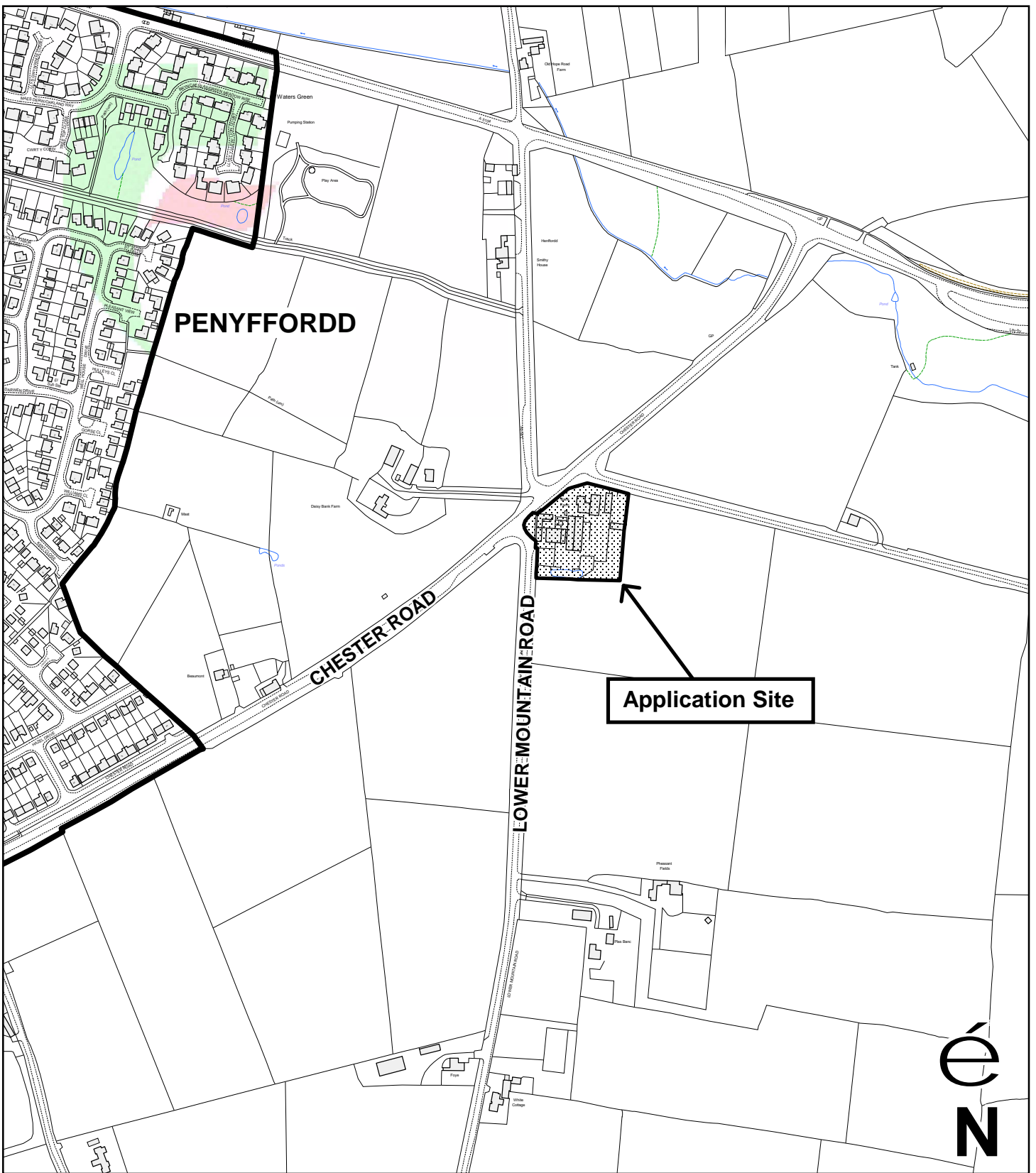
- 7.01 That the recommendation of the Planning Inspector and decision of the First Minister be noted.

### **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

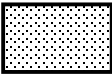

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 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**

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

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> MAY 2016**

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

**SUBJECT:** **APPEAL BY MR. A. EVANS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE AMENDED APPLICATION FOR THE ERECTION OF AN AGRICULTURAL STORAGE BUILDING (PART RETROSPECTIVE) AT FRON HAUL, BRYNSANNAN, BRYNFORD – ALLOWED.**

**1.00 APPLICATION NUMBER**

1.01 053690

**2.00 APPLICANT**

2.01 MR A. EVANS

**3.00 SITE**

3.01 FRON HAUL,  
BRYNSANNAN,  
BRYNFORD, HOLYWELL

**4.00 APPLICATION VALID DATE**

4.01 08 MAY 2015

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspectors decision in respect of the refusal to grant planning permission for an agricultural storage building at Fron Haul, Brynsannan, Brynford. The application was refused at Planning Committee and the appeal was dealt with by way of written representations and was allowed, subject to conditions.

## **6.00 REPORT**

### **6.01 Introduction**

The appeal considered the erection of an agricultural store building at Fron Haul, Brynsannan, Brynford.

### **6.02 Main Issue**

The appeal was a joint appeal incorporating both the planning and enforcement aspects of the site. The inspector noted that much of the works to the agricultural building had been constructed and the appeal sought in part a retrospective permission under section 73A of the 1990 Act. He considered the main issue in relation to both appeals to be the effect of the development on the character and appearance of the area.

6.03 The Inspector noted that the materials now proposed would overcome the previous Inspectors concerns with regards to the “harsh, functional nature of the steel framed building” and would avoid the utilitarian appearance of the shed. It was now considered that the materials would now lead the shed to harmonise with the adjacent stable block, and whilst being slightly taller and deeper than the stable block would not be harmful to the character and appearance of its surroundings.

6.04 The previous Inspector considered the two buildings and hard standing taken together to be visually obtrusive. It has subsequently been established that the stable block is immune from enforcement action and thus forms part of the visual context against which to assess the appeal scheme.

6.05 The Inspector considered that the modifications to the previously dismissed scheme would result in a building that would have an acceptable effect on the character and appearance of its surroundings having regard to policies GEN1, GEN3 and RE2 of the Unitary Development Plan.

6.06 The Inspector noted whilst an objector questioned the need for the building, the stated use in association with low key agricultural and equestrian activities on the site and the adjacent land, appear to the Inspector to be reasonable, having regard to the provisions of the Unitary Development Plan, Policy RE2.

6.07 In response to the Community Council’s concerns regarding potential commercial activity within the building, the Inspector considered that a condition to limit the use to that which is stated by the appellant in support of the appeal is reasonable.

6.08 Having noted Natural Resources Wales suggestion of the imposition of a condition with regards to an Amphibian Reasonable Avoidance Measures Strategy prior to commencement no justification for such a requirement has been provided. Given the extent of the works that

has already been undertaken the Inspector considered that such a condition is not necessary, he also considered that the re surfacing of the stone finished hard standing area was not necessary, as it was not considered to be so conspicuous as to justify replacement with grass and paving. The Inspector did not consider it necessary for other conditions, other than the standard one for compliance with the approved plans, which identifies the external materials and the use of the building restricted to that referred to in the application.

## **7.00 CONCLUSION**

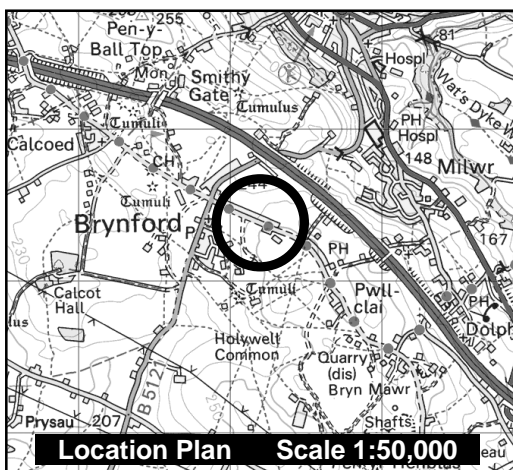
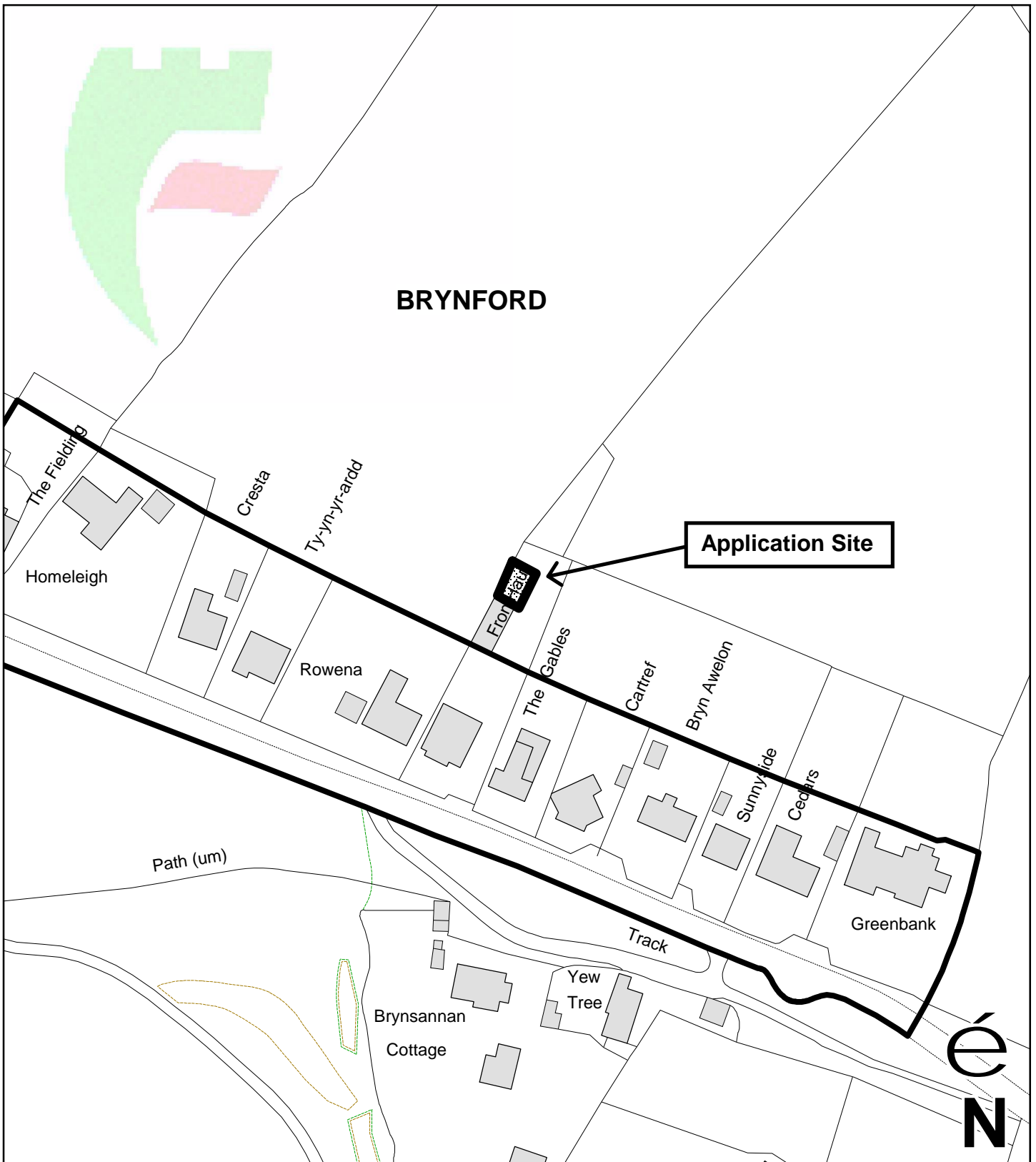
- 7.01 The Inspector concluded that the development for the reasons cited above would not be in conflict with the above Unitary Development Plan policies and having regard to all matters raised considered that the appeal should be allowed, and the enforcement notice, subject to correction, should be upheld.

### **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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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> MAY 2016**

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

**SUBJECT:** **APPEAL BY MR. T. CLARKE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF INDUSTRIAL UNITS AT PISTYLL FARM, NERCWYS – ALLOWED.**

### **1.00 APPLICATION NUMBER**

1.01 053238

### **2.00 APPLICANT**

2.01 MR. T. CLARKE

### **3.00 SITE**

3.01 PISTYLL FARM,  
NERCWYS.

### **4.00 APPLICATION VALID DATE**

4.01 11.03.15

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the decision in respect of an appeal against refusal of planning permission for the erection of industrial units at Pistyll Farm, Nercwys. This was a delegated decision and refused on the grounds of;

1. The proposed development is for new build industrial development in an open countryside location. It is not essential that the proposed development has an open countryside location and the development does not meet the criteria in Policy EM5 in relation to the expansion of existing concerns. The development is therefore contrary to Policies GEN3, STR1, STR4, EM3, EM5 and RE4 of the Flintshire Unitary Development Plan.

2. The proposed development is of an unacceptable layout and design in an open countryside location and would have a detrimental impact on the setting of a Listed Building and is therefore contrary to Policies GEN1, GEN3, L1, D1, D2, STR8 and HE2 Flintshire Unitary Development Plan.

3. The proposed development is likely to result in an increase in the volume of traffic entering and leaving the highway network through an access which does not provide adequate visibility from and of emerging vehicles to the detriment of highway safety contrary to Policy AC13 of the Flintshire Unitary Development Plan.

The appeal was dealt with by the written representations process.

## **6.00 REPORT**

6.01 The Inspector considered that the main issues in this case were:

- whether the proposed development is appropriate in the open countryside in respect of its use and visual appearance;
- whether the proposed development would preserve the setting of the listed building with regard particularly to its siting and design; and
- the effect of the proposed development on highway safety.

6.02 The Inspector notes that Pistyll Farm is in a rural setting surrounded by fields and approached along narrow, twisting lanes. The farmhouse itself is used for a Bed and Breakfast business whilst the surrounding, contemporary buildings are mainly converted to offices. Behind the main complex of buildings there is a large hard-surfaced yard. Set to one side of this is a plain, modern, single storey building; previously in agricultural use it has been converted into small workshops. The appeal site comprises two parcels of land within and at the edge of the yard where it is proposed to erect two blocks of three industrial units.

6.03 The Inspector recalls that the definition of previously developed land, also known as brownfield land, is set out in Planning Policy Wales (PPW)<sup>1</sup>. It is land which is or was occupied by a permanent structure (excluding agricultural buildings) and associated fixed surface infrastructure. The curtilage of the development, that is the area of land attached to it, is included and thus defined as previously developed. A note adds, however, that this does not mean that the whole area of the curtilage should be redeveloped. Land and buildings currently in use for agricultural purposes are excluded from the definition.

6.04 The Inspector notes that as well as containing the existing range of workshops, the rear yard, all of which is within the Pistyll Farm curtilage, is used as a parking area for them and for the offices. Whilst

she appreciated that the change to employment uses has taken place over many years and incrementally, there does not appear to be any agricultural use remaining on the site. To my mind, therefore, the land, including the appeal site, falls within the definition of previously developed.

- 6.05 The end date of the Flintshire Unitary Development Plan (UDP), adopted in 2011, was 2015 but it remains the development plan for the County. The most relevant policy for the development proposed here is UDP Policy EM4 which deals with the location of employment development other than on allocated sites, in Development Zones or in Principal Employment Areas. Where such development is proposed outside of a settlement boundary, as in this case, it will be permitted on suitable brownfield land. As explained above the appeal site can be defined as previously developed; by reason of the existing employment uses in this location it is also considered it to be suitable for the proposed development.
- 6.06 The scale and design of the proposed units would be very similar to those of the existing units and thus in keeping with the immediate surroundings. The commercial use proposed would be appropriate to its location on an existing employment site and there would be no detriment to other interests. There would be satisfactory parking, servicing and turning space with adequate access to the highway network; this latter point is referred to in more detail below. As discussed at the hearing a condition could ensure that there was no outside storage. Having passed the brownfield test the proposed development would also meet the series of four criteria thus complying fully with UDP Policy EM4.
- 6.07 She notes the restriction on new building in the open countryside is to protect it from unsustainable development. The proposal here would make more use of a brownfield site in a location where there are existing employment uses; it would thus contribute towards that objective.
- 6.08 *Setting of the listed building*  
The farmhouse is Grade II listed. The listing entry describes it as an early nineteenth century farmhouse incorporating earlier fabric and as interesting with charming vernacular Gothic features. A commonly accepted definition for the setting of an historic asset is the surroundings in which it is experienced. To the front of the listed building is a courtyard from which its most notable features can be appreciated and where, with contemporary buildings on three sides and a pond, some of the original farm character is retained.
- 6.09 The rear yard, which includes the existing row of workshops, appears to be more recent and is much less attractive than the courtyard in front of the farmhouse. The listed building is end-on to the rear yard with only the gable wall, and from some positions oblique views of the

rear elevation, being visible. Some of the converted farm buildings are clearly apparent from the rear yard, however, the listed farmhouse is seen as the dominant building in this group. The whole provides a pleasing and interesting backdrop to the rear yard. In addition the rear yard has a functional connection to the former farm. For those reasons the Inspector considered that the rear yard including the appeal site are part of the setting of the listed farmhouse.

6.10 The proposed development would be modest in both scale and design. Although newly built it would match the existing units and, tucked away at the furthest end of the yard from the nineteenth century buildings, would be unobtrusive and inconspicuous. Although plain and functional the proposed units would not be unsightly. Moreover, the separation distance and siting would be such as to ensure that they would rarely be seen in conjunction with the listed building. The proposed development would not, therefore, have an adverse effect on the listed building's special character and appearance or on its setting. It would thus be consistent with UDP Policy HE2 and the setting of the listed farmhouse would be preserved.

6.11 *Highway safety*

Visibility at the access point is poor, particularly to the left hand side, for vehicles emerging on to the highway; this was the substance of the third of the Council's reasons for refusing the application. The appellant has since commissioned traffic counts which reveal that the 85th percentile speed of traffic in both directions is just below 45mph. This has enabled a more specific calculation of the stopping sight distances for such speeds and thus the visibility splays needed at the access point. To provide these a comparatively small part of the hedgerow would need to be removed to the north of the access point. To the south the required visibility could be achieved through replacing an approximately 45m length of hedgerow further back from its existing line and re-grading the bank it sits upon. It would be possible to provide the required splays on land in the control of either the appellant or the Highway Authority. Safe vehicular access could therefore be provided by the developer both to and from the main highway network in line with UDP Policy AC13.

6.12 Hedgerows and banks are attractive and distinctive features in the surrounding landscape. The proposed alteration would retain the hedge and bank along the lane, albeit in a slightly different position, and widen the grass verge. She did not consider that these changes would be significantly apparent or that they would result in any harm to the character or appearance of the open countryside in this area.

**7.00 CONCLUSION**

- 7.01 The appeal is ALLOWED and planning permission is granted for industrial units at Pistyll Farm, School Lane, Nercwys. Conditions were imposed in respect of landscaping; prohibiting open storage and the provision of visibility splays. No application for costs was made.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

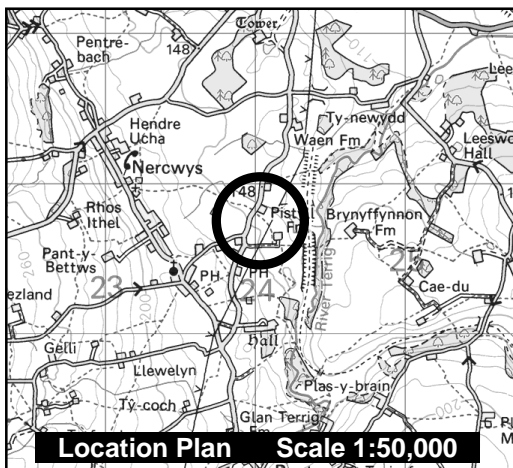
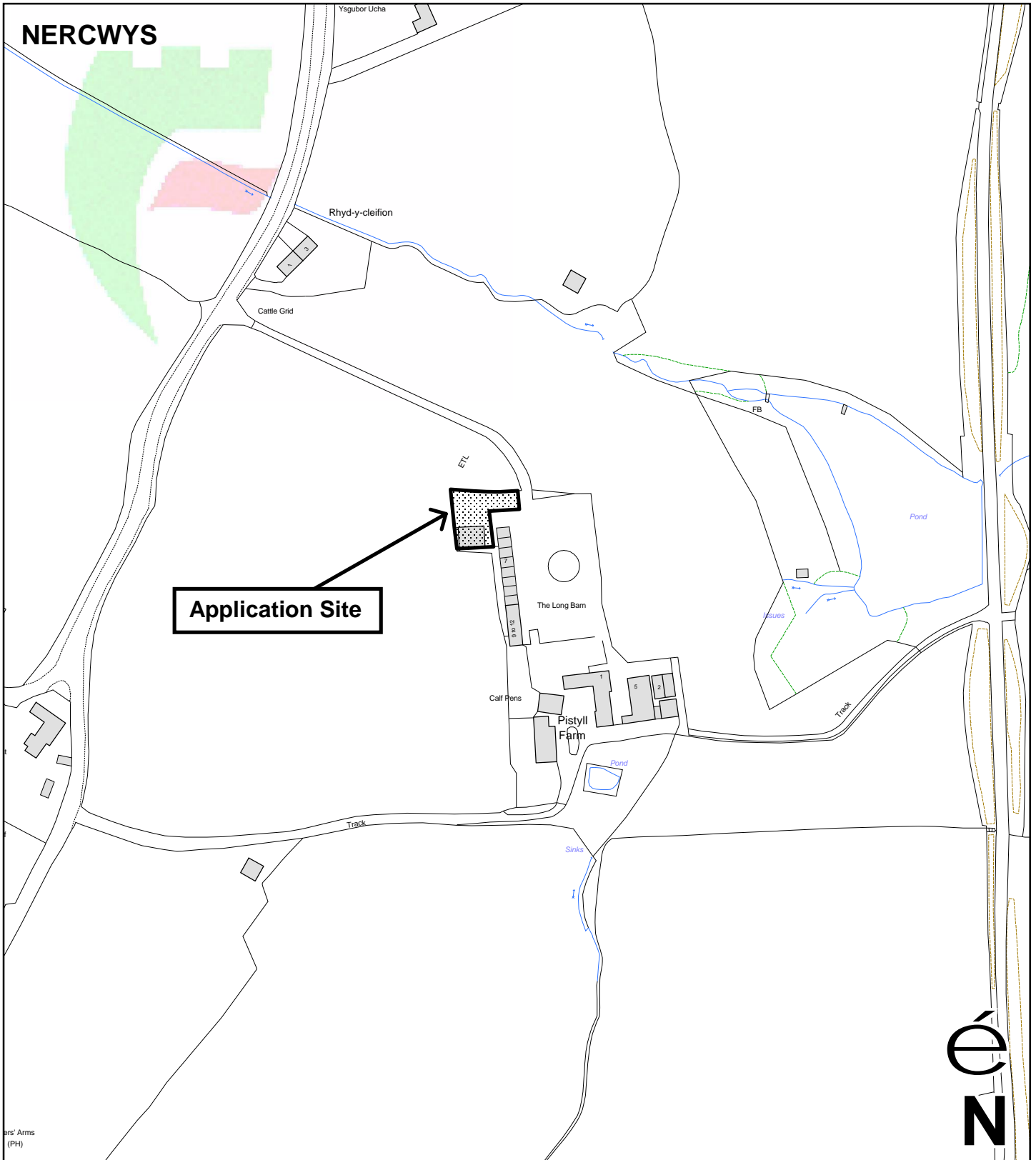
National & Local Planning Policy

Responses to Consultation

Responses to Publicity



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 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 | <b>53238</b> |

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