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



To: Cllr David Wisinger (Chairman)

CS/NG

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

15 June 2016

Maureen Potter 01352 702322
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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, 22ND JUNE, 2016** at **1.00 PM** to consider the following items.

Yours faithfully

Peter Evans
Democracy & Governance Manager

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A G E N D A

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 16)

To confirm as a correct record the minutes of the meeting held on 25th May 2016.

5 **ITEMS TO BE DEFERRED**

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

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

**REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 22 JUNE 2016**

Item No	File Reference	DESCRIPTION
Applications reported for determination (A=reported for approval, R=reported for refusal)		
6.1	054768 - A	054768 - A -Variation of Condition No. 17 Attached to Planning Permission Ref: 00/20/570 to Increase Production Limit at Pant y Pwll Dwr Quarry, Pentre Halkyn (Pages 17 - 36)
6.2	054887 - A	054887 - A - Full Application - Erection of New High Bay Industrial Building at Electroimpact UK Ltd., Manor Lane, Hawarden (Pages 37 - 46)
6.3	054007 - A	054007 - A - Full Application - Erection of 67 Dwellings with Public Open Space and Other Associated Infrastructure at Summerhill Farm, Drovers Lane, Caerwys. (Pages 47 - 60)
6.4	055209 - A	055209 - A - Full Application - Application for Amendments to Previously Approved House Types Including Amended Site Layout to Allow for 61 Dwellings (Increase by 11 Dwellings) at Croes Atti, Chester Road, Oakenholt. (Pages 61 - 72)
6.5	055363 - A	055363 - A - Variation of Condition No. 4 Attached to Planning Permission Ref: 053393 to Allow Increase of the Duration of Existing Permission at Port of Mostyn, Coast Road, Mostyn (Pages 73 - 82)
6.6	055300 - R	055300 - R - Full Application - Conversion and Alteration of Stable Block to Holiday Accommodation at Fron Bach, Ffordd Las, Gwernymynydd (Pages 83 - 90)
6.7	053656	053656 - General Matters - Outline Application for the Erection of up to 40 Residential Dwellings with Associated Access and All Other Matters Reserved at Rhos Road, Penyffordd (Pages 91 - 120)
Item No	File Reference	DESCRIPTION
Appeal Decision		
6.8	054264	054264 - Appeal by Mr. Dylan Hughes Against the Decision of Flintshire County Council to Refuse Planning Permission for an Agricultural Worker's Dwelling at Groesffordd Bach, Whitford - DISMISSED (Pages 121 - 126)
6.9	054273	054273 - Appeal by Mr. & Mrs S. Parker Against the Non-Determination of Flintshire County Council for the Erection of a Replacement Dwelling and Ancillary Works at Gelli Farm, Gelli Road, Pen y Allt, Trelogan - DISMISSED (Pages 127 - 132)
6.10	054532	054532 - Appeal by Norman Bedford Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 1 No. Dwelling at 18 Glan Gors, Flint - ALLOWED. (Pages 133 - 136)
6.11	054555	054555 - Appeal by Mrs E. Watkin Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of a Replacement Dwelling at The Vardo, Garreg Boeth, Rhydymwyn - DISMISSED (Pages 137 - 142)
6.12	054664	054664 - Appeal by Mr. & Mrs Jones Against the Decision of Flintshire County Council to Refuse Planning Permission for Erection of First Floor Extension to Side of Dwelling, Erection of Porch to Front, Formation of New Roof with Creation of a Second Floor Within the Roof Space at Copper View, Pentre Road, Pentre Halkyn - DISMISSED (Pages 143 - 148)

PLANNING & DEVELOPMENT CONTROL COMMITTEE **25 MAY 2016**

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at Council Chamber, County Hall, Mold on Wednesday, 25th May 2016

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, David Cox, Ian Dunbar, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Lowe, Nancy Matthews, Mike Peers, Neville Phillips, Gareth Roberts, David Roney and Owen Thomas

SUBSTITUTIONS:

Councillor Paul Shotton for Chris Bithell, Ron Hampson for Derek Butler, Jim Falshaw for Alison Halford and Mike Reece for Billy Mullin

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillor Dave Mackie for agenda item 8.1 and Councillor Haydn Bateman for agenda item 8.2

APOLOGY:

Councillor Carol Ellis

IN ATTENDANCE:

Chief Officer (Planning and Environment), Development Manager, Service Manager Strategy, Senior Engineer – Highways Development Control, Senior Planners, Planning Support Officer, Housing & Planning Solicitor and Committee Officer

1. APPOINTMENT OF CHAIRMAN

The Housing & Planning Solicitor advised that this item had been included in the agenda in error as the appointment of Councillor Wisinger as Chairman of the Committee had been made at the Council's Annual Meeting (AGM). He also read out a list of the Members on the Committee as this was the first meeting of the Committee since the AGM.

RESOLVED:

That the appointment of Councillor David Wisinger as Chairman of the Committee be noted.

2. APPOINTMENT OF VICE-CHAIR

The Chairman sought nominations for the appointment of Vice-Chair and Councillor Ray Hughes nominated Councillor Ian Dunbar. The nomination was duly seconded and on being put to the vote, was CARRIED. Councillor Dunbar thanked the Committee for their nomination.

RESOLVED:

That Councillor Ian Dunbar be appointed Vice-Chair of the Committee.

3. DECLARATIONS OF INTEREST

Councillor Dave Mackie declared an interest indicating that he had predetermined his stance on the following application and would therefore be speaking on application for up to three minutes and would then leave the Chamber:-

Agenda item 8.1 – Full application – Proposed individual vehicular access points for plots 2, 3 and 4 of previously consented Gypsy site at Magazine Lane, Ewloe (054322)

Councillor Carolyn Thomas indicated that she had a prejudicial interest in the following application as she was a school governor and would leave the chamber following addressing the Committee:-

Agenda item 8.2 – Outline application for the erection of 8 No. dwellings at Conway Street, Mold (054670)

4. LATE OBSERVATIONS

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

5. MINUTES

The draft minutes of the meeting of the Committee held on 20th April 2016 had been circulated to Members with the agenda.

RESOLVED:

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

6. 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.

Councillor Mike Peers referred to agenda item 8.1 (Full application – Proposed individual vehicular access points for plots 2, 3 and 4 of previously consented Gypsy site at Magazine Lane, Ewloe – 054322) and indicated at the site visit, it had been felt that consideration of the application should be deferred as an appeal on another application for Plot 5 on the Magazine Lane site was pending. It was felt that the comments of the Appeal Inspector on that application should be considered in determining this application. The proposal to defer was duly seconded.

The Development Manager indicated that the application was recommended for approval and advised that the officer and the third party representatives should be allowed to speak and then if it was still felt that deferment was appropriate, it could be proposed at that point. Councillor Peers accepted the advice provided.

7. **FULL APPLICATION – PROPOSED VEHICULAR ACCESS POINTS FOR PLOTS 2, 3 & 4 OF PREVIOUSLY CONSENTED GYPSY SITE AT MAGAZINE LANE, EWLOE (054322)**

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 23rd May 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 this was an application for a new vehicular access for plots 2, 3 and 4. If permitted it would mean that there were four points of access to the site. The day rooms would remain in the same positions but the static caravan on plot 2 would need to be re-sited if the application was approved. The owner of plot 5 had submitted an appeal following refusal of an application in February 2016 for an access to that plot only and the reasons for refusal were reported in paragraph 7.06. Approval of the application for accesses for plots 2, 3 and 4 would require the removal of two sections of hedge both nine metres in width and the insertion of two pairs of wooden gates and a close boarded fence would be erected behind the existing roadside hedgerow within the site. A condition would also be imposed to ensure that the remaining hedge was enhanced to screen the boundary fencing. The officer advised that there were no objections from Highways colleagues subject to conditions reported at paragraph 3.01 and therefore the application was recommended for approval.

Mr. J. Golledge spoke against the application. He indicated that he was a member of Northop Hall Community Council but that the comments he was making today reflected his own views. He objected to the application on the grounds that it did not comply with the recommendations and conditions of two separate planning appeals. The application for the site had been approved by the appeal Inspector despite it being recognised by the Inspector that the site would have an impact on the green barrier and an urbanising effect on the open countryside. However, the report failed to acknowledge the fact that at the appeal hearing, the Inspector had stated that all trees and hedgerow should be retained in the course of construction and the applicant had committed to improve the screening. Mr. Golledge said that maintenance of the natural screening was important to local residents and failure to recognise this in the report to the Committee was a serious omission. The Inspectors at both hearings had required the retention of the hedgerow and natural screening and any breach of the natural screening therefore contravened this. He felt that had these accesses been required they should have been taken into account when considering the application for the site on appeal and Mr. Golledge felt that they would have a harmful impact on the rural environment.

Mr. M. Nickson, Landscape Architect for the applicant, spoke in support of the application. He indicated that the five plot site under construction already had

planning permission and would be built so it was effectively part of the community. This application would provide secondary access points and would mean the removal of two sections of hedgerow and the addition of access drives and timber gates. He commented on the countryside views to the north which would be unaffected by the application and spoke of what could be seen to the south of the site and it was therefore felt that this application would not interfere with the open countryside character of the area. The proposal had been sympathetically designed in materials already approved as part of the boundary treatment which would not alter if this application was approved. The accesses had been grouped together to reduce their impact and to mitigate the removal of two sections of hedgerow, a landscape scheme would be produced and would assist in improving the habitat for local wildlife. On the issue of safety and nuisance, Mr. Nickson said that there was currently only one access in and out of the site and therefore secondary accesses would reduce the risks to residents of the site in cases of emergency. It would also reduce the nuisance from headlights of vehicles returning to the site during unsociable hours and would improve the access to the site by emergency vehicles if the original access was blocked. He implored the Committee to consider the safety of the residents in their deliberations on the application.

The Local Member, Councillor Dave Mackie, spoke against the application. He said that this was an exception site in the green barrier and reiterated the earlier comments by Mr. Golledge that the inspector had included a condition to retain the trees and hedgerow during construction as he had indicated that screening of the site was important. Councillor Mackie said that creating the new openings would damage the screening and suggested that the previously approved plans showed fences around each plot which mitigated the headlight issue referred to by Mr. Nickson. He also added that most residential homes did not have a secondary access and therefore as the proposals conflicted with the Inspector's condition to retain the trees, he suggested that the application should be refused. Having earlier declared an interest, Councillor Mackie left the chamber prior to the discussion.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He stated that at the site visit it had been pointed out to Members where the accesses would be and it was reported that the remaining hedge would be enhanced to screen the boundary fencing. He felt that the extra access was necessary to assist in access by any emergency vehicles. Councillor Dunbar referred to the criteria that was set by Welsh Government on the provision of Gypsy sites and suggested that it was important to consider the site, which was away from other properties, in a sensible way.

In referring to the appeal decision that was awaited for the access to plot 5 and the remarks of the Inspector which he felt were a material consideration, Councillor Gareth Roberts said that he was bemused by the recommendation to grant the application. He commented on the reason of secondary access but spoke of many residential developments that only had one access in and out. He also expressed concern that it was commented by Mr. Nickson that the removal of the hedge would not have an effect on the landscape. Councillor Roberts said that the site was in the green barrier and he could therefore see no reason to support approval of the application.

Councillor Mike Peers highlighted the recommendation where it was reported that the proposed additional accesses and the proposed gates were not considered to have any significant harm to the impact of the site on the green barrier; he disagreed with this statement. He welcomed the comments of the Local Member, Councillor Mackie, particularly on the conditions referred to by the Inspector for the retention of the hedgerow. In drawing Members' attention to paragraph 7.06 where the refusal reason for plot 5 at the 24th February 2016 meeting of the Committee was reported, he said that it was a similar application to what was before Members today. He expressed significant concern at the removal of 18 metres of hedgerow and highlighted the comments in paragraph 7.11 that a condition could be imposed to ensure that the remaining hedge was enhanced to screen the boundary fencing. Councillor Peers referred to, and expressed concern about, the provision of the close boarded fences and the gates. He did not feel that the requirement for secondary accesses because of the nuisance caused by headlights was a planning consideration and he also spoke of developments in his ward with one access in and out. He suggested that the requirement for access by emergency services was not plausible and said that one access had been approved by the Inspector with the inclusion of a condition to enhance the remaining hedging. He added that he could not support approval of the application.

Councillor Richard Jones said that he had considered the remarks of the Inspector that the site was well screened and therefore views into the site were limited. He said that the Inspector had carefully determined the weight attached to his decision and the inclusion of conditions when considering how the site was viewed from the road and Councillor Jones felt that any changes to that could have a detrimental impact on the area and may have changed the appeal decision if they had been put forward at the time. He spoke of the piecemeal way that the decision of the Inspector was being changed which he felt was wrong and added that, in his opinion, the application should be refused.

Councillor Owen Thomas referred to the first of many visits to the site and the fact that at that time, the A55 could not be seen because of the amount of vegetation in place. However, on the visit earlier in the week, the A55 could clearly be seen due to removal of a large amount of hedging. He felt that the provision of wooden fences did not constitute a hedge and suggested that the site would never blend into the countryside. Councillor Thomas indicated that at least one caravan on the site was being lived in and queried whether this was being considered by the Enforcement Team. He concurred that consideration of the application should be deferred until the appeal had been determined and the decision known.

On the issue of deferment, the officer advised that there was a duty to consider the application in a reasonable time and that not considering it would allow the applicant to appeal on the grounds of non-determination. The Development Manager concurred and said that a report would need to be submitted to this Committee to establish the stance to be taken at any such appeal. In urging the Members to make a decision on the proposals, he said that it was the view of officers that there was no reason to defer the application. The Service Manager Strategy said that Members needed to determine the application before them and that they needed to take account of what harm the proposals would have on the area. On

the references to the green barrier, the Inspector had recognised that there would be an impact but the need for more Gypsy and Traveller sites outweighed that harm.

In summing up, Councillor Dunbar concurred that a non-determination appeal was an option for the applicant if the decision was deferred. He added that issues such as drainage and the provision of enhancing the hedgerow had been addressed.

On being put to the vote, the proposal to approve the application was LOST. In response to a request from officers for a reason for refusal, Councillor Roberts said that the outcome of the appeal for the access to plot 5 was not yet known and that was a material consideration for the determination of this application. The Service Manager Strategy said that the refusal must be based on sound planning reasons which identified the planning harm that approving the application would cause. Councillor Peers suggested that it should be refused as 'the creation of new access points consisting of the erection of wooden gates and the loss of 18 metres of mature hedgerow would have a detrimental effect upon the character of the open countryside and the green barrier in this location contrary to policies GEN3 and GEN4'.

On being put to the vote, the reason for refusal was CARRIED.

RESOLVED:

That the application be refused as the creation of new access points consisting of the erection of wooden gates and the loss of 18 metres of mature hedgerow would have a detrimental effect upon the character of the open countryside and the green barrier in this location contrary to policies GEN3 and GEN4.

After the vote had been taken, Councillor Mackie did not return to the Chamber.

8. OUTLINE APPLICATION FOR THE ERECTION OF 8 NO. DWELLINGS AT CONWAY STREET, MOLD (054670)

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 23rd May 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 report and he explained that the site was in a flood risk area and the applicant had submitted a Flood Consequences Assessment which had been considered; no objections had been raised. There was an error in paragraph 7.07 and the officer explained that the words 'not only for vehicles emerging from the site' should be replaced with 'not only for vehicles entering the site'. When considering the design and amenity of the site, the design and access statement provided indications of the parameters of scale of the proposed dwellings but all detailed design issues, except access, were reserved for future approval. The officer provided details of the Section 106 obligations attached

to an approval of the application and the compliance with Community Infrastructure Levy (CIL) regulations was reported. The main issues were access and highways impact. The Senior Engineer – Highways Development Control confirmed that there were no objections from Highways, subject to conditions. She added that Conway Street was part of the adopted highway and the layout of the road was adequate for simultaneous passing of two vehicles. It had been noted on the site visit that there was parking by residents of the terraced properties on the opposite side of Conway Street. A question had also been asked about the number of buses to the school that accessed the street and the Senior Engineer confirmed that this was nine in total. The site was not dissimilar to any other site in close proximity to a school in that there were peak times in the morning and afternoon but generally the area was quiet outside of these times.

Councillor Carolyn Thomas declared that she was Chair of the Buildings Committee and a School Governor at Ysgol Maes Garmon. She said that many of the Governors would be pleased that the site was to be developed but strongly opposed this application on access and highway safety grounds. Conway Street was narrow and the traffic could only move in one direction because of parked vehicles and there were no pull-ins or turning points. She said that school buses often had to mount the pavement to make the turn from Wrexham Road into Conway Street because of the narrow junction. There was no traffic or pedestrian management system in place and Councillor Thomas raised concern for the safety of the students who walked along Conway Street to access the school or the sports centre. She spoke of the eight coaches, taxis and a minibus that accessed the area in the afternoon to collect pupils from the school and she commented on the staff cars that also needed to access and leave the school site at these peak times along with service and delivery vehicles in the area throughout the day. There were concerns for pupils crossing Conway Street where it joined with Wrexham Road particularly at the start and end of the school day. All of the issues highlighted meant that pupils on foot were already at risk once they left the school gate and the provision of eight dwellings would exacerbate the situation as vehicles would be obliged to cross the pavement that was currently the safest access route to the school for pedestrians. Councillor Thomas indicated that the site had previously been granted planning permission but a condition had been imposed that access was to be onto Brooke Street, not Conway Street. Having earlier declared an interest in the application, Councillor Thomas left the Chamber prior to its discussion.

Mr. D. Jennings, the agent for the applicant, acknowledged some of the concerns raised but did not feel that the proposal would worsen the situation. He explained that the application would not result in any additional parking on Conway Street as parking standards had been complied with and parking was within the site boundary. He added that even though the street was busy at peak school times, it was quieter during the rest of the day and suggested that vehicles parked on Conway Street acted as a traffic management system. Conway Street was not long and there was a break in the parking where two properties had created accesses for off street parking. It acted as a useful passing place and this proposal would create an additional passing place. Mr. Jennings said that in the 55 years that the school had existed, there had not been one reported accident. There was no turning point in Conway Street but Mr. Jennings said that the access to his property was

used by vehicles to turn so a significant benefit of the scheme was that the new access point for this development would act as a virtual turning head. He added that three existing access points to the land would be replaced by one and the traffic generated by the additional eight dwellings would be small and the traffic generated by the school was also low in number and was predictable at peak school times. Mr. Jennings said that at weekends, in the evenings and during school holidays there was very little traffic in the street. He added that another benefit of the scheme was that it would provide eight homes for local people and was in a sustainable location in Mold.

Councillor Marion Bateman proposed refusal of the application, against officer recommendation, which was duly seconded. She felt that the concerns of the School Governors should be taken into account when determining the application. She raised concern that the report did not take account of the chaos that occurred twice a day in the area apart from the last sentence of paragraph 7.07 where it was reported 'that the visibility took account of the inter visibility between pedestrians and vehicles and the officer was satisfied that adequate provision could be made to ensure no detriment to highway or pedestrian safety'. She sought clarification on the evidence that the officer had on this issue and on a condition in a previous application on the site that access could not be onto Conway Street. Councillor M. Bateman said that Members had been advised on the previous application on the agenda that they should consider what harm an application would create and therefore because of the risks to safety to school children and residents that this application would cause, she reiterated her proposal of refusal.

In seconding the refusal, Councillor Dave Cox said that it was obvious as the site visit that there were apparent dangers on Conway Street and it did not matter whether it was only busy for a short amount of time. He felt that the problem could be solved by widening Conway Street and that this could be easily achieved.

The Local Member, Councillor Haydn Bateman spoke against the application. He said that Conway Street was narrow and was the only street that led to the entrance to Ysgol Maes Garmon. On the site visit, the narrowness had been noted and the street was reduced to a single lane because of on-street parking and this allowed damage to some cars by buses accessing the school. He expressed significant concern for the safety of the pupils and other pedestrians and he highlighted the condition imposed on application 045711 for the site that no access should be onto Conway Street because of safety concerns. The entrance would have been onto Brooke Street and those residents had no objections to the proposed dwellings but objected strongly to the entrance onto Conway Street. Councillor Bateman asked the Committee to refuse the application on the grounds recommended by the officers on application 045711 to safeguard the amenity of nearby residents by not permitting any vehicular access onto Conway Street.

Councillor Gareth Roberts said that he did not feel that there were any reasons to refuse the application and added that the width of the road met the standards in the Council's policies. The road was straight and did not restrict visibility and he agreed with the agent that the proposal could improve the issue of road safety as the access could be used as a turning or passing point. He felt that if the application was refused, then the applicant could appeal and the decision

would be overturned and costs awarded against the Council as there were no grounds to refuse it.

In seeking clarity, Councillor Mike Peers asked why this recommendation had not included a condition for no vehicular access onto Conway Street. Councillor Owen Thomas felt that the original application with an access onto Brooke Street was more appropriate.

In response to the comments made, the officer said that the evidence for the conclusion on visibility was from comments during discussions with Highways colleagues and it had been agreed that the proposal would not cause any harm. The suggestion to widen Conway Street was not before the Committee in this application and the officer explained that this site was now much smaller than the proposal for an access only onto Brooke Street and was now constrained by the application for a convenience store on a nearby site. He reminded Members that they needed to consider the application before them but added that the access onto Brooke Street had been suggested for the previous site because it was for more dwellings and it was felt that there was an increased risk of harm than from the eight dwellings currently proposed.

Councillor M. Bateman, in summing up, felt that the suggestion by the agent that the access to the site could be used as a turning or passing point could not be considered. She also spoke of the perceived harm and the exacerbated risk to pupils and other pedestrians and said that she was proposing refusal in the interests of safeguarding the amenity of existing residents by not permitting any vehicular access onto Conway Street.

The Service Manager Strategy said that the new access would give road users a choice of how they used the public highway and the Planning Officer confirmed that the access would be provided to an adoptable standard. The Service Manager Strategy sought clarification on the reason for refusal and said that the predominant debate had been on highway safety and asked whether Councillor M. Bateman was including the impact on the safety of the pupils too; Councillor Bateman confirmed that she was.

On being put to the vote, the proposal to refuse the application was LOST and therefore the officer recommendation of approval with a Section 106 agreement was CARRIED.

RESOLVED:

That planning permission be granted subject to conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering either into a Section 106 agreement, providing a unilateral undertaking or the making of an advance payment which provided 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.

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

9. 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 (054886)

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

The officer explained that the report had been submitted to the Committee to clarify the reasons for refusal which were reported in paragraph 6.03 and 6.04.

Councillor Richard Lloyd proposed the recommendation in the report but asked that an additional reason for refusal be added due to the problems that could be caused to pedestrian safety by the recycling and waste collections.

In referring to paragraph 6.02 where it was reported that there were no specific policies relating to Houses of Multiple Occupation (HMO), Councillor Mike Peers asked if this issue could be considered by the Planning Strategy Group to provide some guidelines or policy. The Chief Officer (Planning and Environment) confirmed that HMOs could be considered by the Planning Strategy Group.

Councillor Gareth Roberts supported the recommendation for two refusal reasons as it was felt that to add any additional reasons that may not be as strong, could weaken the Council's argument at appeal. The Service Manager Planning Strategy concurred and said that the refusal reasons had been drafted as it was felt that they were defensible at appeal. Councillor Richard Lloyd accepted the advice and withdrew his request for an extra reason for refusal.

RESOLVED:

That the application be refused for the reasons reported in paragraphs 6.03 and 6.04 of the report.

Agenda items 10 to 12 were reported to Members for information.

10. 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 (052377)

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

The Chief Officer explained that the report informed 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 where planning permission was approved. The application was called in by the First Minister and an informal appeal hearing took place on 7 October 2015 where the Inspector recommended that planning permission be granted. However, the First Minister disagreed and concluded the planning permission should be refused. The main issues that had been considered were:-

- The effect on the open countryside
- Development Plan Policy
- Previously developed land
- Proximity to the settlement
- Changes since the previous Call-in decision

In the conclusion at paragraph 6.12, it was reported that the First Minister reached a different decision to the Inspector on the issue of sustainability and it was suggested that as they had reached different views, the decision was finely balanced. It was felt that the First Minister had not acted unreasonably and therefore there was little prospect of a successful challenge of the decision and the period to request a judicial review had also passed.

Councillor Owen Thomas said that the professional opinion of the Appeal Inspector had been to approve the application and he expressed significant concern about the involvement of the First Minister for a site for 12 dwellings which he felt were much needed. Councillor Richard Jones said that he thought he knew what was classed as sustainable applications but this decision had made him doubt what he knew. He referred to the application at Warren Hall and sought clarification on why there were differences in the determination of approval for that application and refusal for this site.

In taking a different view, Councillor Gareth Roberts said that he was encouraged that the First Minister had looked at this application in detail and on balance had determined that it should be refused. He commented on some decisions made recently by the Planning Inspectors and welcomed the opportunity to be able to challenge the decisions made by Appeal Inspectors.

Councillor Mike Peers highlighted paragraph 6.07 on previously developed land and in referring to the Meadowslea site, queried whether the First Minister would have made the same statement on the application.

11. **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, BRNFORD (053690)**

12. **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 (053238)**

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

There were 7 members of the public in attendance.

(The meeting started at 1.00 pm and ended at 2.33 pm.)

.....
Chairman

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22 JUNE 2016**

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

SUBJECT: **VARIATION OF CONDITION NO. 17 ATTACHED TO PLANNING PERMISSION REF 00/20/570 TO INCREASE PRODUCTION LIMIT AT PANT Y PWLL DWR QUARRY, PENTRE HALKYN**

APPLICATION NUMBER: **054768**

APPLICANT: **CEMEX UK MATERIALS LIMITED**

SITE: **PANT Y PWLL DŴR QUARRY. PENTRE HALKYN, HOLYWELL**

APPLICATION VALID DATE: **23 DECEMBER 2015**

LOCAL MEMBERS: **COUNCILLOR COLIN LEGG**

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

REASON FOR COMMITTEE: **LEGAL AGREEMENT REQUIRED**

SITE VISIT: **NOT REQUESTED**

1.00 SUMMARY

- 1.01 Cemex UK Materials Limited have applied under Section 73 of the Town and Country Planning Act 1990 to vary Condition No.17 of the deemed planning permission at Pant y Pwll Dŵr Quarry, Pentre Halkyn to effectively increase the tonnage output from the Quarry from a limit of 800,000 tonnes per annum, as measured over a period of three consecutive years, to a limit of 1.2 million tonnes per annum, as measured over a period of three consecutive years.
- 1.02 This application is being applied for retrospectively as the applicant has been exceeding the three yearly average annual tonnage for some years. This application has been submitted at the request of the Local Planning Authority in order to regularise this.

1.03 The main issues being considered in order to determine this planning application relate to the impact on the highway network and amenity in terms of potential noise, dust and blasting from the quarry operations as a result of an increase in exported limestone aggregate products.

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

2.01 The applicant entering into a Section 106 agreement or unilateral undertaking under the terms of the Town & Country Planning Act 1990 (as amended) or to provide an earlier payment to:-

- a) Provide a commuted sum of £17,000 to Flintshire County Council Highways Department to undertake road re-surfacing works with an anti-skid surface at the junction of the B5123 and Bryn Emlyn, Pentre Halkyn.
- b) Provide a commuted sum of £1,000 to Flintshire County Council Highways Department to make repairs to a fence adjacent to the Cattle Grid on Martin's Hill, Pentre Halkyn.

2.02 Conditions including:

1. Approved plans
2. Plans to be kept on site
3. Duration of permission
4. Time limit for completing the restoration of site
5. Revised restoration should the site close prematurely
6. Interim restoration scheme
7. Notification of temporary suspension
8. Specified Access Road
9. Maintenance of access road
10. No material to be deposited on the highway
11. Sheeting of exporting HGVs
12. Implementation of five year working programme
13. Update of working programme at least every five years
14. Notification of overburden stripping
15. HGV number limitations
16. Hours of operation
17. Dust control and monitoring Action Plan
18. Noise control and monitoring Action Plan
19. Day time noise limits
20. Noise limits for temporary working
21. Blast Monitoring Action Plan
22. Blast vibration limits
23. No secondary blasting
24. Protection of water course
25. Pollution prevention
26. Surface water management
27. Removal of permitted development rights
28. Maintenance of boundary treatment

- 29.No quarry waste to be removed from site unless it is an approved adjacent sites
- 30.Submission of final restoration and outline aftercare scheme
- 31.Tree and hedge planting and protection
- 32.Aftercare scheme
- 33.Annual aftercare meeting and reporting

2.03 If the Section 106 Agreement, unilateral undertaking or earlier payment (as outlined above) is not completed/paid within six months of the date of the Committee Resolution, the Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 *Local Member: Councillor Colin Legg* – at the time of writing the report no comments have been received.

3.02 *Halykn Community Council* – supports the application. Providing the applicant agrees and takes necessary precautions to mitigate environmental damage and impact in the locality, including the transportation aspect.

3.03 *Neighbouring Ward Councillor Matt Wright* is very concerned about this proposal. The quarry is already exporting more than they are permitted. Concerns include the dust emitted from the quarry which is transported from vehicles onto the public highway which cause a nuisance. Councillor Wright has tried to be supportive towards Cemex as a local employer but the various dust problems from the site and the constant traffic are upsetting the local residents. There are a number of infrastructure projects in line for years to come, therefore it would seem that the company will be busy in the future and Councillor Wright would like to see some fairness. If Cemex wish to proceed sensibly, they really need to look at assisting with the existing road network. There is no pavement on most of the route through the village making the route dangerous and support for capital works are needed. There is also need for strict conditions addressing dust, noise, blasting and other issues and modernising the site further. Things are currently not up to the mark and more work being permitted requires a re-think of the standards at this site. It is entirely reasonable of the residents to expect this, who under the circumstances have been more than understanding. Whilst the proposed conditions are an improvement to the existing consent in terms of controlling the operational impacts of the quarry, Councillor Wright cannot support the proposal as it would increase vehicle movements to an unacceptable level, although it is noted that the proposed level may not be reached. Furthermore, Councillor Wright would prefer to see a later start time as HGVs passing through Pentre Halkyn at 6am can be intrusive to the residents.

- 3.04 *Neighbouring Ward Councillor Jim Falshaw* at the time of writing the report no comments have been received.
- 3.05 *Brynford Community Council* were consulted as neighbouring Community Council and do not object to the planning application.
- 3.06 *Ysceifiog Community Council* were consulted as neighbouring Community Council and do not object to the application but raised concerns as to the potential impact the increase of vehicle movement will have on adjacent communities. The Community Council request that improvements to highway maintenance should be provided to the roads used by heavy goods vehicles and that the recordings of vehicle movements should be introduced in order that communities impacted can be identified for future reference for such things as application into the Aggregate levy fund.
- 3.07 *Head of Assets and Transportation*
It is difficult to assess the extent of the impact that this proposal would have on the operation of the highway; a condition related to the output of the quarry, averaged over a three year period provides little or no control to the flow of traffic during a particular time.
- 3.08 The Transport Assessment, Table TA4.1 indicates a steady increase in annual export tonnage over the past six years. Despite this increased output, Section 3.3 of the Transport Assessment identifies that this has not had a significant impact on the safe operation of the highway and that there were no recorded highway incidents that involved quarry traffic. There have been no reports of exceptional maintenance issues caused by the passage of quarry traffic during this period.
- 3.09 The imposition of a revised planning condition may prove to be more effective in managing the quarry output and hence traffic on the highway, and on that basis I have no objection to the proposal.
- 3.10 *Head of Public Protection* – No observations made.
- 3.11 *Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW)*
Based on the information provided to date, NRW does not object to the proposed variation of condition No. 17, however have the following comments in relation to protected Sites at the site which include Halkyn Common and Holywell Grasslands SSSI and Halkyn Mountain / Mynydd Helygain SAC.
- 3.12 The quarry is notified as a SSSI for the mineralogical interest which is exposed within the quarry faces. NRW does not consider that the proposed variation in the condition would adversely affect the geological interest of the SSSI.

4.00 PUBLICITY

4.01 This application was advertised by way of press and site notice and neighbour notification letters were dispatched to neighbouring residential properties.

4.02 During the consideration of this application a total of 16 letters of objection have been received in response to the consultation on this application. The main planning based representations in objection that are material to the determination of this application include:

- The proposal would result in an increase in HGVs
- Local roads cannot accommodate two passing HGVs
- Drivers use private driveways as passing bays
- The proposal suggests that the vehicles are larger, therefore impounds existing problems of the narrow local roads
- Damage to local roads due to continuous/frequent HGV use
- Local roads are not suitable and do not have the capacity for the increase in HGVs
- Cattle grids are damaged by continuous HGV use; an increase in production would exacerbate this.
- HGV movement over cattle grids generate noise and vibration which would be increased with an increase in HGV movement
- The proposal presents real road safety concerns for the village of Pentre Halkyn; there are no pavements, and HGV drivers have little regard to speed limits and residents
- Road improvements should be made; the road should be widened and pavements should be constructed, the road surfacing should be improved to prevent wheel spinning at the junction of Springfield Hill and Martins Hill
- There are no traffic calming features on the local roads
- The quarry company should construct a bypass to avoid the village of Pentre Halkyn or source an alternative route
- The proposal has a negative impact on the quality of life of the residents of Pentre Halkyn
- Breaching the conditions for 5 years with no action despite complaints; it should not be considered retrospectively
- The proposal would result in the increase in pollution on the roads in the locality from dust and emissions from HGVs causing damage to health of local residents
- Increase in noise from quarry operations and HGV traffic which results in disturbing sleep of neighbouring residents
- Increase in blasting will cause more damage to neighbouring properties
- An increase in production would result in an increase in working hours therefore hours of operations should be reviewed; 6.00 am opening time is too early and disturbs sleep, Saturday opening hours should be reviewed to open at 7.30am
- The wording of the condition as an average over 3 years allows for further scope to increase output. Should it be increased

there would be even additional scope to increase

- 4.03 Other issues have been raised by local residents that are material to another undetermined planning application which has been submitted by Cemex at the site which involves the construction of an overburden storage mound (reference 055218). These issues are not material to this planning application and are not considered within this report.
- 4.04 The applicant also held a pre-application public exhibition event on 1 December 2015.

5.00 SITE HISTORY

- 5.01 Planning permission for the working of minerals at Pant y Pwll Dŵr Quarry was first granted on 15 November 1948 (Ref. D40). Since then a number of extensions and modifications at the Quarry have been granted: Reference P72 (extension) 1 May 1956
- Reference 163/67 (extension) 29 February 1968
 - Reference 3/HA/658/80 (extension) 19 January 1982
 - Reference 3/316/88 (modification of working) 5 December 1988
- 5.02 In November 1995 planning permission was granted for a series of proposals primarily seeking approval of a number of detailed matters for the future development of the site in relation to revisions of the quarry working scheme, relocation of the quarry processing plant and landscaping and restoration.
- 5.03 On 30 May 2000 the quarry operator made an application for the determination of new conditions under the requirements of the Environment Act 1995. This application proposed a scheme of conditions for the Council to consider. However, the Council did not determine this application within the statutory time period. As a result, in accordance with the provisions of the Environment Act 1995, and in particular paragraph 9(9) Schedule 13, the 'deemed' approval took effect on 31 August 2000 (Ref 00/20/570 which is the extant planning permission to which this Section 73 application relates).
- 5.04 Planning permission was granted on 10 June 2003 for a new access road to the quarry under reference 031327 and subsequently varied by permission 047245 on 3 November 2010 to allow for additional overburden to be deposited on an existing screen bund.
- 5.05 Planning permission was granted on 11 June 2003 for revisions to the approved processing plant under reference 031328.
- 5.06 By February 2016, the quarry operator was required to make another application for the determination of new conditions under the requirements of the Environment Act 1995 to review mineral planning permissions ever 15 years. However, pursuant to the provisions of paragraphs 38 and 153 of MPG14, the quarry operator requested that the date by which an application must be made be postponed until the

31st December 2016. This request was made to allow the Minerals Planning Authority sufficient time to determine this planning application. The determination of which may render the submission of a schedule of conditions unnecessary as there is the opportunity to impose any condition in which the Planning Authority deem necessary.

- 5.07 In March 2016, the quarry operator submitted a planning application for the creation of an overburden storage bund (reference 055218). This application is under consideration and undetermined.

6.00 PLANNING POLICIES

6.01 LOCAL PLANNING POLICY

Flintshire Unitary Development Plan (Adopted September 2011)

STR2 – Transport and Communities

GEN1 – General Requirements for Development

AC13 – Access and Traffic Impact

AC14 – Traffic Calming

MIN1 – Guiding Mineral Development

MIN3 – Controlling Minerals Operations

6.02 GOVERNMENT POLICY/GUIDANCE

Planning Policy and Guidance

Planning Policy Wales Edition 8 (including Minerals Planning Policy) (2016)

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

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 18 – Transport (2007)

6.03 Minerals Planning Policy and Guidance

Minerals Technical Advice Note 1: Aggregates 2004

Minerals Planning Guidance Note 11: The Control of Noise at Surface Mineral Workings, 1993

Minerals Planning Guidance Note 14: Review of mineral planning permissions

7.00 PLANNING APPRAISAL

Introduction

- 7.01 The details of the proposed development will be outlined below, along with a description of the site and location, site constraints and the issues that will be assessed within the main planning appraisal.

Details of Proposed Development

- 7.02 Cemex UK Materials Limited have applied under Section 73 of the Town and Country Planning Act 1990 to vary condition No.17 of the deemed planning permission at Pant y Pwll Dŵr Quarry, Pentre Halkyn to effectively increase the tonnage output from the Quarry.

- 7.03 Condition No.17 states: *“The quantity of processed limestone aggregate leaving the site shall not exceed an equivalent level of 800,000 tonnes per annum as measured over a period of three consecutive years.”*
- 7.04 The application seeks to increase the three yearly average annual tonnage from a limit of 800,000 tonnes per annum, as measured over a period of three consecutive years to a limit of 1.2 million tonnes per annum, as measured over a period of three consecutive years.
- 7.05 This application is being applied for retrospectively as the applicant has been exceeding the three yearly average annual tonnage for some years (since 2011). The application has been submitted at the request of the Local Planning Authority in order to regularise this.

Site Description and Location

- 7.06 Pant y Pwll Dŵr Quarry is located 1km to the west of the settlement of Pentre Halkyn and 3km to the east of Babel. The A55 North Wales Expressway is located 1.5km to the east of the site, with access to this route from the quarry gained via local unclassified roads through Pentre Halklyn, linking to the B5123 and connecting to the A55 at the Springfield Interchange.
- 7.07 Due to the quarry’s proximity to the A55 trunk road it is considered to be an important strategic facility supplying limestone products to both the North Wales region and the North West of England.

Relevant Planning Constraints/Considerations

- 7.08 The extant planning permission reference 00/20/570 is a ‘deemed consent’ and therefore Condition No.17 was suggested by RMC; the quarry operator at that time. It is important to note that the Mineral Planning Authority did not impose this condition, or require a limit on output; it was offered by the applicant based on the operational output and capacity at that time, in the year 2000. Many quarries in Flintshire do not have a quarry output limit imposed as a condition as other conditions control the impacts of the quarry operations.
- 7.09 The Quarry site lies entirely within the Halkyn Common and Holywell Grasslands SSSI and adjacent to the Halkyn Mountain / Mynydd Helygain SAC. However, it is considered that the proposed application and increase in tonnage output would not give rise to a significant effect on the nearby SAC or SSSI.
- 7.10 Should planning permission be granted, as a new development consent would be issued, the Mineral Planning Authority has the ability to impose conditions that would meet the tests of Circular 11/95; ‘The use of conditions in planning permissions’. Furthermore, any new planning permission granted would effectively substitute the need for the review of conditions as required by the Environment Act

1995. This planning application provides the review mechanism to ensure that the planning conditions are up to date with current guidance, would meet the tests of Circular 11/95, and fit for purpose. A new development consent would render the submission of a schedule of new conditions unnecessary.

Monitoring and Enforcement

- 7.11 Local residents have expressed concerns that the Mineral Planning Authority has allowed this breach of condition to occur, and have suggested that planning permission should not be granted retrospectively to allow the increase in exportation.
- 7.12 It was drawn to the Council's attention that the average three yearly output limit was being exceeded in December 2012 when the Council undertook a chargeable monitoring visit which monitors each condition of the planning consent. It had not become apparent until then due to the retrospective manner in which the condition operates. The Mineral Planning Authority discussed mechanisms to resolve this with the operators. The Quarry operators analysed their records to establish if the activity could be considered lawful under the provision of section 191 of the Town and Country Planning Act for established lawful use. It was apparent that this could not be demonstrated and the Mineral Planning Authority formally wrote to Cemex in January 2014 with regards to the continued breach of condition. It was accepted by the Mineral Planning Authority that Condition No. 17 does construe a degree of ambiguity, and it was noted that the Mineral Planning Authority was required to wait for the period to time to lapse (over three years) to establish whether it was expedient to enforce.
- 7.13 However, the Mineral Planning Authority considered that the most appropriate way forward was in the form of remedial regulatory action. As such, it was suggested that a Section 73 application be submitted by the operator to vary the condition. The Mineral Planning Authority therefore invited the quarry company to submit a planning application to regularise the situation and this planning application was submitted.

Issues

- 7.14 ***Principle of Development and suitability of location***
The principle of extracting limestone in this site has been deemed acceptable by virtue of the historical mineral working at the site which planning permission was first granted in 1948. Subsequent planning permissions were granted which provides evidence that mineral extraction at this site represents an appropriate and established land use for this site. Furthermore, mineral extraction can only take place where the mineral is found to occur. As stated previously, the quarry site is located close to strategic and regional road networks.

7.15 ***Need for aggregate***

Minerals Technical Advice Note 1: Aggregates states that it is essential to the economic and social well-being of the country that the construction industry is provided with an adequate supply of the materials it needs but not to the unacceptable detriment of the environment or amenity. Due to its location, it is considered that Pant y Pwll Dŵr Quarry has a key strategic role in limestone product supply. The proposal does not seek any additional reserves. The permitted reserves at the site contribute to the County's landbank in which the figures within the Regional Technical Statement are based and the managed aggregate system in the Region.

7.16 ***Need to vary Condition No.17 and increase output limits***

Over recent years the quarry operator has been experiencing strong demand for the aggregate products produced by Pant y Pwll Dŵr Quarry. There are a number of local and national factors contributing to this situation including economic growth, a reduction in production capacity in Flintshire and north east Wales due to a number of limestone quarries in the region closing and put to restoration, or mothballed. Also, advances in HGV technology and legislation has resulted in larger vehicles being permitted to export material from the site and as a result, more material can be exported per HGV trip as payloads have increased.

7.17 As a result, the quarry operators have been unable to satisfy the demand for its products within the confines of the limits within condition No.17, although the extent to which production has exceeded the three year average of 800,000 tonnes per annum has only become wholly apparent during 2009-2011 given the retrospective manner in which the condition operates, when the three yearly average reached 813,793. Nevertheless, the condition has been breached since 2011. Since then, production from the site and exports have increased gradually with a peak in 2014, with a slight decline last year.

7.18 The applicant seeks to increase the limit on production from 800,000 tonnes per year, as an average measured over three preceding years to 1.2 million tonnes per annum, as measured over a three yearly average. With this proposed increased, it is not expected that sales of processed limestone would increase over and above that which has been achieved in the last three years, rather than annual sales would be more consistently reach 1.1 to 1.2 million tonnes per annum, each year, as opposed to wider variations in tonnage experienced in the past. As a consequence, it is not expected that HGV numbers, when compared to that experienced in the recent past, would increase as a result of the application. Number of movements currently experienced would become more consistent year on year. The analysis of HGV movement associated with this proposal will be explored in more detail in the following section.

7.19 ***Highways, Traffic, Transportation and Access***

An independent Transport Assessment to determine the likely impacts of the proposal has been submitted to support the application. The assessment concluded that the proposed revised condition and increase in the output of the quarry would not result in a noticeable impact on operational, or environmental conditions on the local road network linking the quarry to the A55. As a result, it concluded that no local highway network improvement would be required to facilitate the development proposed.

7.20 A review of the historical weighbridge data for the quarry has demonstrated that annual payloads of export movements have increased over time. The move to higher payloads has effectively managed overall HGV demand by the site, by resulting in fewer vehicle movements per tonne. Essentially, whilst export levels have increased, larger vehicles have resulted in more materials being exported per load. Should export levels at the quarry be restricted to below market requirements, it would likely result in the need for a local level of demand to be satisfied by more remote facilities which could result in more HGV miles travelled for the transportation of limestone products.

7.21 The submitted Transport Assessment which supported the application, identified the existing road network operates within no existing capacity, congestion or safety issues. Export levels in excess of the current restriction have already occurred without any material impact on the operational safety of the local highway network. Nevertheless, concerns have been raised by local residents in relation to the increase in large HGVs that would result from the proposal.

7.22 Concerns have been made in relation to the lack of traffic calming measures. It is considered that the nature of the existing local highway network linking the site to the A55 already exhibits a number of natural traffic calming features which encourage appropriate driving conditions such as narrow road widths and steep inclines.

7.23 Local residents and Councillor Wright have suggested that a footpath should be provided to improve pedestrian safety. Until recently a footpath improvement scheme to provide a 2 metre wide footway from the Springfield Hotel to Greenlands on Pentre Road was included within the Council's Strategic Highway Improvement Schemes. However, as the route did not form part of the strategic highway network, in March 2016, the Council's Cabinet agreed to remove the scheme from the Scheme, as it has not been possible to implement any further elements of the scheme due to budgetary constraints and the lack of appropriate grant funding for schemes of this nature.

7.24 The evidence provided within the Transport Assessment includes safety records for this section of the highway network which highlights no quarry HGV related accident events within the past 10 years. A

search of accident data reveals no significant history of incidents related to the previously high levels of traffic generated by the quarry. It is therefore considered that there would be no requirement for additional traffic management features to support ongoing operation of the quarry under the proposed export threshold. Furthermore, there is insufficient width within the existing highway to deliver an appropriate scheme and this would therefore be reliant on land in third party ownership. Due to the topography of the land it would require major engineering works and retaining walls for it to be feasible, making a project such as this very costly. The Council could not require the quarry operator to construct a footway as there are no material grounds for requiring this.

7.25 Local residents have raised concerns in relation to vehicles 'wheel-spinning' at the junction with Springfield Hill (B5123) and Bryn Emlyn as HGVs are often required to stop at this junction before turning right. On occasions accelerating HGVs are finding a problem with low grip levels and resulting in wheel-spinning. As stated previously, there is no evidence to support the requirement for highways improvements or evidence of quarry related traffic causing undue wear and tear to the fabric of the highway. Furthermore, there are other HGVs on the road network which are not associated with the applicant's quarry. However, the wheel-spinning of vehicles has given rise to concerns raised by residents in relation to the noise disturbance that this causes, especially in the early hours of the morning before the quarry opens. Therefore, to try to reduce wheel-spinning and the associated noise concerns, the applicant has agreed to pay a commuted sum of £17,000 to the Council Council's Highways Department to undertake road re-surfacing with an anti-skid surface. It has been agreed that these works would be undertaken by the County Council, outside of the quarry's operational hours. The works would need to be completed within 12 months of the date of the legal agreement. The payment of the community sum would be secured by unilateral undertaking via Section 106 of the Town and Country Planning Act.

7.26 Local residents have also expressed concerns in relation to the increase in quarry HGVs causing damage to the cattle grids in the common. It has recently been reported that a fence adjacent to a cattle grid has been struck by a HGV. Whilst it is understood that the incident took place on a Sunday when Pant y Pwll Dŵr Quarry is closed, as a gesture of good will, the applicant is prepared to contribute a sum of £1,000 to repair the fence adjacent to the cattle grid. However, it should be noted that the applicant would not accept any ongoing maintenance liability or responsibility for the damage. As with the resurfacing works, the repairs must be completed within 12 months of the date of the legal agreement.

7.27 Local residents have suggested that the plans to construct a by-pass should be pursued so that the quarry vehicles would be diverted away from Pentre Halkyn. In 2007, the quarry operators submitted a

Scoping Request to the Council for the construction of a by-pass. Unfortunately, this project is considered to be financially and practically unviable at this present time. It would also involve third party land which the applicant does not have control over. It is considered that the proposal to increase the output at the quarry would be acceptable without the construction of a by-pass as there is sufficient capacity on the existing highway network.

- 7.28 Despite this increased output, the Transport Assessment identifies that this has not had a significant impact on the safe operation of the highway and that there were no recorded highway incidents involved quarry traffic. Furthermore, there have been no reports of exceptional maintenance issues caused by the passage of quarry traffic during this period. Whilst the exportation of limestone material has increased, payloads of HGVs transporting the material have also increased resulting in fewer vehicles per tonne exported. Furthermore, export level would not exceed that already experienced in recent years with no significant impact on the highway in terms of safety, incidents or maintenance.
- 7.29 Whilst the Council's Head of Assets and Transportation does not object to the proposed increase in output levels at the quarry, the imposition of a revised planning condition to control the number of vehicles leaving the quarry may prove to be more effective in managing the quarry output, and hence traffic on the highway. The retrospective manner in which the condition operates renders the monitoring and enforcing of this condition problematic. This has been demonstrated as it is not possible to ensure compliance or highlight a breach until three consecutive years have passed. It could be argued therefore that such condition, should it be imposed by the Mineral Planning Authority would not pass the tests set in circular 11/95, as it would not be enforceable and it is not precise. It does not provide the Mineral Planning Authority with any level of control. As stated previously, as the consent was 'deemed', the neither the Mineral Planning Authority nor the Highway Authority requested such a condition be imposed; it was offered by the applicant based on the operational output and capacity at that time in the year 2000.
- 7.30 The imposition of a revised planning condition to control actual vehicle numbers may prove to be more effective in managing the quarry output, and hence traffic on the highway. This would also provide the Mineral Planning Authority with a greater level of control. The current wording would allow for excessive levels of output in one year which may cause congestion and problems on the highway and unacceptable levels of dust and noise for example, but the condition would not be breached as long as the export levels in subsequent years were within the confines of the limits of the three yearly average. Furthermore, as stated previously this mechanism of control is not immediately effective and a period of time would have to pass to establish if there had been a breach of planning control. The planning

application provides maximum daily vehicle movements in one day since 2009; the highest being 387 export vehicles in 2014. However the current way in which the condition operates would allow for a much higher daily vehicle movement. Furthermore, the quarry has demonstrated that it can operate at this level without cause for concern in terms of highway safety or maintenance issues.

- 7.31 It is considered therefore, that it would be more effective and appropriate to remove Condition No.17 and replace it with a maximum daily vehicle number rather than revising the average output level. Having analysed the data submitted within the Transport Statement, and using the statistics provided by the Quarry associated with their previous export output rate and figures, it is considered reasonable to enforce a daily week day HGV limit of 600 HGV movements (300 in and 300 out) per week day, and restrict HGV movements to 300 (150 in and 150 out) on Saturdays with no HGV movements on Sundays or public/bank holidays. The condition would also state that in any 12 months period the quantity of processed limestone aggregate leaving the site shall not exceed 1.2 million tonnes.
- 7.32 This condition would be enforceable unlike the existing condition. It would provide the applicant with certainty and the Mineral Planning Authority with a condition that could be enforced, providing certainty for the local community. The Head of Assets and Transportation supports the change from a tonnage limit to a daily HGV limit.
- 7.33 Ysceifiog Community Council suggested that the recordings of vehicle movements should be introduced in order that communities impacted can be identified for future reference for such things as application into the Aggregate levy fund. The Quarry company do not as a matter of course record the routes of all vehicle exiting the site. However, there is a high level of certainty that the vast majority of quarry vehicles turn right of the site, and then travel to the A55. Only local deliveries would turn left out of the site. There is evidence within the planning application to support this assumption and any of the Community Councils could use this data to support Aggregates Levy applications to secure funds for community projects in the future.
- 7.34 On the basis of the evidence provided within the Transport Assessment and the information presented above, the Council's Head of Assets and Transportation does not object to the application. Vehicle movements would be controlled by condition, and additional works would be carried out on the local highway network which the applicant will provide a community sum. The application has demonstrated that an increase in export rates, and in-turn vehicle movements would not have a significant impact on the safe operation of the highway or cause any network capacity or maintenance concerns. As such, it is considered to comply with the provisions of GEN1, STR2, AC13 and AC14 of the adopted Flintshire Unitary Development Plan.

7.35 ***Residential Amenity; Noise, dust and blasting***

During the consultation residents have asked if the hours of operation at the quarry could be reviewed as part of the consideration of this planning application. Residents have stated that HGVs passing their homes in the early hours of the morning disturb their sleep, and have requested the Council to impose stricter opening hours. This has been proposed to the applicant but they have stated that this would have a substantial negative impact on their business. It would severely truncate their ability to service their market as many of their customers rely on product delivered at 07:00 hours, making a 06:00 hours start at the quarry imperative to allow for travel time. The quarry operator could not agree to such a restriction.

7.36 Should planning permission be granted, a new consent would be issued. Whilst the Mineral Planning Authority has the ability to impose any condition it sees fit, it would still have to pass the tests of Circular 11/95; 'The use of conditions in planning permissions'. The tests include that the condition has to be relevant to the development to be permitted, and also reasonable in all other respects. As the concerns raised are related to traffic on the highway disturbing sleep, as opposed to noise from the quarry or vehicles within the quarry, it would be difficult to defend a request to reduce working hours since a planning permission could not control vehicles on the public highway; any taxed vehicle could be legally using the highway at any time.

7.37 However, as stated previously, the applicant is willing to provide a commuted sum to provide an alternative road surface which would contribute to reducing the sound of vehicles wheel-spinning which could reduce disturbance levels.

7.38 Concerns have been raised in relation to the impact of increasing the tonnage output at the quarry as it is believed it would lead to an increase in dust, noise and blasting. The Council has received a number of complaints recently in relation to dust from the quarry which has caused the Mineral Planning Authority to write to them to address this breach of the existing condition in relation to dust. As a response to these concerns, the quarry operator has begun to implement a number of new dust mitigation techniques which include increasing the frequency of road sweeping on the local highway network, implementing an additional daily sweep and wash down of the quarry access road and at the end of the working day using a fixed brush and water bowser on the access road, and installing 'sleeping policemen' in the existing wheel wash to maximise the 'linger time' of HGVs passing through, thus improving the effectiveness.

7.39 Should planning permission be granted, an entirely new planning permission would be issued. As a result, this would provide the opportunity to revised and modernise if necessary the existing

conditions to be in line with current planning guidance. It is proposed to address concerns in relation to dust, noise and blasting vibration to require the applicant to submit compliance and monitoring action plans which would be reviewed annually to ensure compliance with conditions in terms of limitations, and to ensure that the operations are not causing a detrimental impact on the local environment and residents.

7.40 ***Environmental Assessment***

The application was screened negatively on 25 January 2016 in accordance with the provisions of the Environmental Impacts Assessment (England and Wales) Regulations 1999 (as amended). The Screening Opinion was been considered against the proposed change of the development which in effect would be an increase in output. It was considered that the proposal would not give rise to significant environmental effects and therefore would not require to be accompanied by an Environmental Statement.

8.00 CONCLUSION

- 8.01 Technically planning condition No.17 of the current planning permission for mineral extraction at Pant y Pwll Dŵr Quarry has been breached since 2011. However, evidence provided within the planning application and Transport Assessment concludes that whilst export limits have been exceeded, payloads have increased thus resulting in fewer vehicles per tonne exported. The increase in exportation levels has not resulted in a significant impact on the safe operation of the highway, and there were no recorded highway incidents involved quarry traffic. There have been no reports of exceptional maintenance issues caused by the passage of quarry traffic during this period.
- 8.02 In order to regularise this breach of tonnage output, the applicant has requested to increase the output figure from 800,000 tonnes per annum, measured over three consecutive years, to 1.2 million tonnes per annum, measured over three consecutive years.
- 8.03 However, it is considered that condition related to the output of the quarry, averaged over a three year period provides no control to the flow of traffic during a particular time. Furthermore, as the monitoring of this condition has demonstrated, it is not possible to ensure compliance or highlight a breach until three years have passed. It could be argued therefore that such condition, should it be imposed by the Mineral Planning Authority would not pass the tests set in circular 11/95, as it would not be enforceable and it is not precise. The imposition of a revised planning condition to control actual vehicle numbers would prove to be more effective in managing the quarry output and hence traffic on the highway.

- 8.04 It is therefore recommended that Condition No.17 be removed and replaced with a condition to control the number of vehicles entering and leaving the site on a daily basis. It is recommended that the replacement conditions reads:
“The total number of daily HGV movements associated with the development hereby approved shall not exceed the following limits:
- 600 movements (300 in and 300 out) Monday to Friday
- 300 movements (150 in and 150 out) Saturdays
In any 12 month period the quantity of processed limestone aggregate leaving the site shall not exceed 1.2 million tonnes.”
- 8.05 Should planning permission be granted, as a new development consent would be issued, this would replace the need for the applicant to submit an application for the determination of new conditions. All other conditions related to the approved quarry development in which the operation is controlled would be reviewed and modernised to ensure that the Mineral Planning Authority has control on the operations for example in relation to dust, noise, vibration and blasting from the quarry.
- 8.06 It is considered that the proposed application and increase in daily vehicle movements would not give rise to a significant effect on the nearby SAC or SSSI
- 8.07 In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the imposition of conditions as listed above, there is no sustainable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted. The applicant has agreed to enter into a Unilateral Undertaking via Section 106 of the Town and Country Planning Act 1990 to provide a commuted sum for resurfacing works to provide an anti-skid surface to reduce the risk of wheel-spinning, and to provide funds to repair a fence adjacent to a cattle grid in Pentre Halkyn. The proposal would give rise to increased vehicle movements and the anti-skid resurfacing should address concerns in relation to wheel skidding and associated vehicle noise and disturbance when vehicles are turning right onto Bryn Emlyn. If the Section 106 Obligation (as outlined above) is not completed within 6 months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

9.00 OTHER CONSIDERATIONS

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

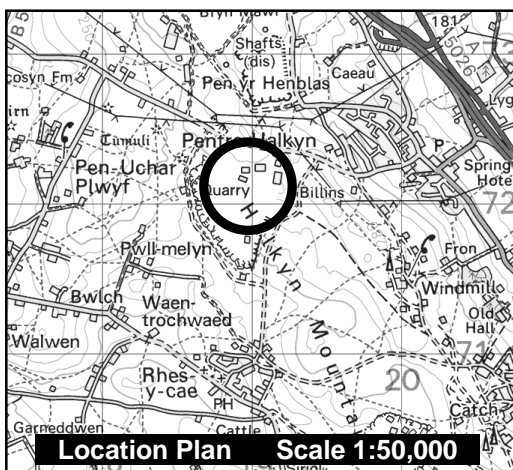
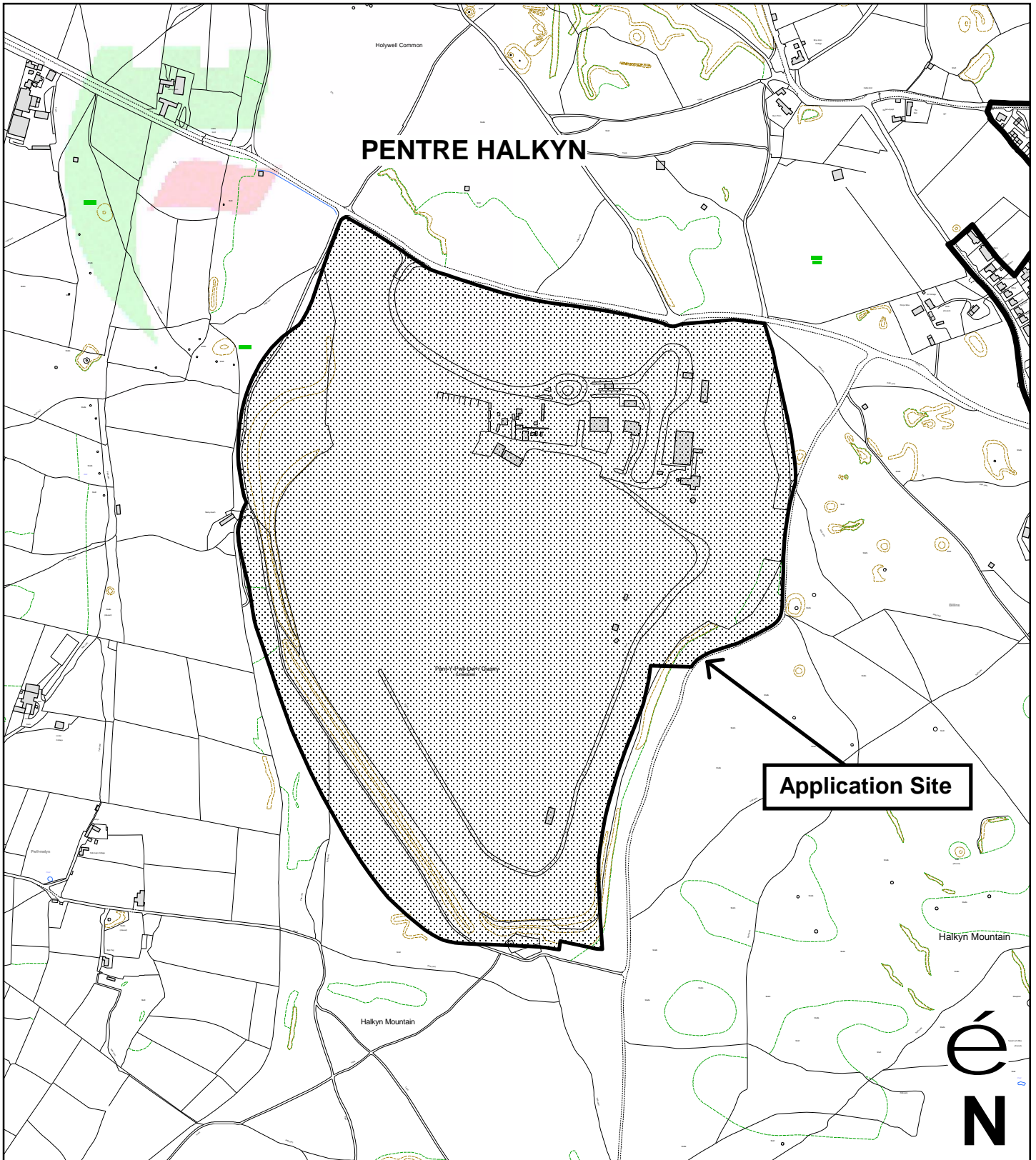
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Hannah Parish
Telephone: (01352) 703253
Email: hannah.parish@flinshire.gov.uk



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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OS Map ref SJ 1872

Planning Application **54768**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JUNE 2016**

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

SUBJECT: **FULL APPLICATION – ERECTION OF NEW HIGH BAY INDUSTRIAL BUILDING AT ELECTROIMPACT UK LTD., MANOR LANE, HAWARDEN**

APPLICATION NUMBER: **054887**

APPLICANT: **ELECTROIMPACT UK LTD**

SITE: **MANOR LANE,
HAWARDEN**

APPLICATION VALID DATE: **25TH JANUARY 2016**

LOCAL MEMBERS: **COUNCILLOR W. MULLIN**

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the erection of a new high-bay industrial building, including the formation of a new vehicular access and hardstanding as an expansion to an existing industrial operation undertaken by Electroimpact UK Ltd, Manor Lane, Hawarden.
- 1.02 The application is being reported to the Planning & Development Control Committee for formal determination as the height of the development proposed, exceeds the threshold within the Council's delegation scheme.

1.03 For Members information, amended plans have been received in progression of the application on which further consultation and publicity has been undertaken.

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

2.01 Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Details of materials to be submitted and approved.
4. No development to commence until a noise survey has been undertaken. Attenuation to be incorporated into scheme if appropriate.
5. Landscaping scheme to be submitted and approved.
6. Implementation of landscaping scheme.
7. Site/building levels to be submitted and approved.
8. Visibility splay to be 2.4 x 43 m in both directions.
9. Design and layout of access to be submitted and approved.
10. Details of culverting of ditch to be submitted and approved.
11. Parking/turning facilities to be provided and retained.

3.00 CONSULTATIONS

3.01 Local Member

Councillor W. Mullin

Original Submission

Request site visit and planning committee determination given preliminary concerns over scale of development.

Amended Scheme

Awaiting response at time of preparing report.

Broughton & Bretton Community Council

Original Submission

The Council recognises that this is an application for permission to build an industrial building within the Enterprise Zone. However, it considers that the building, due to its height and proximity to Manor Lane will have an overbearing impact on the residential estates opposite and the nearby Grade 2 listed Manor House. The Council believes that this is an inappropriate development at this particular location and that it should be sited in a less sensitive position within the Industrial Estate. The Council therefore objects to this application.

Amended Scheme

Advise that the comments referred to above, are still relevant to the amended scheme.

Head of Pollution Control

Recommend that if planning permission is granted that a pre-commencement condition be imposed requiring a noise survey, to be undertaken given the proximity of the site to existing residential properties. If appropriate a scheme of noise attenuation shall be introduced into building.

Amended Scheme

Advise that the comments referred to above, are still relevant to the amended scheme.

Highway Development Control Manager

Original Submission

Recommend that any permission includes a condition to ensure that adequate parking/turning facilities are provided and retained within the site prior to it being brought into use.

Amended Scheme

No objection. Recommend that any permission includes conditions in respect of visibility, culverting of existing ditch and parking/turning of vehicles.

Dwr Cymru/Welsh Water

Original Submission

No response received.

Amended Scheme

No response received at time of preparing report.

Natural Resources Wales

Original Submission

No response received.

Amended Scheme

No response received at time of preparing report.

Airbus

Original Submission

No aerodrome safeguarding objection.

Amended Scheme

No aerodrome safeguarding objection.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

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

- Proposed building by virtue of its height and scale would be out of character with other smaller industrial units in the locality.

- Development would lead to an increase in vehicular movements.
- Building should be located within a more central location within an industrial estate.
- Building would have a detrimental impact on existing residential properties at the Little Roodee Estate.

Amended Scheme

1 letter of objection received which considers that the proposed building is completely out of scale with the buildings in Manor Lane, which would be detrimental to the amenity of residents and would affect the character of existing development at this location.

5.00 SITE HISTORY

5.01 None relevant.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 Policy STR1 – New Development.
 Policy STR3 – Employment.
 Policy STR8 – Built Environment.
 Policy GEN1 – General Requirements for Development.
 Policy D1 – Design Quality.
 Policy D2 – Location & Layout.
 Policy D3 – Design.
 Policy D4 – Landscaping.
 Policy AC13 – Access & Traffic Impact.
 Policy AC18 – Parking Provision.
 Policy EM3 – Development Zones & Principal Employment Areas.
 Policy HE2 – Development Affecting Listed Buildings & Their Settings.
 MIN8 – Protection of Mineral Interests.

Additional Guidance

Technical Advice Note 11 – Noise.
 Technical Advice Note 12 – Design.
 Technical Advice Note 23 – Economic Development.

The proposal **would** generally comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application proposes the erection of a new high-bay industrial building including the formation of a new vehicular access and hardstanding, as an expansion to an existing industrial operation undertaken by Electroimpact UK Ltd at Manor Lane, Hawarden.

- 7.02 The proposed building would be located within the Electroimpact site on Manor Lane, which is within a Development Zone, Enterprise Zone and Principal Employment Area as defined in the Flintshire Unitary Development Plan. The site is located between Jackson Court, Eastwood Court and Griffin Technology Park, and is approximately 56 m to the east of the nearest dwelling at The Little Roodee and 200 m to the south of Manor House which is a Grade II Listed Building.
- 7.03 Proposed Development
The amended plans submitted as part of this application propose the erection of a detached building measuring approximately 64 m x 26 m x 20 m (high), to be constructed having plasticol sheeting walls and roof. It is proposed that the building is used for the assembly of various aircraft manufacturing equipment including tooling and jigs. The height of the building is required to facilitate the provision of an internal crane which would be used for the movement of larger items of equipment.
- 7.04 The plans initially submitted as part of this application proposed that the building be sited within 16 m of Manor Lane, at its closest point, with access up to the site through the existing estate road serving Jackson and Eastwood Court.
- 7.05 The amended plans however propose that the building be re-sited, so that the distance from Manor Lane to the closest point of the building is increased to 30 m with the formation of a new vehicular access into the site from Manor Lane itself.
- 7.06 Internationally, Electroimpact is a company of over 750 professionals dedicated to the design and manufacture of state of the art aircraft assembly equipment. Electroimpact's main campus and head office is located in Washington, USA. However, Electroimpact has established a large satellite office in the UK which is based at Hawarden where 141 people are directly employed in total.
- 7.07 The applicant's agent has advised that Electroimpact has grown to become the largest integrator of aircraft assembly lines in the world with the customer base including for example Airbus, Boeing, Kawasaki, Mitsubishi and Fuji.
- 7.08 The applicant has advised that the proposed new building will enable Electroimpact UK Ltd to expand their manufacturing business on the existing site without the need to relocate, creating an additional 25 highly skilled jobs.

7.09 Main Planning Considerations

It is considered that the main issues to be taken into account in determination of this application are:-

- The principle of development.
- The impact on the character of the surrounding area and the privacy/amenity of occupiers of nearby residential properties.
- Adequacy of access/parking.
- Impact on Manor House a Grade II Listed Building.

7.10 In commenting in detail in response to the Main Planning Considerations outlined above, I wish to advise as follows:-

7.11 Planning Policy/Principle

As highlighted, the site is located within a Development Zone, Enterprise Zone and Principal Employment Area as defined in the Flintshire Unitary Development Plan. In such locations employment related development is considered acceptable in principle, subject to development being of an appropriate scale/form/design relative to its surroundings and other considerations including for e.g., adequacy of access/parking.

7.12 Development at this location which is aimed at supplementing and supporting the Airbus, avionics and engineering industries around Manor Lane Industrial Estate, is generally supported and acceptable, given that this was the primary reason for which the estate was initially developed.

7.13 Impact on Character of Surrounding Area & Privacy/Amenity

For Members information there is a mix of development at this location, which is primarily characterised by employment development on the eastern side of Manor Lane, with residential development on the western side.

7.14 The building the subject of this application which would be approximately 20 m high would be re-sited as part of this amended application so that its closest point would be approximately 30 m from Manor Lane, on the western edge of the employment area.

7.15 It is acknowledged that the height of the building at 20 m would be higher than the existing Electroimpact industrial building at Manor Lane which is 7 m high and all other buildings including residential development at The Little Roodee which are also approximately 7 m in height. The amended siting of the building would however help to visually relate it more closely to the existing Airbus factory which acts as a backdrop to development at this location. By re-siting the building so that it is now approximately 30 m away from Manor Lane, and approximately 86 m from residential properties at the Little Roodee, and with supplemental landscaping on this site boundary (which can be covered by the imposition of a planning condition), it is

considered that this will provide for an improved visual appearance and help to safeguard privacy/amenity.

7.16 The economic benefits associated with the development in particular the job creation case advanced by the applicant are duly noted and recognised as being of particular importance to the County. It is however considered that the issue of job creation needs to be carefully balanced against the impact of development on the character of the locality and the amenity of the occupiers of nearby residential properties.

7.17 Adequacy of Access/Parking

For members information consultation on the amended details submitted has been undertaken with the Highway Development Control Manager. There is no objection to the development subject to the imposition of conditions to ensure the provision of adequate visibility at the new access onto Manor Lane, the culverting of an existing ditch to facilitate the formation of the new access and the provision of parking/turning facilities within the site.

7.18 Impact on Listed Building

The proposed industrial building would be sited approximately 200 m away from Manor House a Grade II Listed Building. Given the relationship of the site to this building and as there are a number of existing buildings between the application site and Manor House itself and with reference to the wider streetscene, it is considered that this impact will be minimised.

8.00 CONCLUSION

8.01 In conclusion, it is my view that the general principle of employment development is supported within the Development Zone, Enterprise Zone and Principle Employment Area. The revised siting of the building will help to provide increased separation distances between the proposed building and existing residential properties at The Little Roodee. This will in my view, help to minimise the impact on the streetscene at this location and the amenity of occupiers of these nearby residential properties. It is also acknowledged that from an economic development perspective, that a number of highly skilled jobs are proposed which is welcomed in the current economic climate, and this is a significant factor in support of the application.

8.02 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

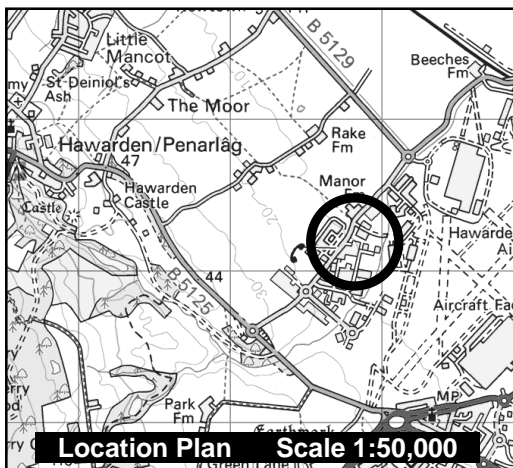
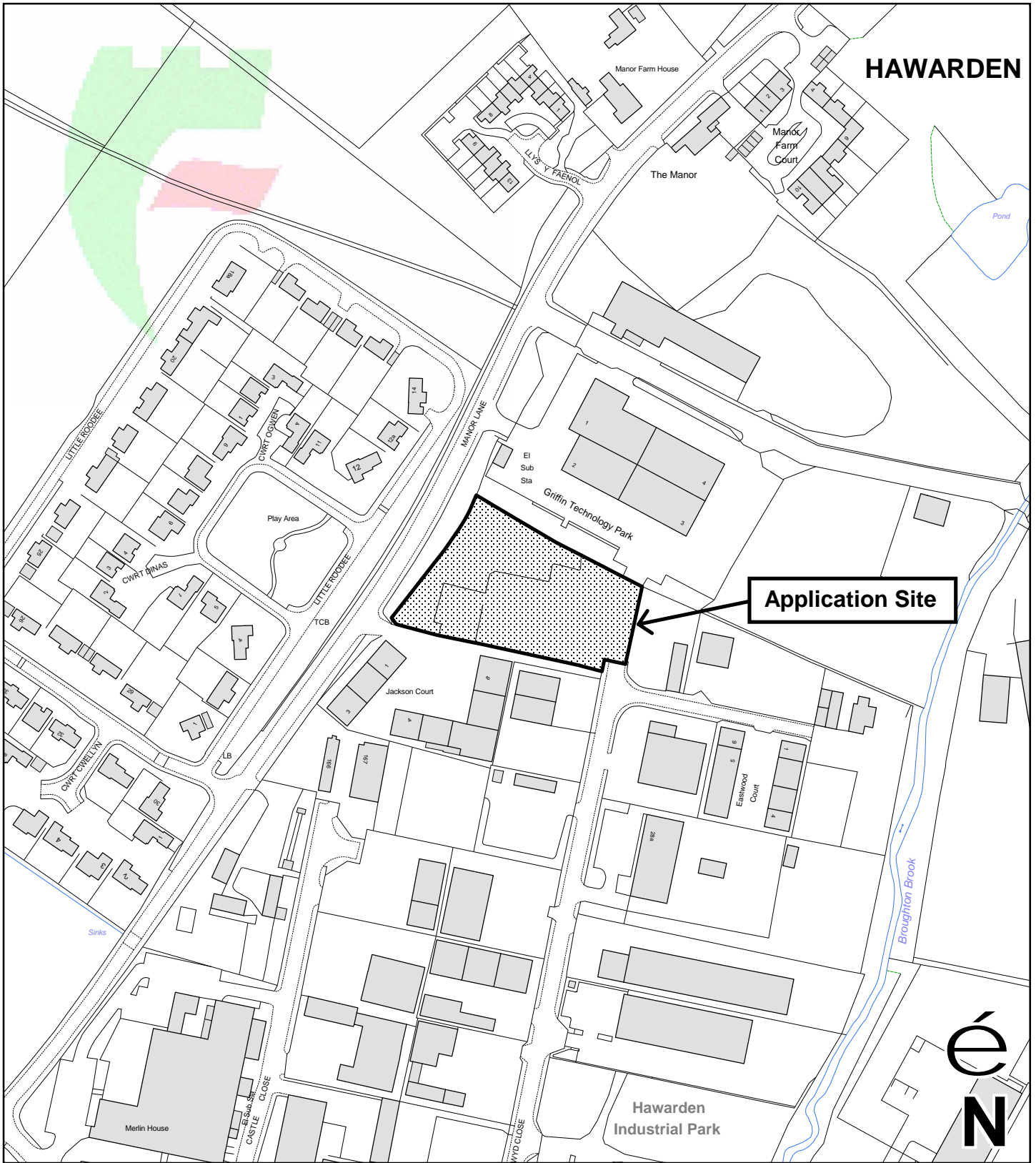
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **54887**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JUNE 2016**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 67 DWELLINGS WITH PUBLIC OPEN SPACE AND OTHER ASSOCIATED INFRASTRUCTURE AT SUMMERHILL FARM, DROVERS LANE, CAERWYS.**

APPLICATION NUMBER: **054007**

APPLICANT: **MR. R. JONES**

SITE: **SUMMERHILL FARM, DROVERS LANE, CAERWYS**

APPLICATION VALID DATE: **12TH AUGUST 2015**

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

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

REASON FOR COMMITTEE: **THE NATURE OF THE PROPOSALS, IN TERMS OF THE NUMBER OF PROPOSED DWELLINGS, EXCEEDS THAT FOR WHICH POWERS ARE DELEGATED TO THE CHIEF OFFICER.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a Reserved Matters application for the erection of 67 dwellings. This application provides details of the siting, design, external appearance and landscaping of the site following the grant of outline planning permission 044232 and the extensions of time for the submission of Reserved Matters subsequently granted under 048605 and 052169.

1.02 The issues associated with the principle of developing this site for residential development have been dealt with at the outline stage. It is considered that the details of the scheme do not raise any issues in relation to impact on residential amenity or the character of the area.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation or Unilateral Undertaking, or making advance payment of to secure the following :-

- a. Ensure the payment of a contribution of £49,500 in lieu of 66% of on-site recreation provision, the sum to be used to enhance the children's play area at Chapel Street Play Area. The contribution shall be paid upon 50% occupation or sale of the dwellings hereby approved, and
- b. The precise means and methods by which the affordable units are provided, together with provisions for their continued affordability thereafter.

2.02 Conditions

1. Time limit on commencement
2. In accordance with approved plans
3. Construction traffic management scheme to be agreed. To include facility for wheel wash and measures to keep road free from debris and mud arising from development site.
4. Scheme for hours of working to be agreed.
5. Final finished site and floor levels to be submitted to and agreed.
6. Scheme for highway drainage, layout, design, traffic calming and signing, street lighting and construction of internal estate roads to be submitted and agreed.
7. Garage fronts to be 5.5m – 7.3m from back edge of footway/carrageway.
8. Scheme for prevention of surface water run off onto highway.
9. Construction Traffic Management Plan 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 J. E. Falshaw
No response at time of writing.

Caerwys Town Council

Feels unable to support the proposals. Considers that the proposal to erect 67 dwellings represents an over development of the site contrary to the indicative scale of development set out in the UDP. Feels that a maximum of 60 dwellings would ensure a sustainable form of development. Considers the character of the scheme more akin to an urban setting than this rural town.

Highways DC

No objections subject to conditions.

Pollution Control Officer

No objection. Considers proposals are a betterment in terms of the longstanding odour issues the site has presented for the rest of the town.

Advises of the potential for contamination and requests that a condition requiring an investigation and remediation should be imposed.

Public Open Spaces Manager

Advises that the requirements of LPG 13 should be addressed in a split fashion. Requires the provisions of an element of children's play space upon site, to be equipped and suitable for use by children up to the age of 11. This equates to one third of the normal requirements.

The remainder shall be addressed via the payment of a commuted sum towards the upgrade of existing play facilities at Chapel Street Play Area. The sum sought is £49,500.

In the event that the developer wishes any areas of P.O.S to be adopted, a commuted sum for 10 years maintenance will be required.

Capital Projects and Planning Unit (CPPU)

Advises that the nearest schools are Ysgol Yr Esgob (primary) and Ysgol Treffynnon (secondary). Advises that in case, the schools would not be affected by the proposals.

Dwr Cymru/Welsh Water

No objection. Requests that a condition in respect of the detailed drainage proposals for the site be imposed.

Natural Resources Wales

No objection.

Clwyd Powys Archaeological Trust

Advises that a prior archaeological evaluation of the site has revealed that the development of this site will have no archaeological implications.

4.00 PUBLICITY

- 4.01 Press Notice, Site Notice, Neighbour Notification
1No. response at time of writing received from North Wales Police Architectural Liaison advising that the scheme should accord with the principles of Secured by Design.

5.00 SITE HISTORY

5.01 0005/75

Outline - erection of 2 bungalows
Permitted 17.3.1975

550/75

Reserved Matters - erection of 2 bungalows
Permitted 21.1.1976

044232

Outline - residential development
Permitted 20.5.2008

048605

Renewal of planning application ref: 044232
Permitted 19.7.2011

052169

Renewal of outline planning permission Ref. 044232
Permitted 26.8.2014

053599

Removal of condition no. 5 upon Ref: 052169 relating to capacity within public sewerage system
Permitted 17.7.2015

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- | | |
|-------------|--|
| Policy STR1 | - New development |
| Policy STR4 | - Housing |
| Policy STR7 | - Natural environment |
| Policy GEN1 | - General requirements for development |
| Policy GEN2 | - Development inside settlement boundaries |
| Policy TWH3 | - Protection of hedgerows |
| Policy L1 | - Landscape character |
| Policy WB1 | - Protected species |
| Policy HE1 | - Development affecting conservation areas |
| Policy HE2 | - Development affecting listed buildings & their settings. |
| Policy AC13 | - Access and traffic impact |

- Policy HSG1(20) - New housing development proposals
- Policy HSG10 - Affordable housing within settlement boundaries
- Policy SR5 - Play areas and new housing development
- Policy EWP14 - Derelict & Contaminated Land.
- Policy IMP1 - Planning conditions & planning obligations.

PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises some 1.87 hectares of land located within and adjacent to the northern edge of the settlement of Caerwys. The site is bounded to the south by the existing dwellings associated with the farm and their curtilages together with the boundary to the highway, Lon-y-Porthmyn which runs along this boundary from east to west between its junctions with Heol-y-Gogledd to the east and Pen-y-Cefn Road to the west. The Western boundary of the site abuts Pen-y-Cefn Road and is formed by a mature and well established hedgerow. The site boundary to the east with Heol-y-Gogledd is formed by a hedgerow enclosing part of the residential curtilage to Crud-yr-Awel, a hedgerow along the rear boundary of the car park to the adjacent Piccadilly Inn and hedgerows to the residential curtilages of Bro Hafod and Glan Llyn. The wall of the listed building, The Pinfold forms the southernmost part of this eastern boundary. There is no formal marking of the northern boundary to the site as it is part of larger field parcels which extends further to the north.

7.02 Access to the farm presently exists in 2 locations around the site boundaries, to the west in the form a vehicular access through the hedgerow from Pen-y-Cefn Road and to the south via an access alongside Summerhill Farm house itself.

7.03 The site contains a number of buildings associated with the operation of a pig farm, and agricultural land to the north of the most northerly boundary of the site. The site also includes an area of vacant land which projects to the east in between 2 no. existing dwellings and having a frontage with Heol-y-Gogledd. The farm buildings, of which there are about 20 in all, are all single storey and of a variety of construction styles. They are typically constructed of either corrugated metal sheeting, wood or breeze blocks with corrugated sheet roofs of either asbestos cement or metal. The area occupied by the farm buildings are used in connection with the operation of a 450 sow pig farm. The agricultural land to the north is agricultural pasture land which is normally used for the grazing of livestock.

7.04 Proposal

It is proposed to erect 67 dwellings comprising a mix of 1, 2,3 and 4 bed accommodation, comprising:

4No. 1 bed dwellings,
4No. 2 bed dwellings,
36No. 3 bed dwellings, and
17No. 4 bed dwellings.

7.05 The proposals provide for 6No. dwellings to be provided as affordable dwellings, gifted to the Council. These comprise 5No. 3 bed semi-mews dwellings and 1NO. 2 bed corner dwelling. The precise details of the remainder of the affordability provision at this site will be confirmed at Committee.

7.06 The proposed dwellings are a mix of house types including detached, semi-detached, terraced and mews type dwellings with both brick and render and finishes and slate and tile roofs, both with detached and integral garages. There is a central spine road running east to west across the site from Heol-y-Gogledd to Pen-y-Cefn Road with houses on both sides. Other estate roads and private drives are derived from this road. An area of Public Open Space to be equipped with children's playing equipment is proposed to the south of this central spine road.

7.07 Principle of development

The site is allocated for development in the Flintshire Unitary Development Plan for residential development. The principle of development has therefore been accepted. In addition, a resolution to grant outline planning permission 044232 for residential development on this site was made at Planning Committee on 23rd April 2008 subject to a number of conditions. The principle of residential development has therefore been reinforced through this grant of outline planning permission.

7.08 An indicative yield of 54 dwellings from this site was envisioned in allocating the site within the UDP. This accords with the aim of the plan to seek to ensure that all allocated housing sites should achieve a minimum of 30dpha (unless there are particular constraints or issues which indicate a lower density is appropriate). Policy HSG8 - Density of Development, advises that, where appropriate, development should seek to make the most efficient use of land whereby the density of development should be optimised, whilst having regard to the characteristics of the site and surroundings and making provision for a high quality living environment in terms of privacy and space. This proposal equates to a form of development which yields development at a rate of approximately 35d.p.ha. I am satisfied that this is an appropriate scale of development upon this site.

7.09 The Main Issues

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

1. Design and impacts upon character and amenity;
2. Access;
3. Education Impact; and
4. S.106 requirements in relation to Public Open Space.

7.10 Design and Impacts upon Character & Amenity

The proposed design and layout of this scheme has been the subject of negotiation and discussion over the course of the consideration of the application and has been amended in line with comments arising from the consultation process. The scheme has evolved to respond to the site characteristics and delivers a design where the form and dwellings reflect both the design of the residential areas and buildings in the locality, and provide for a mixture of house types. The scheme has sought to provide a greater variety of house types, improvements to street scenes and seek to retain existing natural features and routeways to provide a natural focal point at the key location at the entrance to the site around the TPO protected Sycamore Tree with a view to maintaining, insofar as is possible, a certain rural character to the site in this location.

7.11 The listed building known as 'The Pinfold' directly abuts the site and forms part of the site boundary to the east. The presence of this important building has been a significant factor in considering the detailed proposals for the site. Members will note that the proposed P.O.S is located adjacent to this structure as it is considered that an area of open space abutting the structure gives it room to breathe and, coupled with the landscaping buffer proposed adjacent to it, will ensure that this southern boundary of the site, where it adjoins the Conservation Area retains a soft feel and ensures that the development does not clash with the area.

7.12 The wider area is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form but has no overall dominant local vernacular. The applicant has sought to recognise this within the proposal and seeks to create a development which sits well in its locality but delivers a strong sense of identity. The layout takes full account of the existing dwellings adjacent to the site by maintaining adequate separation distances, in line with Council standards on space about dwellings and overlooking to secure privacy and amenity as well as respecting the private gardens of adjacent houses.

7.13 Accordingly, I consider the proposals provide an adequate and appropriate response to the design issues raised in connection with the consideration of this application.

- 7.14 Access
Members will recall that access was a matter addressed at the time of the grant of outline planning permission. The detailed proposals have been the subject of consultation with Highways DC colleagues who have advised that they are satisfied with the proposed points of access and detailed layout of the proposed roads. Furthermore, the scheme provides an acceptable scheme in respect of the road widening to Pen-y-Cefn Road. I am advised that the precise details in respect of the highway drainage system remain to be finalised but I am satisfied that a condition requiring this to be agreed prior to the commencement of any site works adequately addresses this issue. Other conditions are imposed at the request of Highways DC other than where they are already in force via the Outline planning permission.
- 7.15 Education Impact
Members will recall that a condition relating to educational need was imposed at the time of outline permission being granted as concern had been raised in relation to the capacity at the nearby Ysgol Yr Esgob C.P school. This approach was adopted as the application predated the formulation and adoption of SPG 23 by the Council.
- 7.16 Having regard to SPG23 : Developer Contributions to Education, the development would not give rise to any contribution requirement at either Primary or Secondary School level as there is sufficient capacity within the schools in question.
- 7.17 The capacity at the nearest primary school (Ysgol yr Esgob C. P). The current capacity of the school stands at 86. There are presently 56 pupils attending the school. Accordingly the school has 34.8% surplus of spaces for additional pupils. The proposals would give rise to an additional 16 pupils. This would not erode capacity below the 5% margin which is sought to be protected as set out in SPG23 guidance. Accordingly, no contribution is sought for primary educational purposes as a consequence of this development.
- 7.18 The capacity at the nearest secondary school (Ysgol Treffynnon). The current capacity of the school stands at 600. There are presently 407 pupils attending the school. Accordingly the school has 39.6% surplus of spaces for additional pupils. The proposals would give rise to an additional 16 pupils. This would not erode capacity below the 5% margin which is sought to be protected as set out in SPG23 guidance. Accordingly, no contribution is sought for secondary educational purposes as a consequence of this development.
- 7.19 S.106 – Public Open Space
The Public Open Spaces Manager advises that it is appropriate to apply the requirements of Local Planning Guidance Note 13: Open Space Requirements in connection with this proposal.

- 7.20 Accordingly, I am advised that the requirements of this guidance should be satisfied in connection with this scheme in such a manner as 34% of the normal on site requirement be provided in the form of an equipped children's play space within the site. Accordingly I propose to impose a condition requiring the submission of scheme to equip the area of open space provided within the site. The remaining 66% of the total P.O.S provision can be satisfied in the form of commuted sum. This sum equates to £1100 per dwelling in respect of 45 dwellings (being 66% of the development), a total of £49,500 This sum is proposed to be utilised in upgrading the existing play and recreation facilities at Chapel Street Play Area. The sum will be required, via legal agreement, to be paid upon 50% sale or occupation of the approved dwellings.
- 7.21 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'.
- 7.22 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.
- 7.23 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.
- 7.24 The consultation has established that the sum requested should be used in connection with a project to upgrade facilities at the nearby Chapel Street Play Area 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.

7.25 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.

7.26 Other Matters

Members will note that consultation responses in connection with this application indicate the need for conditions in respect of site drainage and land contamination. Members will recall that in granting outline permission for this site, conditions in respect of these matters were imposed at that time. Accordingly, as this application seeks approval of Reserved Matters, it must be read as a whole with the Outline Permission and there is therefore, no need to replicate the provisions of conditions upon the outline in this approval.

8.00 CONCLUSION

8.01 Having regard to the proposals and the above consideration of all relevant matters, I consider that these proposals represent a scheme, the detail of which is acceptable (given that principle is already established). I recommend that approval of these Reserved matter be granted subject to approximately worded planning conditions and the suggested legal agreement.

8.02 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

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

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

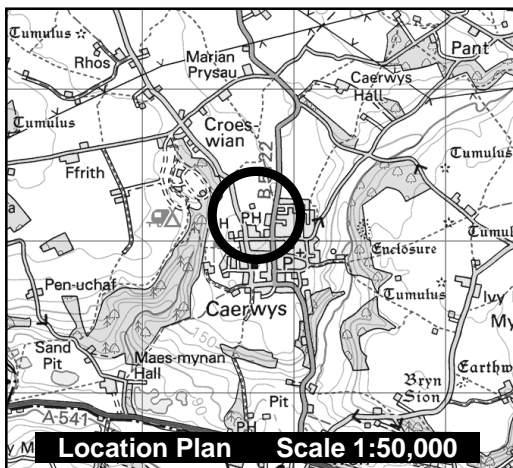
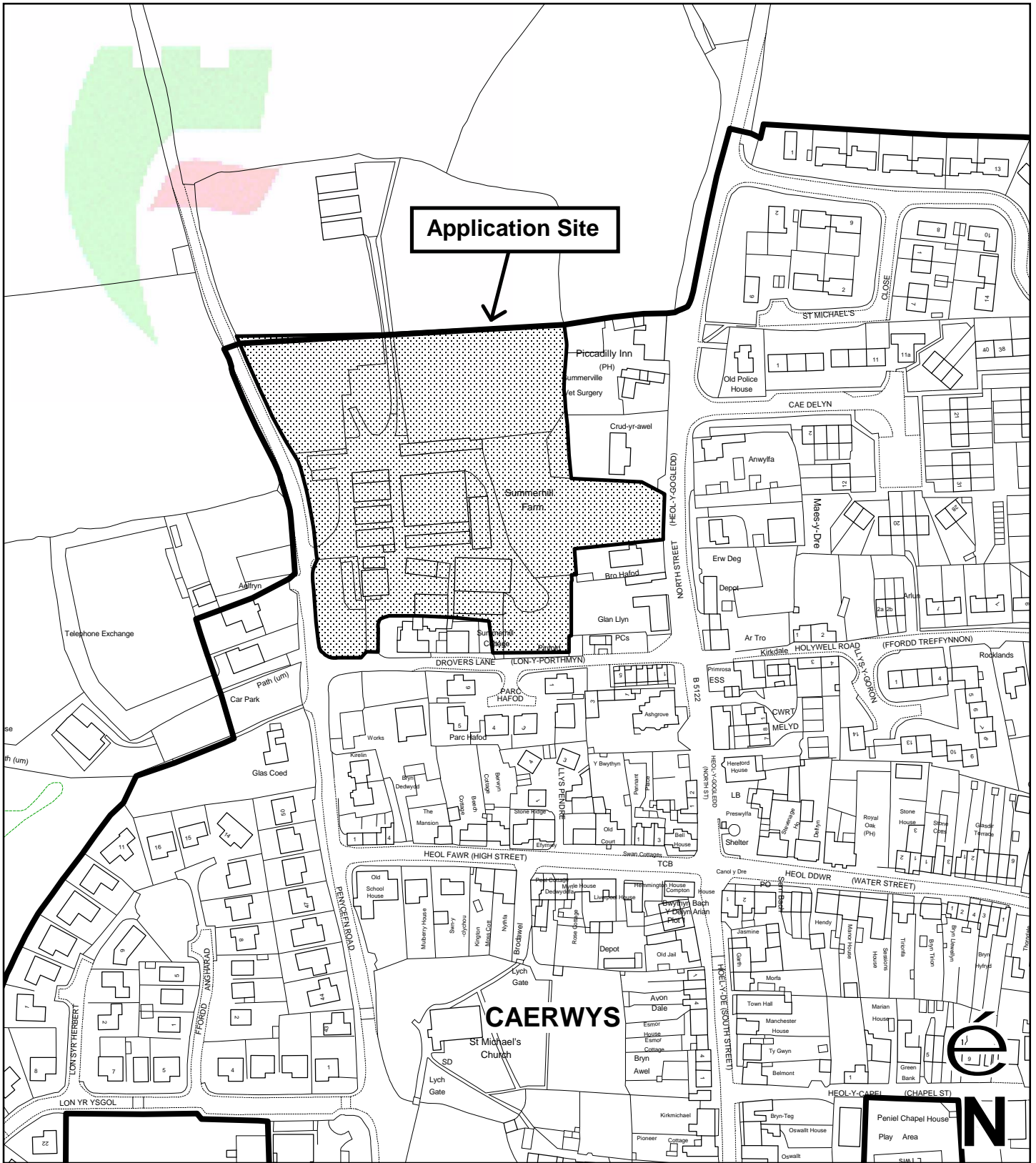
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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

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Application Site

CAERWYS



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

Legend

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

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Planning Application	54007

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JUNE 2016**

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

SUBJECT: **FULL APPLICATION – APPLICATION FOR AMENDMENTS TO PREVIOUSLY APPROVED HOUSE TYPES INCLUDING AMENDED SITE LAYOUT TO ALLOW FOR 61 DWELLINGS (INCREASE BY 11 DWELLINGS) AT CROES ATTI, CHESTER ROAD, OAKENHOLT.**

APPLICATION NUMBER: **055209**

APPLICANT: **PERSIMMON HOMES(NORTH WEST)LTD**

SITE: **CROES ATTI,
CHESTER ROAD, OAKENHOLT**

APPLICATION VALID DATE: **29TH MARCH 2016**

LOCAL MEMBERS: **COUNCILLOR MS R JOHNSON**

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT AND REQUEST OF LOCAL MEMBER**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The site forms part of an overall site of 27 hectares which was granted outline planning permission for a mixed use development scheme comprising residential development, public open space, infrastructure works, landscaping and education and community facilities. The previously granted outline scheme and reserved matters applications were subject to extensive negotiations between the applicant and the Council. The design concept for the site is that of providing modern

residential neighbourhoods which have a strong local identity and encourage a sense of community.

1.02 The area of land now the subject of this full application relates to only 1.34 hectares which as noted above forms part of the much larger development known as Croes Atti Development. The site is already the subject of an outline consent granted under reference 035575, which was approved in 2006. The reserved matters application for the phase three development, of which this site forms part, was granted for 312 dwellings under reference 050300.

1.03 The application under consideration relates to the erection of 61 dwellings being 11 additional dwellings to that shown on the original approval for this part of the site. The dwellings proposed consist of mainly detached, semi-detached and terraced 2 storey dwellings and some 2.5 storey properties

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

- 2.01
1. Time commencement
 2. As per plans
 3. Archaeological watching brief be kept.
 4. Landscaping to be submitted and agreed
 5. Landscaping to be undertaken.
 6. Materials to be agreed.
 7. Drainage scheme to be submitted and approved prior to works starting on this section of the development.
 8. Site crossed by public sewer no development within 3 metres.
 9. Access shall be in accordance with standard details.
 10. Position of garages.
 11. Design details to be submitted and agreed.
 12. Positive means to prevent run-off surface water.
 13. Details of road improvements to Coed Onn Road
 14. No works to start till road/junction improvements undertaken

3.00 CONSULTATIONS

3.01 Local Member

Councillor Rita Johnson

Objects to the proposal, site was sold as an exemplary development by the original developer but is becoming a mishmash of house types. Are would be buyers told by the sales team that they reserve the right to cram as much more as we can in. 11 extra here is 11 to many.

Flint Town Council

No response at time of writing.

The Highway Development Control Manager

Raises no objections subject to the imposition of conditions relating to access details, garage positions detailed layout, design, means of traffic calming including signage surface water details.

Head of Public Protection

No adverse comments to make

Welsh Water/Dwr Cymru

If minded to grant planning permission for the development that conditions and advisory notes provided are included within any consent to ensure there is no detriment to existing residents or the environment. Welsh Water have requested a condition relating to the submission of a drainage scheme for the site be submitted and approved. In addition a sewer crosses the site and no development shall take place within 3 metres

Natural Resources Wales

Initial comments that they had significant concerns with the proposed development as submitted. Following additional details the NRW does not object to the proposal.

CPAT

Site falls between two known areas of Roman period occupation and settlement request an archaeological watching brief be conditioned.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

As the result of consultations undertaken one letter of objection has been received objecting on the following grounds:-

- Flooding issues
- Loss tree
- Taking natural habitat off wildlife
- No need for further houses
- Road congestion already

5.00 SITE HISTORY

5.01 **98/17/1308**

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

035575

Outline application for a mixed use development including residential, open space, infrastructure, landscaping, education and community

facilities was reported to committee on 19.7.2004 which resolved to approve subject to a Section 106 Agreement - the agreement was signed and the permission issued on 11.7.06.

044035

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

044033

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

046562

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

046595

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

049312

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

049154

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

049425

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

049426

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

050300

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

050258

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

050385

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

050967

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

050975

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

051002

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

051136

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

051716

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

052062

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

052757

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

053058

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

053126

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

053438

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

053624

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

053662

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

053758

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

053783

Change of house types and the provision of two additional plots - approved

053820

Compliance with condition number 3 of permission reference 053438 – agreed.

054267

File Closed

054449

Non material amendment to application reference 044033 - approved.

054535

Substitution of house type on plot 36 – approved.

054637

Amendment to previously approved house types and layout - approved.

054718

Compliance with condition 6 of planning reference 050258 - approved

055180

Compliance with conditions 3, 4, 5, 6, 7, 8, 9 and 10 - approved

055216

Withdrawn

055458

Change of house types on plots 155 and 159 –under consideration.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

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

7.00 PLANNING APPRAISAL

7.01 Proposed Development/Principle of Development

The previously reserved matters application which also encompasses the current site area had been submitted as required in connection with the granting of outline planning permission under ref. 035575 which is detailed at paragraph 5 above. The principle of residential development on this site has therefore been established and the current application seeks to substitute various house types and change the layout which is acceptable in principle subject to design/appearance and impact on existing/proposed residential amenity.

7.02 The site as previously noted forms part of an overall site of 27 hectares which was granted outline planning permission for a mixed use development scheme comprising residential development, public open space, infrastructure works, landscaping and education and community facilities. The previously granted outline scheme and reserved matters applications have established the principle of residential development on the site. The design concept for the site is that of providing modern residential neighbourhoods which have a strong local identity and encourage a sense of community.

- 7.03 In design terms the current application site forms part of the third phase of development which already has reserved matters approval for 312 no. dwellings. The previously granted outline scheme/reserved matters applications have been subject to extensive negotiations between the applicant and the Council. The current application amends house types on part of the site previously permitted. The proposed house types are two storey which vary in design from terraces to semi-detached, detached and 2.5 storey properties which are similar in design to those already granted and built or in the course of construction.
- 7.04 Design and Appearance
The proposed scheme is designed to link into the proposed new distributor road which is to serve the overall site. The density and character of proposed properties within the site vary in design from two storey terraces, semi-detached and detached dwellings including some 2.5 storey dwellings to add variety of design and roof heights.
- 7.05 The road serving the site has been designed where the building blocks are relatively close to the distributor road which assists in creating a sense of enclosure and active frontage.
- 7.06 The proposed dwellings as amended are considered sympathetic to existing development which has been undertaken recently on the adjoining plots. The proposed designs include simple pitched roofs, detailed brick band courses, variations to head/cill treatments, contrasting ridge tiles, and a unifying palette of materials including brick and render.
- 7.07 Effect on Adjacent/Future Residential Amenities
The proposed development is generally currently bordered on all sides by either existing open countryside or previously permitted parcels of land which will have either housing or open space.
- 7.08 As regards future residential amenities, the proposed dwellings are considered to provide adequate private amenity space in addition to space about dwellings, whilst at the same time benefiting from formal and informal public open spaces.
- 7.09 Provision of Public Open Space
The site would benefit from the previously approved formally laid out "village green" which would include a mini soccer pitch, a junior play area, a toddlers/picnic area, a Multi-Use Games Area (MUGA) which forms part of the wider open space allocation for the overall site. The proposed public open space across the site is generally well overlooked as regards passive surveillance from nearby dwellings, and also benefits from active frontages which assist in providing safer environments.

7.10 Affordable Housing

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

7.11 Flooding/Drainage Issues

The Flood Risk management Section have been consulted and have no adverse comments to make on the application. The NRW have also been consulted and raise no objection to the proposal.

7.12 Highways

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

7.13 Over the course of the overall development, the access component of the Croes Atti development has been the subject of extensive negotiations as part of the original permissions in place. The Highway Development Control Manager has been consulted on the amended scheme and raises no objections subject to the imposition of conditions relating to access details, garage positions detailed layout, design, means of traffic calming including signage surface water details.

7.14 Footpath

Public footpath 56 crosses the site in question as such the Rights of Way section have been consulted and raise no objections to the proposal. They note the applicant must contact the Rights of Way Section before proceeding with any works on site. In addition any legally defined public right of way must be marked out in strict accordance with the definitive public right of way. While a note will be added to any permission, works are already started in the area of the site given the previous consent and the footpath in question has been marked out already.

8.00 CONCLUSION

8.01 The proposed development in broad terms would allow for the replacement of existing permitted dwellings including additional plots and layout to that already approved with amended house styles and is therefore acceptable in principle and design.

8.02 **Other Considerations**

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

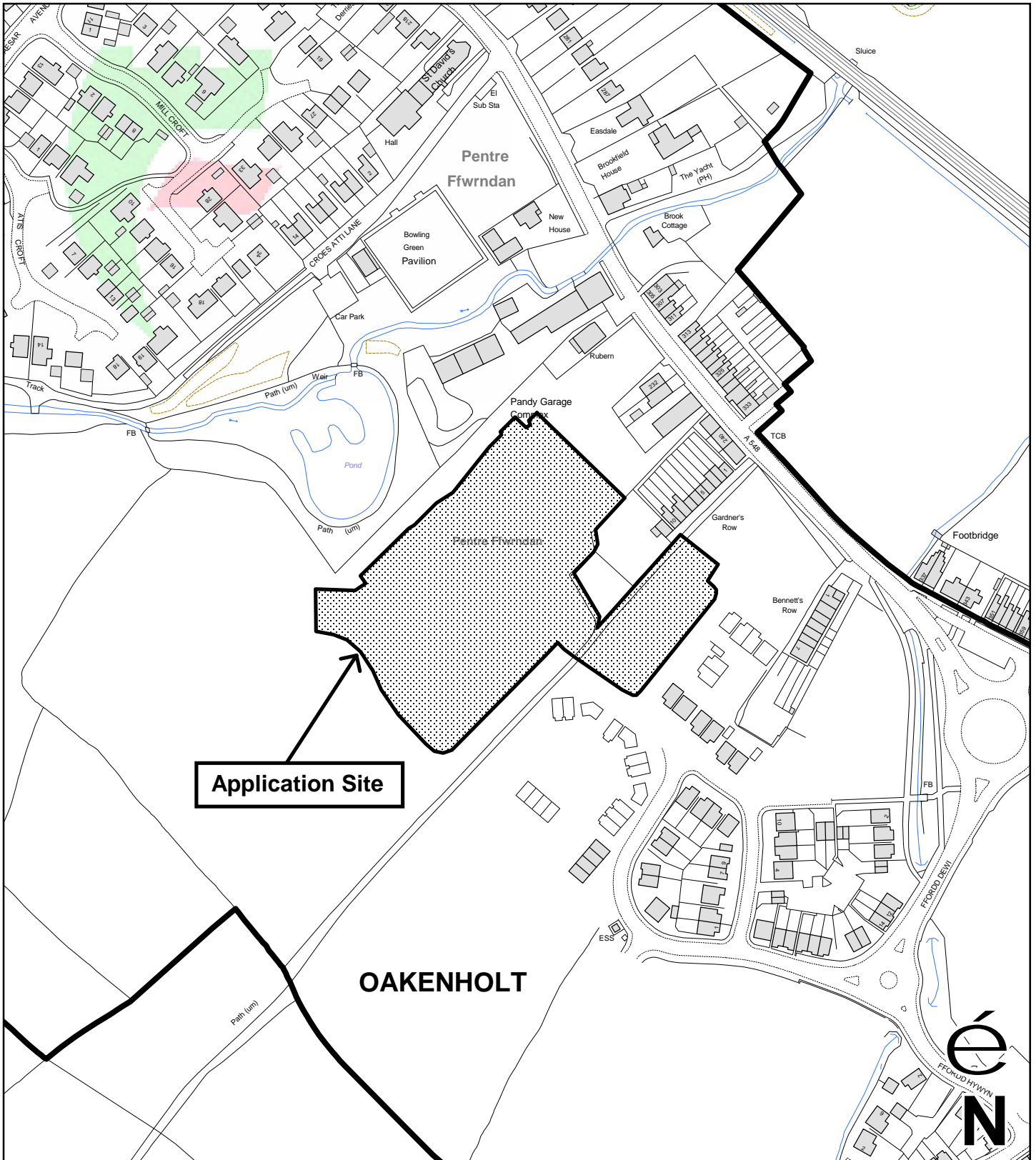
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

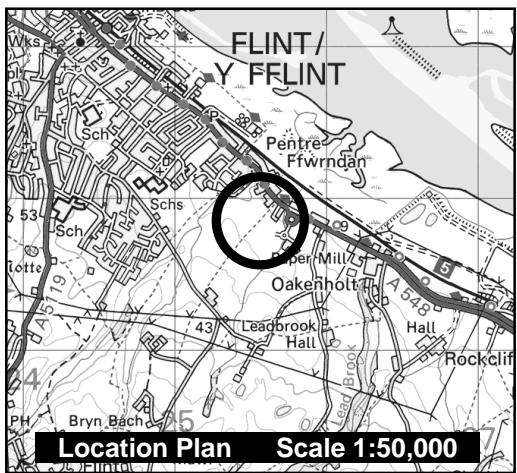
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Karl Slater
Telephone: (01352) 703259
Email: karl.slater@flintshire.gov.uk



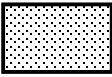

Application Site

OAKENHOLT



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

Legend

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

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Planning Application **55209**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JUNE 2016**

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

SUBJECT: **VARIATION OF CONDITION NO. 4 ATTACHED TO PLANNING PERMISSION REF: 053393 TO ALLOW INCREASE OF THE DURATION OF EXISTING PERMISSION AT PORT OF MOSTYN, COAST ROAD, MOSTYN.**

APPLICATION NUMBER: **055363**

APPLICANT: **AETERNIS ENERGY LIMITED**

SITE: **PORT OF MOSTYN, COAST ROAD, MOSTYN.**

APPLICATION VALID DATE: **4/05/2016**

LOCAL MEMBERS: **MOSTYN: COUNCILLOR DAVID RONEY.**

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

REASON FOR COMMITTEE: **REQUESTED BY LOCAL MEMBER.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 On 4th August, 2015 Planning Application 053393 was granted for Installation and operation of a mobile advanced thermal treatment plant (ATT) and associated operations in existing buildings comprising a 1MW pyrolysis unit and associated gas engine. Condition 4 of this planning application requires that the development shall cease 5 years from commencement. This planning application is to amend the condition to require that the development shall cease 15 years from commencement. The fundamental reason for this application is that the funding sources will require a return and repayment on investment over a number of years so the time currently consented is not sufficient.

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

- 2.01
1. Commencement.
 2. Notification of commencement.
 3. In accordance with stated plans and particulars.
 4. Cessation 15 years from commencement.
 5. Removal of plant and machinery.
 6. Copy of permission and permitted plans to be kept at the site.
 7. Limit on fuel/waste storage capacity.
 8. Limit on annual fuel/waste throughput.
 9. Environmental Management Scheme including noise limits, storage of liquids and materials, dust and lighting.

3.00 CONSULTATIONS

3.01 **Local Member for Mostyn:
Councillor David Roney:**

Would like this application to be determined by the Planning Committee due to such a major increase in length of time. Objects to changing the period of duration from five to fifteen years. Advised that the applicants must provide an explanation of why they were previously wrong about how long it would take to break even and make a profit. If they were wrong about this, can they prove they are correct in averring they will employ between seven and ten local people - some twelve months since approval was given on the basis of their proposed "facts" they still do not have definitive numbers. They list "Temporary Staff Welfare Unit" and "Temporary Reception and Office". Five years could be regarded as temporary - fifteen years is a generation.

Under the three criteria which are noted as not contravened, the first (and arguably most germane to Planning Committee decision) - IS A DEPARTURE FROM THE DEVELOPMENT PLAN is flagged as "NO". However the Development plan states that any waste disposal management must not import waste from outside of Flintshire, and the applicants admit that they do not know where the waste will be sourced but that most if not all of it will probably not come from Flintshire.

Mostyn Community Council:

Would like this application to be determined by the Planning Committee due to such a major increase in length of time. Objects to changing the period of duration from five to fifteen years. Advised that the applicants must provide an explanation of why they were previously wrong about how long it would take to break even and make a profit. If they were wrong about this, can they prove they are correct to aver they will employ between seven and ten local people - some twelve months since approval was given on the basis of their

proposed “facts” they still do not have definitive numbers. They list “Temporary Staff Welfare Unit” and “Temporary Reception and Office”. Five years could be regarded as temporary - fifteen years is a generation.

Under the three criteria which are noted as not contravened, the first (and arguably most germane to Planning Committee decision) - IS A DEPARTURE FROM THE DEVELOPMENT PLAN is flagged as “NO”. However the Development plan states that any waste disposal management must not import waste from outside of Flintshire, and the applicants admit that they do not know where the waste will be sourced but that most if not all of it will probably not come from Flintshire.

Head of Public Protection:

No adverse comments to make regarding this proposal.

Natural Resources Wales

No comment on the proposed development.

4.00 PUBLICITY

- 4.01 Press Notice, Site Notice,
Publicity: Press Notice and Site Notice. No representations have been received to date.

5.00 SITE HISTORY

- 5.01 The area of the Port that the project site is situated has been previously used as ironworks until the 1960's. Since then a number of warehouses have been constructed. The Stena Line ferry service operated at the Port between 2001 and 2003 which accommodated up to 100,000 Heavy Goods Vehicles movements per annum. The Port of Mostyn is one of the oldest Ports in the country, and has a history of handling a wide range of cargoes from steel to coal to fertilisers. However, today, the Port of Mostyn is acknowledged for being one of the main centres for the assembly and installation of turbines. The Port of Mostyn is designated as an Energy Park. As the majority of the business is now dedicated to the offshore renewable energy sector, the existing warehouses provide a perfect hub for a new sector of renewable energy to be added to the port. On 4th August, 2015 Planning Application 053393 was granted for Installation and operation of a mobile advanced thermal treatment plant (ATT) and associated operations in existing buildings comprising a 1MW pyrolysis unit and associated gas engine.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Local –Flintshire Unitary Development Plan (2011)

- Policy STR1 - New Development
- Policy STR3 - Employment
- Policy STR10 - Resources
- Policy GEN1 - General Requirements for Development
- Policy D4 - Outdoor Lighting
- Policy AC13 - Access and Traffic Impact
- Policy EM1 - General Employment Land Allocations
- Policy EM3 - Development Zones and Principle
Employment Areas
- Policy EM5 - Expansion of Existing Concerns
- Policy EM7 - Bad Neighbour Industry
- Policy EWP1 - Sustainable Energy Generation
- Policy EWP5 - Other Forms of Renewable Energy
- Policy EWP6 - Areas of Search for New Waste
Management Facilities
- Policy EWP7 - Managing Waste Sustainably.
- Policy EWP8 - Control of Waste Development and
Operations
- Policy EWP12 - Pollution
- Policy EWP13 - Nuisance
- Policy EWP16 - Water Resources
- Policy EWP17 - Flood Risk

Government Guidance

Planning Policy and Guidance

- Planning Policy Wales (2014)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 8 – Renewable Energy (2005)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2009)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 22 – Sustainable Buildings (2010)
- Technical Advice Note 23 – Economic Development (2014)
- The Waste Framework Directive

Waste Strategy Policy and Guidance

- Towards Zero Waste: The overarching Waste Strategy Document for
Wales, June 2010
- Collections, Infrastructure and Markets Sector Plan, 2012
- Construction and Demolition Sector Plan, 2012

The Waste (England and Wales) Regulations 2011

National Energy Policy

The Energy Act 2013

UK Renewable Energy Strategy (2009)

UK Low Carbon Transition Plan (2009)

Climate Change Act (2008)

Energy Wales: A Low Carbon Transition (2012)

The proposal **would** comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Summary

On 4th August, 2015 Planning Application 053393 was granted for Installation and operation of a mobile advanced thermal treatment plant (ATT) and associated operations in existing buildings comprising a 1MW pyrolysis unit and associated gas engine. Condition 4 of this planning application requires that the development shall cease 5 years from commencement. This planning application is to amend the condition to require that the development shall cease 15 years from commencement. The fundamental reason for this application is that the funding sources will require a return and repayment on investment over a number of years so the years as stated is not sufficient.

Condition 4 currently reads:

The development hereby permitted shall cease 5 years from commencement.

REASON: The planning application was for a temporary facility. To ensure that the site is not left in a derelict state. In the interests of public safety and the amenity of the area. To maximise the potential for the future development of the site. To comply with Policies STR1, GEN1 and EWP8 of the Flintshire Unitary Development Plan.

It is proposed that the following wording is substituted:

The development hereby permitted shall cease 15 years from commencement.

REASON: The planning application was for a temporary facility. To ensure that the site is not left in a derelict state. In the interests of public safety and the amenity of the area. To maximise the potential for the future development of the site. To comply with Policies STR1, GEN1 and EWP8 of the Flintshire Unitary Development Plan.

7.02 **Site Location**

The existing energy centre is located immediately outside of an existing warehouse situated on the far north west side of the Port of Mostyn, and adjacent to Gibbs Steel Fabricators Ltd located immediately to the south west. The majority of the port complex is located to the south east, with Warwick Chemicals some 500 metres distant. The site is separated from the residential areas to the south east by the port access road, the main railway line, the A541 and a block of woodland. The site is in excess of 500 metres from the main residential areas of Mostyn to the south east and the nearest businesses and residences located along the coast road are 150 metres away. The site boundary is within 25m of the nearest water course and the sea defence which defines the boundary to the Port. The sea defence is programmed to be upgraded in 2016 by The Port of Mostyn.

7.03 **Description of the Development**

The existing energy centre is a pyrolysis plant that produces bio-oil, bio-gas and char, a gas cleaning unit and a gas powered engine electricity generator set. It is predicted that the energy centre will use 16 tons per day of refuse derived fuel and generate up to 1 MWh of electricity. The development includes associated temporary staff units and car parking.

7.04 **Description of the Process**

The material for the processing unit is from commercial industrial sources and is non-hazardous, clean and odourless. It consists of shredded Refuse Derived Fuel (RDF) or Solid Recovered Fuel (SRF) and is principally paper, cardboard, wood, textiles and very light plastics (bags). It is anticipated 10,000 tonnes per annum being required for the existing plant which is less than one 30 tonne delivery per day if used on a 7 day week basis. The fuel is then processed in the pyrolysis unit in the absence of Oxygen so there is no combustion.

7.05 **Policy Context**

The site is at the Port of Mostyn which is allocated as a Development Zone by the Flintshire County Council Unitary Development Plan (Policy EM3). There are a number of similar warehouses on The Port of Mostyn land in B2 and B8 employment uses, and the application site is on previously developed land and within an existing warehouse.

7.06 This development is a hybrid in that it is primarily a power generation plant and is also intended to be fuelled by waste derived materials, but could also use virgin or other manufactured fuels. Policies for renewable energy and waste development are both applicable.

7.07 **Environmental Assessment**

The proposed development does not require an Environmental Impact

Assessment as it falls below the relevant thresholds, and the impacts are controllable and localised. The project site lies outside of ecologically sensitive areas but the larger lease site is adjacent to the Dee Estuary European designated Special Areas of Conservation and Special Protection Areas, and the Site of Special Scientific Interest.

7.08 **Need and Sustainability**

The investment at Port of Mostyn will be circa £5 m and will provide employment to approximately 7 – 10 local people who will be trained in 24 hour operation of the plant.

7.09 **Flood Risk**

This application does not introduce any new flood risk considerations from the 053393 planning permission.

7.10 **Pollution Control**

This application does not introduce any new pollution control considerations from the 053393 planning permission.

7.11 **Access**

The existing energy centre is accessible from the A541 Coast Road via the traffic light controlled junction. There is also rail access. This application does not introduce any new highways considerations from the 053393 planning permission.

7.12 **Amenity and Nuisances**

This application does not introduce any new amenity and nuisances considerations from the 053393 planning permission.

8.00 CONCLUSION

8.01 The development is in accordance with the objectives and policies set out in the Flintshire Unitary Development Plan. This Section 73 proposal does not introduce any new impacts or effects which have not previously been considered. It is recommended therefore that permission be granted for the development.

8.02 **Other Considerations**

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

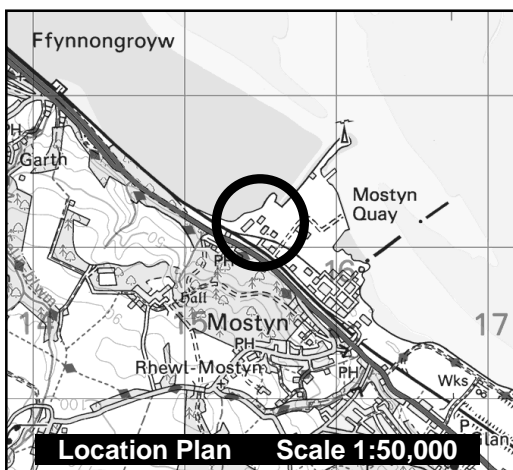
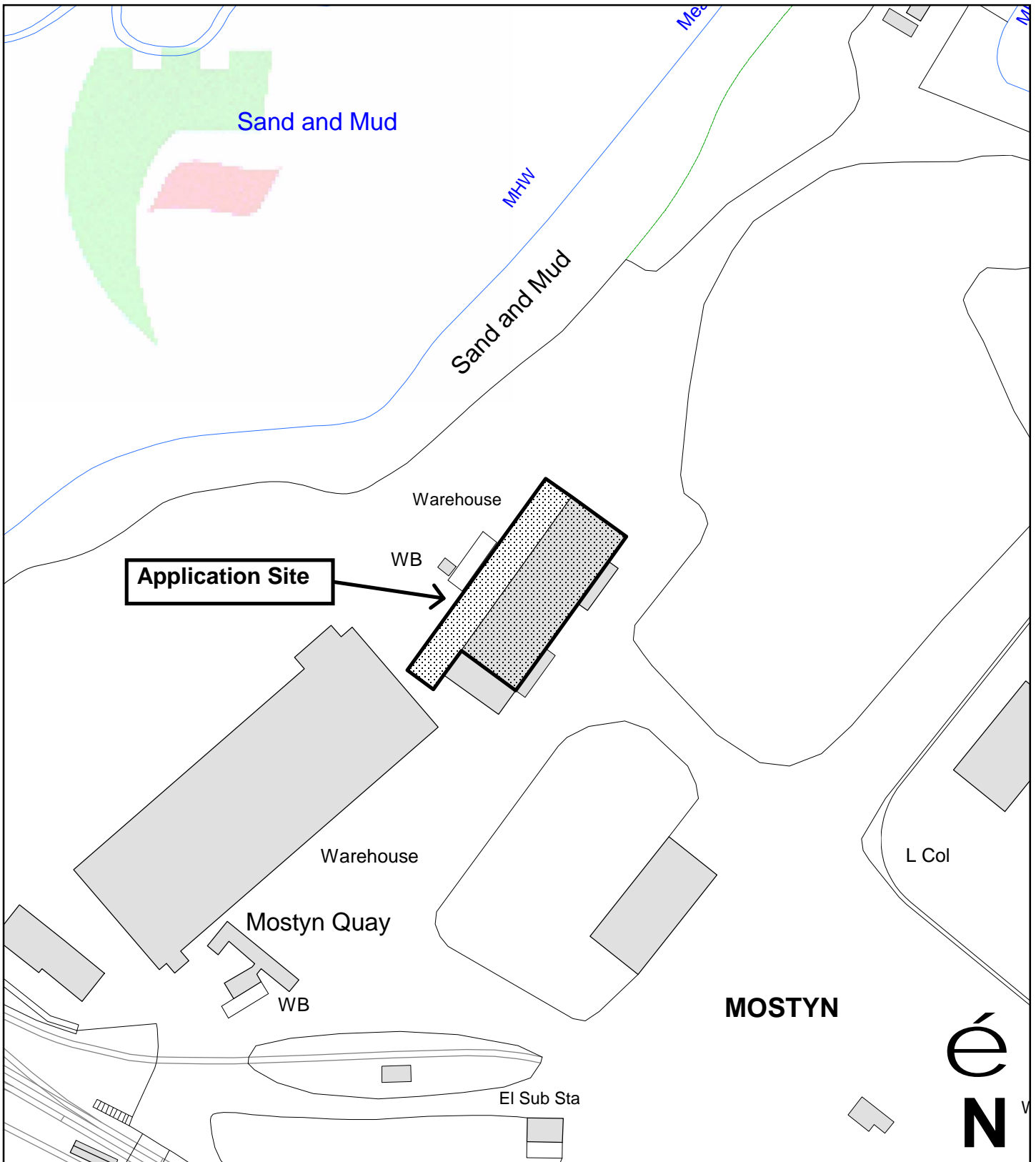
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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Email: Neil.A.Parry@Flintshire.gov.uk



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

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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OS Map ref SJ 1581

Planning Application **55363**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: 22 JUNE 2016

REPORT BY: CHIEF OFFICER (PLANNING AND ENVIRONMENT)

SUBJECT: FULL APPLICATION - CONVERSION AND ALTERATION OF STABLE BLOCK TO HOLIDAY ACCOMMODATION AT FRON BACH, FFORDD LAS, GWERNYMYNYDD

APPLICATION NUMBER: 055300

APPLICANT: MRS J. GILLET

SITE: FRON BACH, FFORDD LAS, GWERNYMYNYDD

APPLICATION VALID DATE: 14/04/16

LOCAL MEMBERS: COUNCILLOR N. MATTHEWS - REQUESTS COMMITTEE DETERMINATION.

COMMUNITY COUNCIL: NERCWYS

REASON FOR COMMITTEE: WARD MEMBER REQUEST BOTH WARD MEMBER AND COMMUNITY COUNCIL SUPPORT THE APPLICATION AS IT IS CONSIDERED COMPLIANT WITH POLICIES GEN4, HSG6, HSG12 AND T3.

IN ADDITION THE PLANNING COMMITTEE HAVE APPROVED A TOURING CARAVAN SITE AT TY HIR AS THERE IS SHORTAGE OF ACCOMMODATION IN FLINTSHIRE.

SITE VISIT: YES

1.00 SUMMARY

- 1.01 This application is for the conversion, extension to and alteration of an existing stable block to holiday accommodation at Fron Bach, Gwernymynydd.
- 1.02 The main issue for consideration in this application is its ability to comply with policy T3 Self Catering Tourist Accommodation, considering the works required to the fabric of the building to facilitate the development

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01 It is considered that the proposal due to the amount of works, and alterations proposed to the existing fabric of the stable block it is tantamount to a new build in the open countryside, as the existing building is not of sufficient size to accommodate the proposal without extension and significant alteration to the existing stable. In addition the existing building is not considered to be of historic / architectural merit to be considered worthy of retention, as such the proposal is contrary to the provisions of Policy T3 - Self Catering Tourist Accommodation, of the adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor N. Matthews
Requests both that the application be referred to Planning Committee and a Committee site visit be undertaken. The reasons being that the scheme is considered acceptable and compliant with policies GEN4, HSG6, HSG12 and T3 to both the local member and the Community Council

Nercwys Community Council
No objection.

Drainage
No response at time of writing.

Dwr Cymru Welsh Water
As the applicant intends using a septic tank facility we would advise that the applicant contacts Natural Resources Wales, who may have an input in the regulation of this method of drainage disposal.

4.00 PUBLICITY

4.01 Neighbour Notification

One letter of objection received on the following grounds:-

- If approved would set a dangerous precedent, in that it would be difficult to refuse similar applications across the County.
- States on forms that drainage is to be shared with main house, the existing septic tank is rarely emptied and overflows on to my adjoining field, this problem will only get worse.
- Also states that the development cannot be seen from the road, this is not the case, as it can be seen from the top of the hill and also from the road leading down to my property.

5.00 SITE HISTORY

5.01 097/771

Stable Block Permit 14.8.97

07/44330

Erection of First floor extension , conservatory and replacement /relocation of stable Block Permit 28.7.08

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

T3 - Self Catering Tourist Accommodation

7.00 PLANNING APPRAISAL

7.01 Site Description

The application site comprises of an existing domestic 3 bay stable block, set with a small enclosure adjacent to the existing property in the open countryside. The existing stable block is approx. 42.55m² in its footprint.

7.02 The stable is constructed of a solid wall construction and a green unduline roof with an apex area running the whole length of the stable block.

7.03 Proposed Building

The proposed scheme proposes to utilize the existing stable block, with the insertion of widows in place of the existing stable doors and additional windows/glazing elements, in an area of wall which is presently an area of solid wall. With the further addition of a side window this fundamentally changes the character of the building, especially on the front elevation. In addition it is proposed to extend the building by the incorporation of the roof apex overhang, it is also

proposed to externally clad the building with larch boarding and the provision of a new roof.

7.04 The scheme proposes to increase the size of the existing stable block by 1m across the entire length of the building by incorporating the existing overhang canopy, this in conjunction with the changes to the roof materials, external cladding, insertion of glazing, leads to very little of the original fabric of the stable building remaining. As such it is considered that the amount of changes, alterations and extension proposed will lead to a building which is considered to be tantamount to a new build in the open countryside.

7.05 Existing / Proposed Building

The existing stable block is not considered to have any traditional / architectural merits that are worthy of retention which may allow due consideration under policy T3 for a suitable conversion scheme.

7.06 Other Matters

Whilst the local member and the community council support the proposal and the local member cites policies with which she considers that the application is compliant with, these policies are not applicable to this application.

8.00 CONCLUSION

8.01 Although Policy T3 does in principle permit the reuse and conversion of existing building to other uses, such a holiday let, the building must be capable of conversion without significant alteration / extension, and in this instance due to the amount of works proposed it is considered that the proposal is tantamount to a new building the open countryside, contrary to Policy T3 of the adopted Flintshire Unitary Development Plan.

8.02 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

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

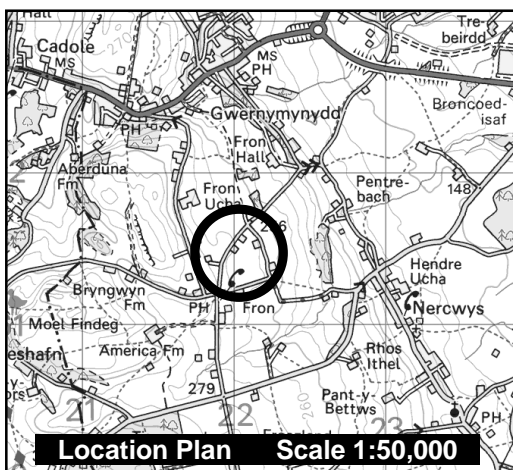
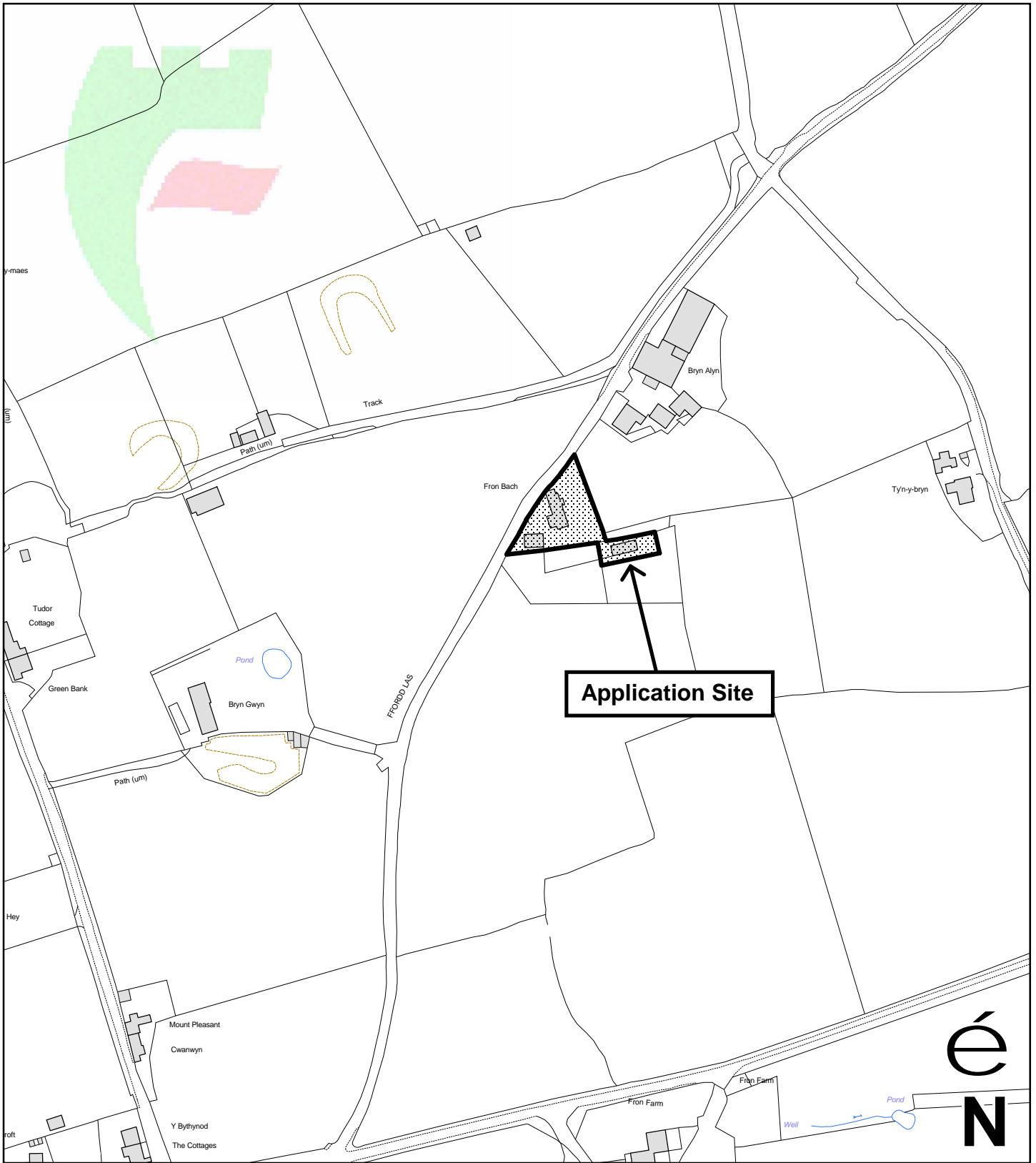
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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 Flintshire County Council, County Hall,
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 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 2161

Planning Application **55300**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 22 JUNE 2016**

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

SUBJECT: **GENERAL MATTERS - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 40 RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS AND ALL OTHER MATTERS RESERVED AT RHOS ROAD, PENYFFORDD**

1.00 APPLICATION NUMBER

1.01 053656

2.00 APPLICANT

2.01 WHITE ACRE ESTATES

3.00 SITE

3.01 RHOS ROAD,
PENYFFORDD.

4.00 APPLICATION VALID DATE

4.01 06.05.15

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Council's current position in relation to an appeal against the refusal of planning permission and to seek a resolution to withdraw the current reason for refusal.

6.00 REPORT

6.01 Members resolved to refuse "Outline planning permission for the erection of 40 dwellings with associated access and all other matters reserved" at Rhos Road, Penyffordd in accordance with the officer recommendation at Planning and Development Control Committee on 20th January 2016. The reason was;

“There is no capacity in the existing foul drainage network to accommodate flows from the development and a solution to this lack of capacity has not been identified. The site is being promoted on the basis of the current shortfall in housing land supply but it has not been adequately demonstrated that it can come forward in the short term to address that need. There is therefore uncertainty in the deliverability of the site and the sustainability of the site has not been adequately justified to comply with Planning Policy Wales Edition 8 paragraph 4.2.2. It is therefore considered that the site is contrary to paragraph 6.2 of TAN1 as the application would not comply with the development plan and other national planning policies. The application is for residential development on a site located in the open countryside outside a defined settlement boundary and is therefore contrary to Policies STR1, GEN3, HSG4, EWP16 & GEN1.”

- 6.02 An appeal has now been submitted following the refusal of planning permission. The appeal is being dealt with by written representations with a start date of 3rd June. The Council has to submit a written statement by 15th July.
- 6.03 At the time of the committee resolution the applicant had commissioned a Hydraulic Modelling Assessment (HMA) through Welsh Water to assess the capacity issues in the foul network and whether there was a viable solution to this, however, the results of that modelling exercise had not been completed at that time. Therefore the Council did not have any information as to whether the site could be accommodated within the existing network and whether a solution was available and viable. The application was therefore refused on the above grounds.
- 6.04 Since the refusal of planning permission Welsh Water’s HMA has been completed. The purpose of the HMA it to quantify the effects in terms of network flooding and Combined Sewer Overflow that the development would have on the existing combined sewer network. It is proposed that surface water runoff would be dealt with separately from foul flows and would not be discharged into the existing combined sewer. The HMA therefore only deals with the proposed foul flows from the development. Surface water is to be discharged to a surface water sewer which discharges into a water course. Welsh Water have no objection to this element.
- 6.05 The HMA has been based on a foul connection into the network at a specific point in the network at SJ29618218 on Rhos Road. The developer has advised that the development flows would need to be pumped to this location via an onsite pumping station. The combined sewer overflow spill frequency and volume assessment has indicated that the development does not cause detriment at Penyffordd Transfer sewerage pumping station. The HMA has highlighted that the

development causes detriment with regard to model predicted flooding at and near the location of reported flooding. It is therefore deemed necessary for solutions to mitigate this detriment.

6.06 The HMA has therefore identified 3 solutions to resolve any potential detriment to the network. Welsh Water have also indicated the proposed costs of these solutions. Welsh Water prefer Options 1 or 2.

6.07 These are;

- Option 1 – Disconnection of surface water runoff from the roof of the Red Lion Public house at Corwen Road with storm flows to be diverted into the surface water system in the road. £149,000
- Option 2 - Disconnection of surface water runoff from the roof of the Millstone Public house at Hawarden Road with storm flows to be diverted into the surface water system in the road. £129,000
- Option 3 – Upsizing of a 47 metre section of the sewer from 300mm diameter to 375mm diameter to increase capacity in the existing foul network, along with an earth bund to prevent flooding at Black Brook as a result of this solution. £167,000

6.08 Welsh Water would now accept a condition to require the implementation of one of these solutions. They would request that the condition refers to the implementation of a solution prior to the commencement of development on site. They have indicated that any of the solutions could be implemented within 12 months either; with third party agreement and undertaken by the developer or through Welsh Water undertaking the works through their powers.

6.09 The applicant accepts the results of the HMA and is willing to undertake either solution and has stated that the cost of the solution would not affect the viability of the scheme. They would therefore accept a condition to secure the implementation.

6.10 It is therefore considered that the Council cannot substantiate the reason for refusal, as a solution to the capacity in the network is feasible and could be implemented within a reasonable timeframe. This therefore removes the uncertainty over the development of the site and as a solution can accommodate the foul flows within the network the site is now considered to be sustainable.

6.11 If the planning balance exercise is now reassessed it is considered that it has been demonstrated through the Hydraulic Modelling Assessment that the site can be developed in the short term. As this is an outline application the works required could be implemented while the reserved matters applications are under consideration, therefore the site could come forward to meet the current short fall in housing land supply. It is therefore considered that the development is

justified to comply with Planning Policy Wales Edition 8 paragraph 4.2.2 and complies with paragraph 6.2 of TAN1.

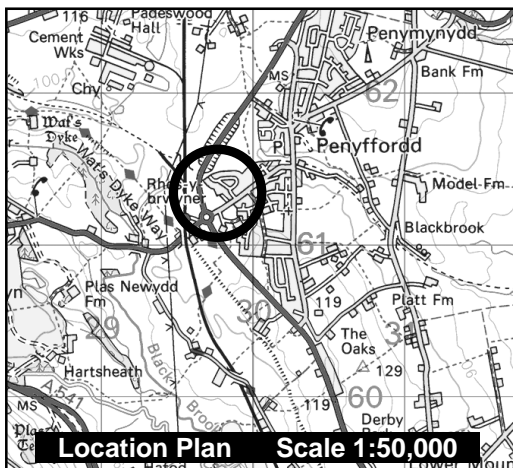
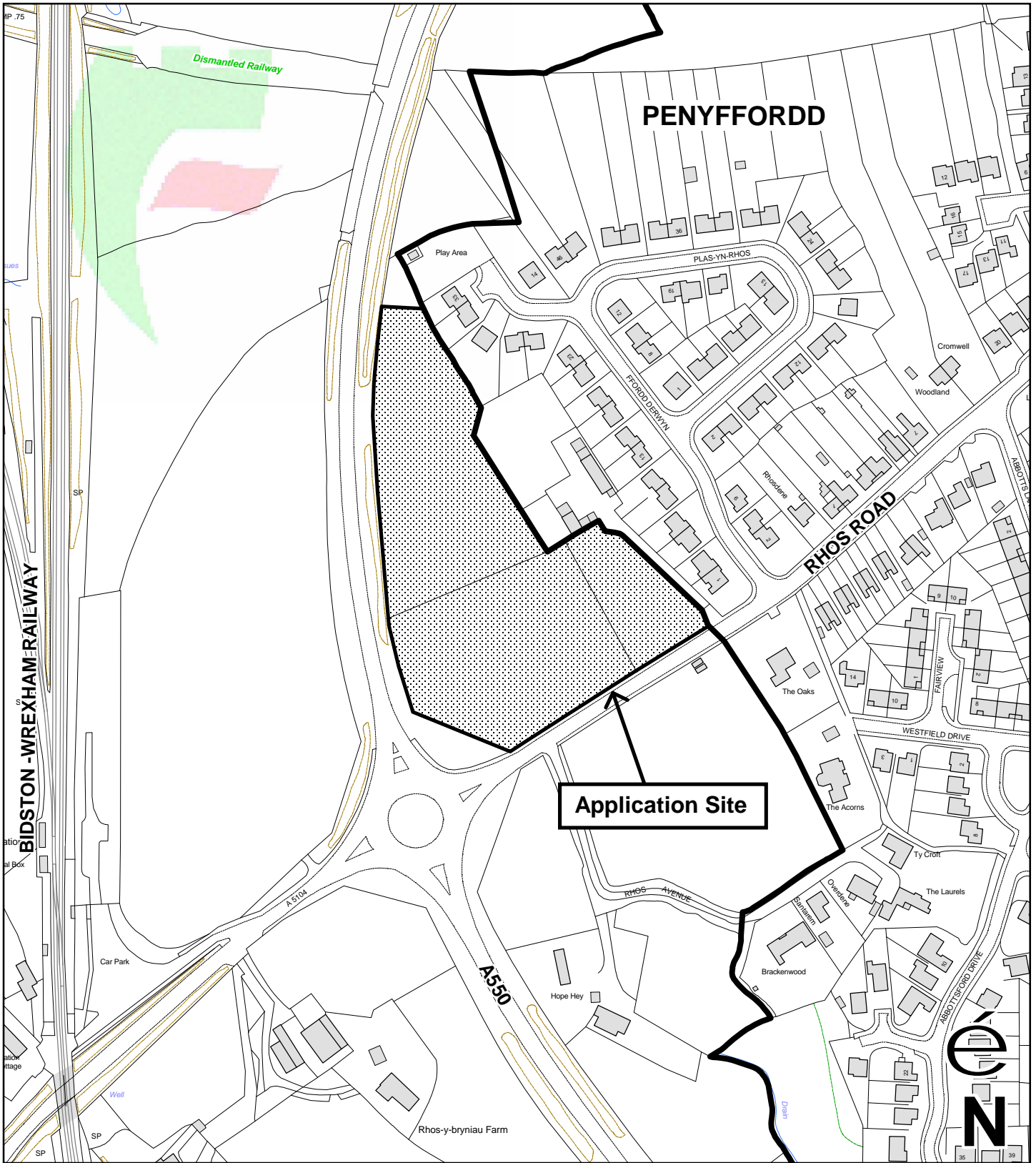
7.00 RECOMMENDATIONS

- 7.01 That, in light of the HMA, and given Welsh Water would now accept a condition requiring the implementation of the works to accommodate the foul flows in the network, the Council withdraws the reason for refusal in defence of the current appeal.
- 7.02 The suggested conditions to be put forward to the Inspector include the following:-
1. Submission of reserved matters within 12 months
 2. Two year permission
 3. No development shall commence unless a scheme to increase the capacity in the foul drainage network has been submitted to the Local Planning Authority and approved by them in writing and that scheme has been implemented in full to the satisfaction of Welsh Water and the Local Planning Authority.
- 7.03 The Council will seek the following S106 undertaking for the following (the requirement for this are referenced at paragraph 3 of the attached Committee report)
- An education contribution based on £18,469 per pupil to Castell Alun High School towards classroom extensions; and
 - Open space provision in the form of an extension within the development site to the existing adjacent children's equipped play area to the north of the site, to be equipped and enclosed to the satisfaction of the Council, along with the relevant maintenance contribution and a contribution of £1,100 per dwelling to provide a wheeled sports facility at Mill Stone recreation ground; and
 - To provide for a detailed scheme to be submitted at reserved matters stage to provide for affordable housing delivery in accordance with affordable housing policy requirements.

LIST OF BACKGROUND DOCUMENTS

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

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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2961

Planning Application **53656**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 20 JANUARY 2016**

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

SUBJECT: **OUTLINE APPLICATION FOR THE ERECTION OF UP TO 40 RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS AND ALL OTHER MATTERS RESERVED AT RHOS ROAD, PENYFFORDD.**

APPLICATION NUMBER: **053656**

APPLICANT: **WHITE ACRE ESTATES**

SITE: **RHOS ROAD, PENYFFORDD.**

APPLICATION VALID DATE: **06.05.15**

LOCAL MEMBERS: **COUNCILLOR D WILLIAMS**
COUNCILLOR C HINDS

TOWN/COMMUNITY COUNCIL: **PENYFFORDD**

REASON FOR COMMITTEE: **SIZE OF DEVELOPMENT, DEPARTURE FROM DEVELOPMENT PLAN AND LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is an outline planning application for up to 40 dwellings with details of the access provided, on land at Rhos Road, Penyffordd. All other matters are reserved for future consideration.
- 1.02 Due to the capacity issues in the existing foul drainage network and the lack of a solution to address this issue there is uncertainty in the deliverability of the site in the short term. The site is being promoted on the basis of the current shortfall in housing land supply but it has not been adequately demonstrated that it can come forward in the short term to address that need.

1.03 The sustainability of the site has therefore not been sufficiently justified to comply with Planning Policy Wales Edition 8 paragraph 4.2.2. It is therefore considered that the site is contrary to paragraph 6.2 of TAN1 as the application would not comply with the development plan and other national planning policies. The application is for residential development on a site located in the open countryside outside a defined settlement boundary and is therefore contrary to Policies STR1, GEN3 and HSG4.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 There is no capacity in the existing foul drainage network to accommodate flows from the development and a solution to this lack of capacity has not been identified. The site is being promoted on the basis of the current shortfall in housing land supply but it has not been adequately demonstrated that it can come forward in the short term to address that need. There is therefore uncertainty in the deliverability of the site and the sustainability of the site has not been adequately justified to comply with Planning Policy Wales Edition 8 paragraph 4.2.2. It is therefore considered that the site is contrary to paragraph 6.2 of TAN1 as the application would not comply with the development plan and other national planning policies. The application is for residential development on a site located in the open countryside outside a defined settlement boundary and is therefore contrary to Policies STR1, GEN3 and HSG4.

3.00 CONSULTATIONS

3.01 Local Member
Councillor D. Williams

Objects to the proposal on the grounds that the land is outside the settlement boundaries and the application is premature with the LDP in its infancy. The ward has supported excessive growth and this is an attempt to add to what is already an overdeveloped area. The development cannot be sustained or be supported by existing infrastructure and amenities including junior and senior schools. No suitable access arrangements are possible that can guarantee the safety of road users and pedestrians to the current level and an increase in the risks for road safety are inevitable. A development in this location would not be conducive to the street scene and have a negative impact on the environment. The development would necessitate the destruction of a valuable nature setting affecting ecological sustainability. Other sites nearby are awaiting the LDP decision and to allow this one could unfairly jeopardise others which are going through the LDP process. Requests a site visit to see the site in the context of the village.

Councillor C Hinds

Requests site visit and committee determination. Development has already been turned down before due to entrance and exit being very dangerous and too near another one. Hedgerows that have been there for years cannot be taken down. There are far too many houses in the village for the site to be sustainable.

Penyffordd Community Council

The Council strongly object to this planning application. This piece of land was discussed at our recent LDP Candidate Site Meeting under Ref: PEN039 with a proposed use of site as 'housing'. It was resolved at that meeting with a majority vote that the Council wish to object. This development would potentially create huge and dangerous problems with the additional traffic coming out onto the Rhos Road so close to the roundabout, there is no infrastructure, medical facilities and the area currently has a severe shortage of school places.

Highways Development Control Manger

The development is directly off Rhos Road a distributor road that is subject to a 30mph speed restriction. The required visibility splays are 2.4m x 43m which appear to be achievable. In order to meet the requirements of Active Travel a 3 metre footway/cycle way is required along the site frontage, which will require setting back the site boundary.

No objection subject to conditions covering;

- Siting, layout and design of the access
- Construction of access to carriageway base course layer prior to the commencement of any other site operations
- Visibility splay of 2.4m x 43m in both directions with no obstruction in excess of 0.6m
- Parking facilities to be provided and retained within the site
- The front of the garages shall be set back a minimum distance of 5.5m behind the back of the footway or 7.3m from the edge of the carriageway
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate road
- Gradient of the access from the edge of the existing carriageway and for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter
- Positive means to prevent surface water run-off on to the highway
- Construction Traffic management Plan
- Full Travel Plan

Public Protection Manager

No objection in principle to the application however, the site is adjacent to the Penyffordd by-pass and roundabout these are included in the Noise Action Plan for Wales which looks at, amongst other things, noise from busy roads. The calculated data for this road indicates that parts of the site will be within Noise Exposure Category (NEC) B/C during the daytime and possibly night under the Welsh Guidance Technical Advice Notes 11. This means that specific measures are likely to be necessary to protect the amenity of the future residents. Such measures may include the provision of enhanced glazing and acoustic barriers to be installed at affected properties.

Therefore, in order to establish the actual sound climate as it affects this site it is recommended that a condition is attached for the applicant to investigate and consider any potential noise issues for this site, especially for those properties and gardens.

The applicant should appoint a suitably qualified professional to carry out a survey of current noise levels in accordance with the criteria specified in Annex A of the TAN II Planning Guidance and the applicant should provide a scheme of noise attenuation (if appropriate) for the prior approval of the L.P.A.

Welsh Water/Dwr Cymru

The proposed development would overload the sewerage network. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. WW/DC consider any development prior to improvements being made to be premature and therefore **OBJECT** to the development. It may be possible for the developer to fund the accelerated provision of replacement infrastructure or to requisition a new sewer under Sections 98 - 101 of the Water Industry Act 1991. In order to progress this development and overcome the objection, it will be necessary for a Hydraulic Modelling Assessment to be undertaken at the developer's expense. The conclusion of this study will determine capacity and/or any improvement works required.

In relation to the surface water flows from the proposed development, these will have to be disposed of separately by other means, such as using soakaways or discharging directly to a watercourse in liaison with the Land Drainage Authority and / or Natural Resources Wales.

Natural Resources Wales

Bats

NRW note that there is an existing hedgerow on the boundary of the proposed development site. Bats utilise trees with certain features for roosting/resting sites as well as using linear features such as hedgerows and forests for foraging and migrating.

NRW recommend that the hedgerow is retained in order to maintain linear features that could be used by bats. All trees that need to be felled should be checked for features that may be used by bats (i.e. cavities, cracks, holes & ivy cover). Where impacts on bats are considered likely, then those trees should be subject to emergence surveys at an appropriate time of year. Should bats be found to be using the trees as roosting sites expect that appropriate mitigation and/or compensation schemes are proposed and delivered, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained.

Great Crested Newts

Note that no Great Crested Newts were recorded during the survey. Although no water bodies are present on the proposed development site, there are water bodies present within 500m of the site. Note that the A550 separates the proposed development site from the features that could be used by Great Crested Newts, therefore it is not considered that these proposals will have a significant impact upon the favourable conservation status of newts in the area.

The applicant should be advised that should great crested newts be discovered at any time, that works must stop immediately and NRW contacted for further advice.

Flood Risk

The site lies entirely within Zone A of Welsh Government's Development Advice Map referred to under TAN15: Development & Flood Risk. Flood Map information confirms that the site lies outside of the extreme flood risk outline from rivers and the sea. Given the scale of the proposed development, welcome the commitment of the Applicant/Developer to produce a Flood Consequences Assessment and Drainage Strategy to support and inform development proposals at this site.

In line with paragraph 13.4.2 of Planning Policy Wales and Section 8.5 of the Welsh Government's Technical Advice Note 15: Development & Flood Risk (TAN15), surface water run-off should be managed through the use of Sustainable Drainage Systems (SuDS).

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SuDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown

to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Should ground conditions not be conducive to soakaway drainage, and referring to Ordnance Survey Maps, it does not appear that there are any obvious watercourses in vicinity of the site that could be suitable for receiving a direct surface water runoff discharge from the development. In such circumstances, other options will need to be explored to ensure that an appropriate drainage scheme can be delivered at the site. Should there be a need to direct surface water runoff to the public sewer network or a Highway Drain evidence of an agreement in principle with the relevant Authority will need to be submitted as part of any planning application submission.

Airbus

No aerodrome safeguarding objections.

Head of Lifelong Learning

The nearest Primary School to the application site is Penyffordd CP School which has 236 children on role and a capacity of 259. There is therefore currently 23 surplus places which is 8.8% surplus places.

The nearest Secondary School to the development is Castell Alun High School which has 1359 children on role and a capacity of 124. This school is therefore oversubscribed by 119 children which is 9% over its capacity.

This is an outline application therefore the potential impacts on school provision are based on the indicated numbers of 40 dwellings. 40 dwellings would give rise to 13 Primary School which would reduce the capacity to 5% but not below the trigger for a contribution to be requested.

Based on the information provided therefore only a contribution to the Secondary School is required. This would be based on the formula of £18,469 per pupil generated.

Play Unit

The development of 40 dwellings would normally give rise to an onsite public open space requirement of 2240m² however given the proximity of the existing equipped children's play area to the northern boundary of the site it is considered that there is an opportunity to extend this existing play area. This should be equipped and enclosed in accordance with the Council's requirements and the payment of the relevant maintenance sums. It is also considered that a commuted sum of £1,100 per dwelling should also be sought towards the delivery of a project to provide a wheeled sports facility at Mill Stone recreation ground which is approximately 500 metres from the site.

Welsh Government Land Use Planning Unit

The submitted Agricultural Land Classification study has been completed to a high standard and is considered to provide an accurate indication of agricultural land quality. The Agricultural Land Classification for the site is Subgrade 3b and not Best and Most Versatile Agricultural Land.

Housing Strategy Manager

Suggested that given the other developments in this area that the delivery of affordable housing be through the provision of 3 gifted units and a commuted sum of £66,000. This is worked out based on the value of 30 % provision across the site provided at 70% discount market value.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

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

6 letters of objection in relation to;

- The recent development in the village allocated within the UDP have highlighted the lack of infrastructure to support any additional development
- Surface water problems
- Lack of school places
- Siting of access has not changed from previous appeal decision
- Premature in advance of the UDP and should not pre-empt decisions in advance of the LDP
- Other sites in the settlement have been put forward as part of the Candidate site process and this may prejudice them coming forward
- Landscape and visual impact of developing the open countryside
- The site is a greenfield site outside the settlement boundary
- Would lead to additional traffic on Rhos Road
- Would lead to congestion due to proximity to the A5550 roundabout which has a history of accidents
- Impact on the sewage system, water supply and other services
- Impact on dentists and doctors
- Noise impacts from the development and to the development from the bypass
- Potential drainage impacts from surface water on the properties on Ffordd Derwyn
- There has been no comprehensive community consultation as stated in the application
- There has been sufficient recent developments in the village almost 35%

- Impact on the hedgerow and nesting birds
- Pedestrian safety is poor with links to the railway station
- This site is a green buffer entrance to the village and separates the built area from the bypass

5.00 SITE HISTORY

5.01 052163 - Amendments and alterations to planning approval 048243 for the erection of replacement dwelling and conversion, alterations and extension of 2no. detached barns to dwellings and associated works Approved 29.07.14

048243 - Erection of replacement dwelling and conversion, alterations and extension of 2no. detached barns to dwellings 16.06.11

044178 – Outline – Erection of 3 dwellings. Approved 12.02.08

042021 Outline – Erection of five residential units and creation of a new access. Refused 23.01.07. Dismissed on appeal. 23.01.07

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New Development

GEN3 - Development Outside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG4 – New Dwellings Outside Settlement Boundaries

HSG8 - Density of Development

HSG9 - Housing Mix and Type

HSG10 - Affordable Housing within Settlement Boundaries

SR5 - Outdoor Play Space and New Residential Development

EWP3 - Renewable Energy in New Development

EWP14 – Derelict and Contaminated Land

EWP16 – Water Resources

RE1 - Protection of Agricultural Land

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TAN 1 Joint Housing Availability Studies 2015

The accordance of the proposal with the relevant policies is set out in

the planning appraisal below.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline planning application for up to 40 dwellings with details of the access provided, on land at Rhos Road, Penyffordd. All other matters are reserved for future consideration.

7.02 Site Description

The application site is 1.4 hectares and is located on the edge of the village of Penyffordd. It is bounded immediately to the west by the A550 which links to the A55 with a mature hedgerow. To the north east and east is the existing residential development in Penyffordd on Ffordd Derwen and the existing dwellings at Rhos y Brunner Farm which are served by an existing access off Rhos Road. To the south of the site it is bounded by Rhos Road. To the north east adjacent to the corner of the development site is an existing equipped children's play area. Opposite the application site to the south is a further area of undeveloped land.

7.03 Proposed Development

This is an outline planning application for up to 40 dwellings with associated access. All other matters are reserved for future consideration. The application was accompanied by;

- Planning Statement by NJL
- Design and Access Statement by DGL Associates Limited
- Illustrative Masterplan
- Ecological Appraisal by Envirotech
- Topographical Survey
- Transport Assessment by SCP
- Landscape and Visual Impact Assessment by TPM Landscape Ltd
- Tree Survey Report by TPM Landscape
- Agricultural Land Classification and Soil Resources Report by Reading Agricultural Consultants Ltd
- Preliminary Services Report by KDL
- Drainage Statement

7.04 It is proposed that the site would be accessed via a new access off Rhos Road. This will involve removal of a hedgerow to achieve the required visibility splays.

7.05 Planning history and the UDP

The site was considered by the UDP Inspector as part of the UDP Inquiry as an 'omission site' therefore promoted by a third party and not the Council.

7.06 It was one of several sites considered by the Inspector alongside the two allocated sites put forward by the Council. The Inspector

commented '5987 – The farm house, outbuildings and former coal yard are within the settlement boundary. I note that planning permission for 3 dwellings (044178) was granted in February 2008. The presence of brownfield land does not necessarily mean that it will be suitable for development. I do not consider possible difficulties in gaining satisfactory access to that area justifies allocating a much more extensive greenfield site or a substantial amendment to the settlement boundary. The undeveloped land is rural in character and forms part of the attractive setting of this part of the settlement along Corwen Road. Its development would significantly harm the character of this area'. The Inspector continues 'The proximity of the site to the railway station is a matter of fact. However, that is not the only consideration in establishing the acceptability or sustainability of a site. The submission argues that this site is a more preferable option than HSG1(51). However, for the reasons given in HSG1(51) I support that allocation. I have considered this site on its planning merits and I do not consider the arguments put forward justify its allocation either in addition to, or as a replacement for, the allocations made in the plan'.

- 7.07 It is clear that the Inspector was concerned about built development, on the setting of this part of the settlement, significantly harming the character of the area. Further explanation of these concerns is given in the Inspector's comments on an omission site on the south side of Rhos Road which is located opposite the application site. She stated 'The proximity of this site to the railway station is a matter fact and is in favour of the site. However, other considerations are also relevant. As I have already indicated the plan makes provision for growth of 23% together with another 2% at the Meadowslea Hospital site. There is no need for a further site which would result in additional unnecessary growth. The site forms part of the attractive open landscape at the entrance to the settlement along Corwen Road and its development would significantly harm the open character of the area. I find there is a well-defined edge to the built up area in this part of the settlement and to allocate this land would unacceptably weaken that edge. Its location between the village and the bypass is also a fact, but I place little emphasis on this factor and it does not justify allocating this land. Having considered all the submissions made I do not support this objection'.
- 7.08 The Inspector therefore did not allocated either of the sites on Rhos Road for the visual impact reasons and also as no further land was needed at that time to meet the growth of the settlement in terms of the UDP strategy.
- 7.09 Appeal decision 042021
There was a previous application 042021 which was for the outline erection of 5 dwellings on the adjacent Rhos y Brwyner Farm, however this included the provision of a new access off Rhos Road. The access road to serve these 5 dwellings was in a similar position to

the current outline application under consideration at this time and therefore the conclusions of the Inspector are relevant in this regard.

- 7.10 This application was refused on the basis that the new access would have led to the significant loss of hedgerow required for the visibility splays which would have had an adverse effect on the character and appearance of the local area. While the farm house and associated building lie within the settlement boundary the access and associated road were outside.
- 7.11 The Inspector was also concerned that the creation of a new access to serve 5 dwellings would result in a significant break in the existing hedgerow and would have the appearance of urban development extending outside the settlement and into the rural setting of Penyffordd. The Inspector considered that this would be harmful to the village setting. He also had concerns that such an access route could set a precedent for further development of the paddock land between the access and the dwellings on Ffordd Derwyn. The appeal was dismissed for these reasons.
- 7.12 This appeal decision was in July 2007 prior to the publication of the UDP Inspector's report and therefore he felt that this application could prejudice the development of the application site which forms part of this application for 40 dwellings and was premature until the sites had been formally considered through the UDP process.
- 7.13 We are now however in a different policy situation with regard to the lack of a 5 year land supply which is now a material consideration to be given significant weight in terms of the impact of the access. This application also related to the development of the land directly adjacent to the access rather than the land at Rhos y Bwyner Farm which was more remotely related to the access.
- 7.14 Principle of development
The site is located outside the settlement boundary for Penyffordd and Penymynydd in the adopted UDP. Penyffordd and Penymynydd is a category B settlement with a growth threshold of 15% (beyond which any additional development would have to be justified on the grounds of housing need). As at April 2015 the settlement had a growth rate of 27.1% over the Plan period (which is above the indicative growth band of 8-15% for a category B settlement, which informed the Plan). The monitoring of growth over a 15 year period as required by HSG3 ended on 1st April 2015.
- 7.15 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for

affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.

7.16 Given that the proposal is for an anticipated 40 dwellings and does not fall within the scope of above policy framework, then the proposal is contrary to these policies in the adopted UDP and is a departure from the development plan and has been advertised as such.

7.17 The applicant seeks to justify the development in terms of a broader policy context, having regard to the following points:

- Contribution towards new homes which are needed in Flintshire
- Provision of affordable housing for those who are unable to buy or rent on the open market
- Contribution towards public open space for existing future residents
- Contribution towards a healthy and vibrant economy
- Boost for the local economy, creating construction jobs and also attracting new skilled workers as residents
- Introduction of more working families in Penyffordd supporting vital local services
- Enhancement of biodiversity through new planting

7.18 Housing Land Supply
PPW and TAN1 requires each local planning authority to maintain a 5 year supply of housing land. The latest published Joint Housing Land Availability Study for Flintshire 2014 shows a 3.7 year land supply using the residual method with a base date of April 2014. The Council is unlikely to be able to demonstrate a 5 year land supply until the LDP is adopted. This falls below the 5 year requirement.

7.19 The Council has previously argued in its submissions to PINS and Welsh Government that the residual method of calculation does not give a true picture of the actual amount of land available in the County and that the past completions method of calculation provides a more accurate measurement of land supply as it is measured against what the house building industry is actually delivering on the ground, rather than merely against what the Plan originally set out to provide.

7.20 The publication of the revised TAN1, which completely removes the use of the past completions method of calculation means the Council can no longer reasonably argue that it does not have a housing land shortfall. Furthermore, given that the TAN1 prevents the Council from undertaking a formal JHLAS once the UDP has expired, we will be unable to demonstrate a 5 year supply until such time as the LDP is adopted. In this context it is not possible to challenge the proposal in terms of housing land supply as the Authority did try in its defence of the refusal of planning permission for (051613) Old Hall Road/Greenhill Avenue, Ewloe application.

7.21 The Inspector in his appeal consideration of

APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that *“The Welsh Government’s letter to Chief Planning Officers of 19 January 2015 states that the residual methodology based on the housing requirements in an adopted LDP (or adopted UDP) will be the only methodology allowed for calculating housing land supply and the use of the past build rates methodology, which was based on the past performance of the building industry, will not be accepted. As a result, I give no weight to the Council’s initial arguments in respect of past completions.”*

- 7.22 Welsh Government Technical Advice Note 1 states that *“The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study..... The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.”*
- 7.23 In these circumstance, advice contained in para 6.2 of TAN1 is that *‘The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies’.*
- 7.24 Further guidance is contained in para 9.2.3 of PPW that *‘Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan’.* This paragraph then goes on to explain what constitutes *‘genuinely available’* and this is defined as *‘...sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live’.*
- 7.25 It is clear from national planning guidance that considerable weight should be attached to the lack of a 5 year housing land as a material planning consideration. Furthermore, decisions must also be made in the context of the Welsh Governments *‘presumption in favour of sustainable development’.*

- 7.26 Welsh Government Advice and National Planning Policy
 Planning Policy Wales Edition 8 January 2015 paragraph 4.2.2 states
“The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time,”
 when taking decision on planning applications.”
- 7.27 Planning Policy Wales Edition 8 January 2015 paragraph 4.2.4 states
“A plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2) Where;
- *There is no adopted development plan (see 2.6) or*
 - *The relevant development plan policies are considered outdated or superseded (see 2.7) or*
 - *Where there are no relevant policies (see 2.7)*
- there is a presumption in favour of proposal in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.”*
- 7.28 Paragraph 4.2.5 states *“In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4.4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision.”*
- 7.29 The Inspector in his appeal consideration of APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that *“There is a danger that the need to increase supply and lack of a 5-year housing land supply could be used to justify development in inappropriate locations.”*
- 7.30 It is therefore key in making the planning balance therefore to consider the sustainable development ‘key principles’ (see 4.3) and ‘key policy objectives’ (see 4.4) set out in PPW.
- 7.31 Developer Guidance Note
 Due to the current land supply situation and the timeframe for the UDP housing strategy, in order to provide some clarity the Council has produced a Developer Guidance Note which was endorsed by the Council’s Planning Strategy Group and Cabinet in June 2015. This

application was submitted prior to the publication of this guidance, however evidence was requested from the applicants to demonstrate how this application meets with the Councils information requirements. In brief it is set out below how the application has attempted to address these requirements.

- 7.32 1. Need for the development proposals
This application has been submitted in the context of the lack of a 5 year land supply.
- 7.33 The applicants state *“that there is no policy requirement for a sequential site assessment to be undertaken for a planning application of this nature and the Council must determine the application on its own merits. Fundamentally, this is a modest proposal in a sustainable location which can be developed quickly to assist in meeting the existing housing shortage, and should therefore be granted planning permission. The fact that we have demonstrated that the site is the most sustainable within the settlement should not have been necessary in these circumstances, however this exercise has been undertaken to further highlight the suitability of the site for housing development. Whether or not other sites are available within other settlements is not relevant to the consideration of this planning application.”*
- 7.34 The applicants have undertaken an analysis of the candidate sites on the register for the settlement of Penyffordd and Penymynydd in terms of their sustainability against standard criteria. The applicants consider that this table demonstrates that the application site at Rhos Road, Site PEN014, scores the highest. The site is located in close proximity to a range of services and transport nodes, is visually and physically contained due to existing hedgerows and roads, and is capable of accommodating a safe new access point. It is contended by the applicants that development of the site for housing would constitute a sustainable extension to the settlement of Penyffordd, adjoining roads at two of its boundaries which restricts any encroachment onto open countryside, and existing housing development at the third. The planning application should be considered in this context.
- 7.35 2. Full application
The application is in outline and has been submitted by White Acre Estates who are not a house builder. Justification has been submitted with the aim to demonstrate that an outline application does not affect the deliverability of the site following issues raised by officers. A Gant chart has been submitted showing the time lines of the consideration and implementation of a full and outline permission to justify this approach.
- 7.36 The applicants argue that this gives the house builder who takes the site on full flexibility allowing the detail of the scheme to reflect the

preferred style of housing and layout. In terms of developer interest, they have submitted letters of interest from a number of house builders to FCC on a confidential basis. They are fully confident that there is sufficient market demand for housing within this location and that the site can be disposed of to a house builder as soon as possible following the granting of planning permission.

7.37 They state that an outline planning application provides confidence to developers who are then able to invest in undertaking detailed design and investigative work at the same time as the reserved matters applications are worked up. Conversely, as detailed applications require a higher initial investment which is at risk, the additional detailed design and intrusive work is unlikely to be undertaken until detailed planning permission has been secured. There are also no physical or ownership constraints and we are confident that all 40 dwellings will be delivered within a 5 year period if the planning application is approved.

7.38 3. Sustainability Appraisal

A Candidate Sites Comparison Table was also assembled which compared the application site to the other sites within Penyffordd/Penymynydd on FCC's Candidate Site Register against a standard set of sustainability criteria. The table shows that the Rhos Road site is the most sustainable and thus suitable for housing development. Further arguments in relation to the sustainability of the site were advanced in the Planning Statement in terms of its proximity to the train station, bus stops and distance to other settlements within cycling distance.

7.39 4. Viability Assessment

A confidential viability appraisal was prepared by White Acre Estates which shows that, with the inclusion of the s106 contributions that were initially requested the development is viable. White Acre Estates has significant experience in delivering housing schemes and is therefore in a strong position to accurately prepare development appraisals. There is no dispute over the requested S106 contributions which are;

7.40 Affordable housing - Provision of 3 x 3 bedroom gifted units to North East Wales Homes (council owned company), which would be used for the intermediate rental market and £66K commuted sum.

7.41 Open Space - An extension to the existing play area located adjacent to the site, alongside a contribution of £1,100 per plot to fund a wheeled sports area at Mill Stone recreation ground.

7.42 Education - £129,283 for Castell Alun High School.

7.43 5. Housing Delivery Statement

White Acre Estates has significant experience in delivering housing

schemes and has the ability should it wish to do so to either develop the site itself using a mixture of equity and external funding or it may choose to involve a partner. There are also no physical or ownership constraints and we are confident that all 40 dwellings will be delivered within a 5 year period if the planning application is approved.

7.44 Agricultural Land Classification

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

7.45 This was undertaken by Ascalon Properties in August 2015. This conformed that the site was Subgrade 3b. Welsh Government's Land Use Planning Unit have clarified that the submitted Agricultural Land Classification study has been completed to a high standard and is considered to provide an accurate indication of agricultural land quality. The Agricultural Land Classification for the site is Subgrade 3b and not Best and Most Versatile Agricultural Land.

7.46 Highways

The proposed vehicular access into the site is from a proposed new access off Rhos Road. The principle of this and the loss of hedgerow was previously considered in respect of application 042021. However, this was in association with the proposed erection of 5 houses at Rhos y Brwyner Farm and not the current application site. The proposed impact of the access in visual terms needs to be considered in terms of the overall impact of the development of the site and the land directly adjacent to the road. There are no highways objections to the position of the access.

7.47 Highways issues such as the increase in traffic and proximity to the roundabout have been raised by objectors to the scheme. The application was supported by a Transport Statement undertaken by SCP. This report demonstrates that safe vehicular access to the proposed development can be made from Rhos Road. It also assessed the impacts of the additional traffic on the operation of the junctions within the vicinity of the site and demonstrated that they had sufficient capacity to deal with the additional flows.

7.48 Highways have no objection to the proposed development subject to standard highways conditions covering the details of the access and detailed design of estate roads etc. They also would require a Construction Traffic Management Plan and a full residential travel plan. It is also requested that to meet the requirements of Active Travel Wales a 3 metre footway and cycle way is provided along the

site frontage set back within the site boundary. This would require the removal of all the roadside hedgerow and not just that required to provide the visibility splay. This has visual impact implications and would also not link with any existing footway nor would have the potential to do so due to third party land. It therefore not considered on the balance of the impact and the benefit of it a planning requirement in this instance.

7.49 Landscape and Visual Impacts

In light of the UDP Inspector's comments on the site the application was accompanied by a Landscape and Visual Impact Assessment (LVIA) undertaken by TPM Landscape in April 2015. THE LVIA has considered the baseline landscape and visual environment through a desk top review of published documents and reports supplemented and verified by field work. This included the identification of a range of landscape receptors and visual receptors at fixed locations within the study area to create a series of viewpoints.

7.50 In summary the LVIA concludes that public receptors and people travelling along local roads will experience low visual impacts due to existing flat topography, built form and vegetation screening limiting views. The greatest visual effects will be experienced by a small number of properties with existing views over or towards the site whose location is generally either immediately adjacent to or very close to the boundaries. The change, although noticeable following mitigation is anticipated to become a neutral element in the view as the proposals become assimilated into the existing urban form of the village over time.

7.51 The proposed site forms only a small part of a wider local and regional character area. No landscape receptors were assessed as experiencing significant effects post mitigation. In most part trees and hedgerows of merit will be retained and enhanced as part of the landscape planting proposals which will also help to soften the built form and assimilate the development into the wider landscape context.

7.52 The proposed development will sit between the existing settlement, the road and the A550 and will be an infill development that will have only very limited landscape and visual effects over a small area of influence. The impacts that remain following, mitigation will remain local in nature and become neutral in tone as the proposal assimilates into the existing settlement form.

7.53 The submitted LVIA has been reviewed for the Council by an independent Landscape Architect who considered that the approach taken is acceptable and follows current guidance. An immediate study area of 1km was assessed in detail which is considered adequate for this particular site due to the fairly flat topography in the immediate vicinity and screening by vegetation, particularly along the

A550. A range of viewpoints were identified from publically accessible locations and the views from residential properties, roads and footpaths were also considered. Potential longer distant views were also taken into account. The LVIA was carried out in Spring 2015 when the hedgerows were partly in leaf and trimmed with the trees without any leaves and therefore represents almost the worst case.

7.54 The Council's consultant was broadly in agreement with the assessment and conclusions of the LVIA. Although mitigation measures are proposed residual harm would still result to the character of the site and Rhos Road due to the proposed access and the removal of approximately 35m of hedgerow. There was also a concern about the hedgerow along the A550 and the susceptibility of this over time from being trimmed if included as part of garden areas. It is considered that the residual visual effects from Rhos Road and the properties overlooking the site at Ffordd Derwyn are likely to remain as moderate adverse rather than neutral as concluded by the LVIA.

7.55 In response to this it is proposed that the A550 boundary would remain as strategic landscaping with a fence and then further additional boundary planting. This would be dealt with in the landscaping scheme submitted as part of any detailed scheme. Further landscaping can also be considered along the Rhos Road boundary as part of the details of the scheme. While the development of the site will have some impact on the approach to the settlement it is not considered that this harm is so great that it would weigh against granting planting permission.

7.56 Trees

The application was accompanied by a Tree Survey Report undertaken by TPM Landscape in April 2015. The majority of the trees on the site are within the boundary hedgerows apart from an oak in the centre of the site. The majority of the trees can therefore be retained within the scheme. The oak in the centre of the site was deemed to be in a poor condition. There are therefore no tree constraints on the site.

7.57 Foul Drainage

Planning Policy Wales Edition 8 January 2016 in section 12.4 'Development management and water' deals with water supply and sewage infrastructure. Paragraph 12.4.1 states that the adequacy of sewage infrastructure is material in considering planning applications. Paragraph 12.4.2 states that "*Development proposals in sewered areas must connect to the main sewer, and it will be necessary for developers to demonstrate to local planning authorities that their proposal site can connect to the nearest mains sewer.*"

7.58 A private treatment plant was suggested at one stage during the application process but this is not considered acceptable in light of the

above guidance as the site is within a sewerage area. It is therefore proposed to connect to the mains sewerage system. A Drainage Statement has been submitted by the applicants setting out their position prepared by White Acre Estates and their drainage engineers Lees Roxburgh Drainage. They argue that the increase in flows on the network is not of a magnitude that would justify major infrastructure projects such as new treatment plants or other large scale improvements which might take timescales into uncertainty.

- 7.59 Welsh Water object to the development as the development would overload the sewerage network. No improvements are planned within Dwr Cymru's Welsh Water's Capital Investment Programme as this is not an allocated site which has been planned for. Therefore they consider that allowing any new development prior to improvements being made is premature and therefore object to the development.
- 7.60 The applicants have referred to other examples of development where *"it was recognised that a proposed development with planning permission has the right to connect into the existing sewerage system, but that the use of planning conditions is appropriate to control the timing of the connection to ensure that any necessary improvements or upgrades to the network are put in place in advance of this"*.
- 7.61 They have suggested the use of a prior to commencement condition to require a scheme for the "comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage to be agreed". It is considered by the Council that the imposition of such a condition is only appropriate when the nature of the infrastructure improvement is known, evidenced and an agreed timeline and costing is in place i.e. that there is certainty that it can and will happen. In this case the applicants have commissioned Welsh Water to undertake the Hydraulic Modelling exercise to determine the nature of the improvement works required but this has not yet been completed. The applicants do not wish to wait for the results of this exercise which would be expected in March 2016 and wish to proceed with a decision on the application.
- 7.62 This is a site being advanced on the basis of specific circumstances in respect of housing land supply and it needs to be demonstrated that the site is capable of being implemented to address this. The present position in respect of waste water could affect the site's deliverability as the extent of the works are not known, no costings are available and no timescale can be provided. It is therefore considered that the site cannot be considered as sustainable given there is no capacity in the existing sewerage network to cater for the site.

7.63 Surface Water

It is proposed to dispose of surface water to the existing Welsh Water drain located adjacent to the northern site boundary. The 150mm diameter public drain outfalls to the tributary watercourse 200m northwest of the site. Proposed surface water flows would be limited to greenfield run off rates. This would require on-site storage in order to control flow rates. Details of this can be secured by condition.

7.64 Affordable Housing

Following discussions with Housing Strategy and the type of affordable housing required in the area given the other recent development it is proposed that based on the provision of 40 dwellings the site would provide three 3 bedroom gifted units to North East Wales Homes which would be used for the intermediate rental market and £66K commuted sum. The applicants are willing to provide this.

7.65 Open Space

There is an existing equipped children play area adjacent to the north east corner of the application site. Following discussions with leisure services it is proposed that the provision should be in the form of an extension to the existing play area and associated equipment together with a contribution of £1,100 per plot to fund a wheeled sports area at Mill Stone recreation ground. The applicants are willing to provide this.

Ecology

7.66 An Ecological Appraisal of the site was submitted with the application undertaken by Envirotech dated May 2014. The site has no built structures to offer roosting potential for bats and foraging potential is also low. There is an existing hedgerow on the boundary of the development site which could be utilised by bats. It is proposed to retain and enhance the hedgerow boundaries.

7.67 Although no water bodies are present on the proposed development site, there are water bodies present within 500m of the site. The A550 separates the proposed development site from the features that could be used by Great Crested Newts, therefore it is not considered that these proposals will have a significant impact upon the favourable conservation status of newts in the area. No great crested newts were recorded during the site survey.

7.68 Site appraisal settlement capacity

The Inspector in his appeal consideration of APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that *"The Council suggest that sequentially preferable sites should have been considered first, but housing provision in Flintshire is largely dependent on greenfield sustainable urban extensions and I see no evidence that this will change beyond 2015. Even if additional sites could be made available*

adjacent to Category A settlements or on poorer quality land adjacent to category B settlements, the reality of the situation is that they would be unlikely to come forward for some time or be included in the next JHLAS. Furthermore, the extent of the deficit is so great that even if 3i sites in Category A settlements, such as the appellants' development at Croes Atti, could be accelerated, by themselves they would not be sufficient to address the problem'.

7.69 The site lies on the edge of one of the largest category B settlements. Although the growth rate is well in excess of the 15% upper limit for a category B settlement, the Inspector considered this was acceptable on account of its size, facilities and services and accessibility to nearby settlements. The growth rate as of April 2015 for Penyffordd/ and Penymynydd was 27.1%. The site is located on the edge of the settlement, in close proximity to bus services, a train station and other village facilities and services. Although the Inspector did not consider the need for further (even modest) allocations over the Plan period, she did not go so far as to say that they would be unsustainable. Provided that the capacity existed in local schools (or that spare capacity can be provided) then it would be difficult to argue that an additional 40 dwellings is unsustainable or harmful to the character and function of the settlement.

7.70 In her consideration of the level of growth that the settlement could take and the proposed allocations the inspector stated that *"Penyffordd and Penymynydd is a Category B settlement with an indicative growth rate of 8-15%. It is one of the larger settlements in this category and it is appropriate that it makes provision for a portion of the housing needs. In my view it would not be reasonable to ignore migration with other authorities given Flintshire's attractive border location and relative economic prosperity. Completions, commitments and the allocations result in growth of some 23%. Planning permission has been granted on appeal for housing development at the former Meadowlea Hospital site. This development would increase growth to 25%. Whilst it is above the indicative growth band bearing in mind the location and accessibility to facilities and services in the settlement and nearby, I do not consider this level is unreasonable. Some objections assert that the village facilities are inadequate to serve the additional population. However, during my visit I saw a reasonable range of shops and community facilities. Whilst I have no doubt many would like to see more facilities and services in towns and villages I do not find the settlement is poorly provided with facilities in the Flintshire context.*

7.71 It is considered that the village and its facilities could accommodate another 40 dwellings. The settlement and particularly this site is well connected in terms of road links and public transport links to bus routes and the railway station which is in walking distance.

7.72 Deliverability

The next consideration is whether the site is deliverable in terms of viability and certainty. The fact that the application is submitted in outline with all matters reserved for subsequent approval except for access does not give confidence despite the applicants assertions that the site will be deliverable within 5 years or that they would be able to commence within a short time constrained permission i.e. 12 months to submit the reserved matters and 2 years to commence development on site.

- 7.73 It is also noted that the applicant is a land acquisition and development company and the application is not submitted with any identified house builder, other than reference to a pro-active approach of liaising with various house builders and receiving expressions of interest from a number of major active operators who are already delivering houses in the area.
- 7.74 Penyffordd / Penymnydd has seen and is seeing substantial growth with the development of two allocated sites, amounting to 350 units, as well as other development in and around the settlement. The White Lion site is being developed by Redrow and Elan and the Wood Lane site by Taylor Wimpey, with the latter still progressing on site. In this context, it needs to be considered whether there is 'room' in the market for another house builder to commence a development in the near future. However this is a desirable location with good transport links close to the A55.

8.00 CONCLUSION

- 8.01 In summary due to the capacity issues in the existing foul drainage network and the lack of a solution to address this issue there is uncertainty in the deliverability of the site in the short term. The site is being promoted on the basis of the current shortfall in housing land supply but it has not been adequately demonstrated that it can come forward in the short term to address that need.
- 8.02 The sustainability of the site has therefore not been sufficiently justified to comply with Planning Policy Wales Edition 8 paragraph 4.2.2. It is therefore considered that the site is contrary to paragraph 6.2 of TAN1 as the application would not comply with the development plan and other national planning policies. The application is for residential development on a site located in the open countryside outside a defined settlement boundary and is therefore contrary to Policies STR1, GEN3 and HSG4.
- 8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, 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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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JUNE 2016**

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

SUBJECT: **APPEAL BY MR. DYLAN HUGHES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR AN AGRICULTURAL WORKER'S DWELLING AT GROESFFORDD BACH, WHITFORD - DISMISSED**

1.00 APPLICATION NUMBER

1.01 054264

2.00 APPLICANT

2.01 MR. DYLAN HUGHES

3.00 SITE

3.01 GROESFFORDD BACH,
LLOC, WHITFORD.

4.00 APPLICATION VALID DATE

4.01 9TH NOVEMBER 2015.

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal to grant planning permission for the erection of a farm worker's dwelling at Groesffordd Bach, Whitford, Flintshire. CH8 8SD. The application was refused under delegated powers with the appeal dealt with by way of an informal hearing and was **DISMISSED**.

6.00 REPORT

6.01 Background

Members may recall that this application was refused under delegated powers on 30th October 2015 on the grounds that the development

would be located in the open countryside where there is a general presumption against non-justified development of this nature. The result being that this would adversely affect the appearance and character of the area.

6.02 Issues

The Inspector considered the main issue to be whether the proposal satisfied the tests for rural enterprise accommodation as set out in Technical/Advice Note 6: Planning for Sustainable Rural Communities (TAN6).

6.03 The Tests in TAN6

TAN6 identifies four tests that must be met in order for a rural enterprise dwelling to be approved. The first is the functional test, which is described in TAN6 at paragraph 4.8.1. It must be essential for a worker to be readily available at most times to deal with unexpected situations which might arise. For example the need to be on hand day or night to deal with an emergency that might threaten the continued viability of the enterprise without immediate attention. The evidence related mainly to animal welfare, particularly when animals are sick or during calving. The Inspector accepted that there may be a need during calving but this can be met by the caravan on site given the scale of the enterprise. The timing of calving is in the appellant's control in terms of when the cows are inseminated. The scale of the farming business would not justify a permanent dwelling on the basis of attending to sick animals, normal stock checks would identify most problems in a timely manner. The reference to a need for a dwelling in relation to site security was not supported by any evidence of problems occurring and there may be other solutions such as CCTV that would address any issues.

6.04 The appellant's agricultural engineer business is a type of qualifying rural enterprise under the provisions of TAN6. The practice guide to TAN6 acknowledges the role of support services to the rural economy. It states that the majority of these services are located in existing settlements and it is not the role of the new rural enterprise dwelling policy to give all service sector providers a free choice to decide whether to select countryside or settlement-based locations for their business. It was accepted that there is no functional need in relation to this aspect of the overall business as it involves travelling to farms to work there. Similarly there is no functional need to live in the countryside to operate a snow clearing service where travel to the roads in question is involved.

6.05 The next test is the time test, which relates to the labour requirement of the business. The appraisal stated that the labour requirement for the farm is 0.25 standard man days. This was supported by the appellant's accounts in that the breakdown in revenue is around 25% from the farming business and 75% from the agricultural engineer business. The appellant accepted that the time test is not met in

relation to the farming part of the business alone. It is the combination of the two aspects of the business that meet the time test. As the time test is met the Inspector did not need to consider the other approvals put forward by the appellant. The functional needs of those enterprises are not directly comparable to the appeal proposal.

6.06 The rural enterprise should be financially sound that have good prospects of remaining economically sustainable for 5 years. Whilst the appellant intended to expand the farming business this would not be to a level where it would provide his main source of income. The fact that the majority of the holding is rented (some on an annual basis) introduces uncertainty over the intention to expand and how this would be maintained if the engineer business continues to expand. It was clear that the main income will continue to be the agricultural engineer business. Based on past trends it is predicted that the repair business will continue to grow. The agent has been cautious in his estimate of that growth. It appears that the overall income would meet the above test.

6.07 There are no other dwellings on the holding. The former farmhouse and larger holding were sold over 20 years ago. The buildings on the holding are modern steel frame barns and would not be suitable for conversion. The agent stated that he had investigated house prices and properties to rent in the local area at the application stage and there were no suitable properties available. The cheapest house for sale nearby was £347,000. This compared with a build cost for the proposed dwelling of £100,000. It was clearly not feasible for the business to purchase a dwelling in the area. This evidence was supported by the local councillor and was not disputed by the Council. The Inspector had no reason to dispute this evidence and accepted that the other dwellings test is met.

6.08 Character & Appearance

TAN6 is clear that rural enterprise dwellings are an exception to the strict controls on dwellings in the countryside. As the proposal does not meet the tests in TAN6 it would cause clear harm to the rural character and appearance of the countryside. Whilst the proposal would be sited adjacent to the existing agricultural buildings and views of the site are restricted by the hedge along the road. There would be clear views at the access, which is wide and would need to be improved to provide the required visibility splays. There would also be clear views from a public right of way across the farmyard immediately adjacent to the proposed dwelling. The proposal would be located in the open countryside removed from other dwellings. It would be seen as a sporadic form of development in the open countryside. It would be contrary to national policies in Planning Policy Wales and TAN6 aimed at the protection of the countryside from inappropriate development and Policies HSG4, STR1, GEN3, GEN1 and L1 of the Flintshire Unitary Development Plan (UDP).

6.09 The Benefits of the Proposal

The benefits of the proposal are identified in the planning appraisal. It was agreed that the agricultural engineer part of the business does not require a rural location. The business could expand, secure the employment of the appellant and his brother (and another future employee), and serve the rural community without the appeal proposal. The reduction in travelling and proper management of the land would benefit the environment, but this would not outweigh the harm caused by a dwelling that does not meet the policy requirements.

7.00 **CONCLUSION**

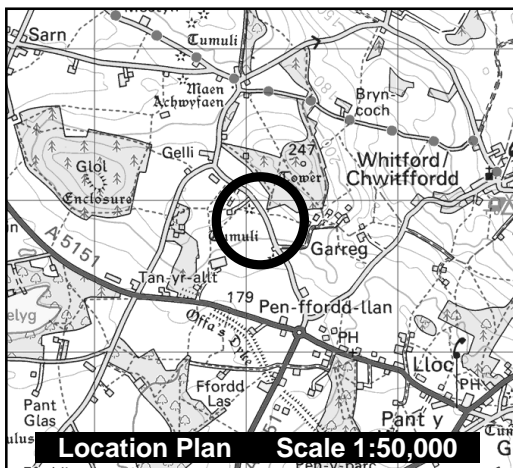
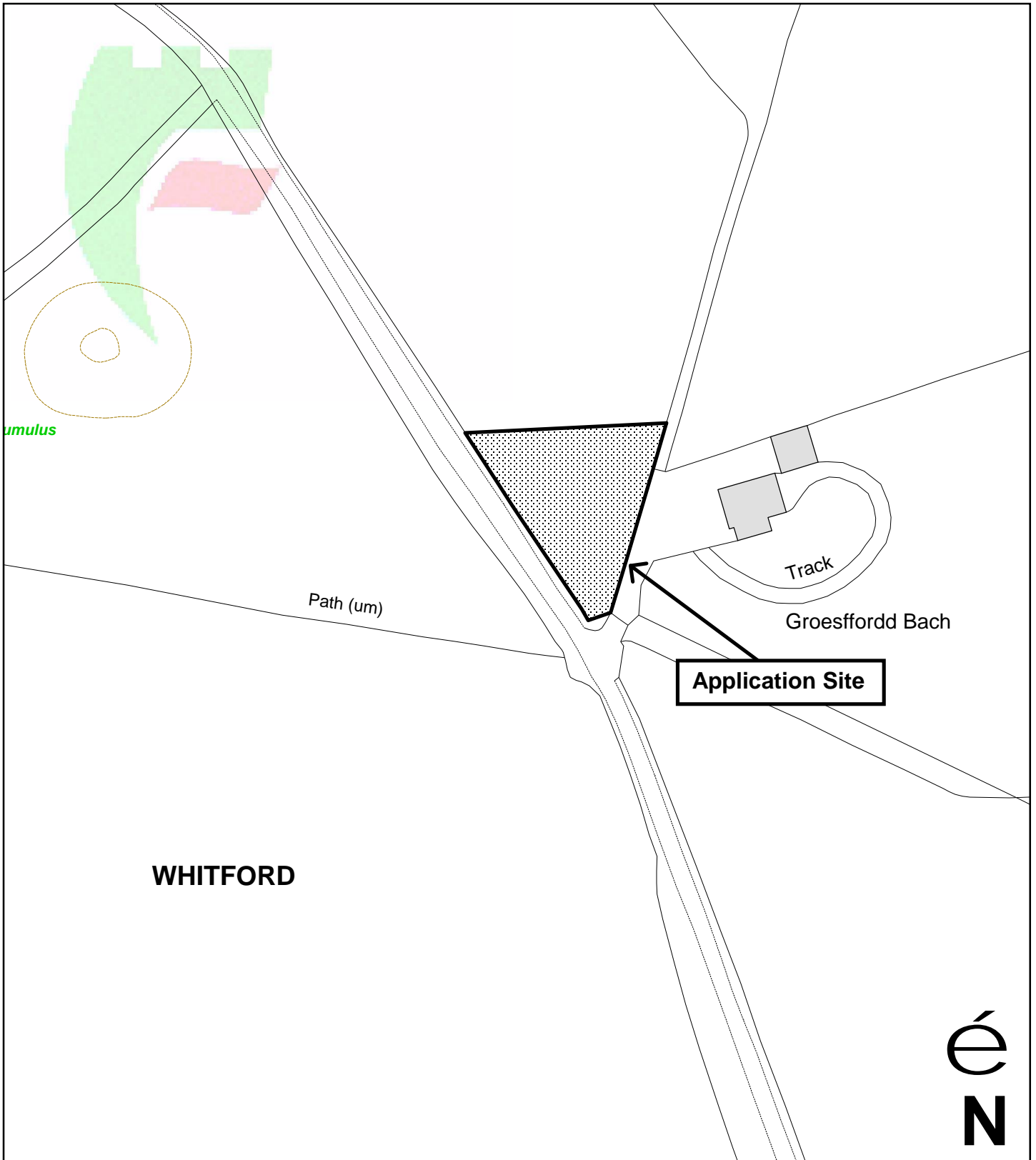
7.01 Conclusion

The Inspector concluded that the proposal did not meet the tests in the relevant UDP and national planning policies. The critical test set out in Section 4.6 of TAN6 has not been met and therefore the proposal did not warrant approval as an exception to UDP Policy HSG4. The benefits of the proposal and the other evidence in support of the proposal were taken into consideration but did not outweigh the harm and therefore the Inspector **DISMISSED** the appeal.

LIST OF BACKGROUND DOCUMENTS

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

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **54264**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JUNE 2016**

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

SUBJECT: **APPEAL BY MR. & MRS S. PARKER AGAINST THE NON-DETERMINATION OF FLINTSHIRE COUNTY COUNCIL FOR THE ERECTION OF A REPLACEMENT DWELLING AND ANCILLARY WORKS AT GELLI FARM, GELLI ROAD, PEN YR ALLT, TRELOGAN – DISMISSED**

1.00 APPLICATION NUMBER

1.01 054273

2.00 APPLICANT

2.01 MR. & MRS S. PARKER

3.00 SITE

3.01 GELLI FARM,
GELLI ROAD,
PEN YR ALLT, TRELOGAN

4.00 APPLICATION VALID DATE

4.01 11 September 2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of an appeal decision in respect of the non-determination of planning permission for the erection of a replacement dwelling and ancillary works at Gelli Farm , Gelli, Pen y Allt , Trelogan.

5.02 The subsequent appeal was considered under the written representation procedure and was Dismissed on 11 May 2016.

6.00 REPORT

- 6.01 The Inspector considered the main issue in the consideration of this appeal to be the effect of the proposal on the character and appearance of the area.
- 6.02 The Inspector noted the stripped out nature of the existing traditional farmhouse as a Building of Local Interest, and accepted that the principle of a replacement dwelling was acceptable, but that the form and scale of the replacement dwelling was the main matter in dispute.
- 6.03 The Inspector noted policy HE4 which indicates that the design of the replacement dwelling should match or exceed that which is demolished and Policy HSG6 indicates that the new dwelling should be of a similar scale to the existing dwelling and should reflect the character and traditional building style of the locality in terms of scale, design, form and materials used.
- 6.04 It was noted that the replacement dwelling would be taller and wider than the original dwelling and the wall plate would be higher. The proposed windows at first floor level to the front elevation would be wider casements than the existing traditional dormers and the new windows would sit below the eaves.
- 6.05 The ground floor windows would be taller than the existing openings, whilst the shippon is largely to be unchanged. The Inspector considered that the proposed front elevation was not reflective of the original farmhouse due to the proportion of the proposed building being different and the articulation of the design is not traditional or reflective of that design nor is it a contemporary take on the contextual qualities of the old building. The scale, form and the windows design make up the simple vernacular character of the existing and that would be lost on the proposed front elevation.
- 6.06 The Inspector further considered that the proposal would not match or exceed the original dwellings design and would therefore fail to comply with policies HE4 and HSG6. Whilst he noted that the replacement dwelling should not replicate the existing dwelling, he noted the policy clearly outlines the approach required, especially in relation to Buildings of Local Interest. The proposal has not achieved these and in particular on the proposed front elevation, with the loss of the intimate scale and width of the original building and the original window openings, which he considered to be more reflective of a modern house. The vertical alignment of the front widows in the existing frontage provide balance and symmetry, whilst the proposal fails to reflect this in terms of proportion, rhythm and detail.

- 6.07 The proposed south elevation is reflective of the traditional layout of farmsteads and the linked wing is set low in to the ground and this was considered to make for an interesting contemporary design to the traditional range, however the proposed chimney was considered to lacking in interest and design. The Inspector had no significant objection to the size of the replacement dwelling, however the historic character of the area would not be reflected in the proposal and would thereby harm the character and appearance of the area.
- 6.08 The Inspector noted the personal circumstances cited, but by dismissing this appeal considered that the extant permission granted in 2012 would meet the wellbeing objectives in relation to Mr Goddard.

7.00 CONCLUSION

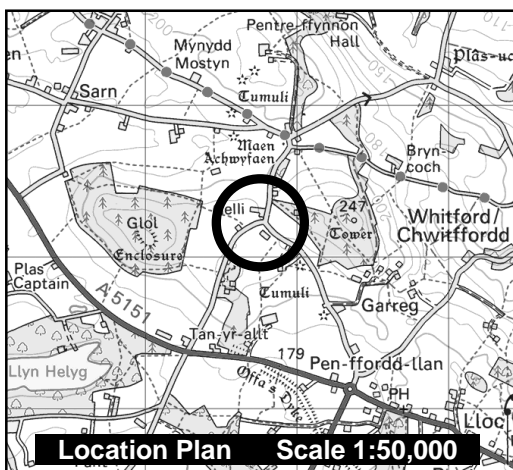
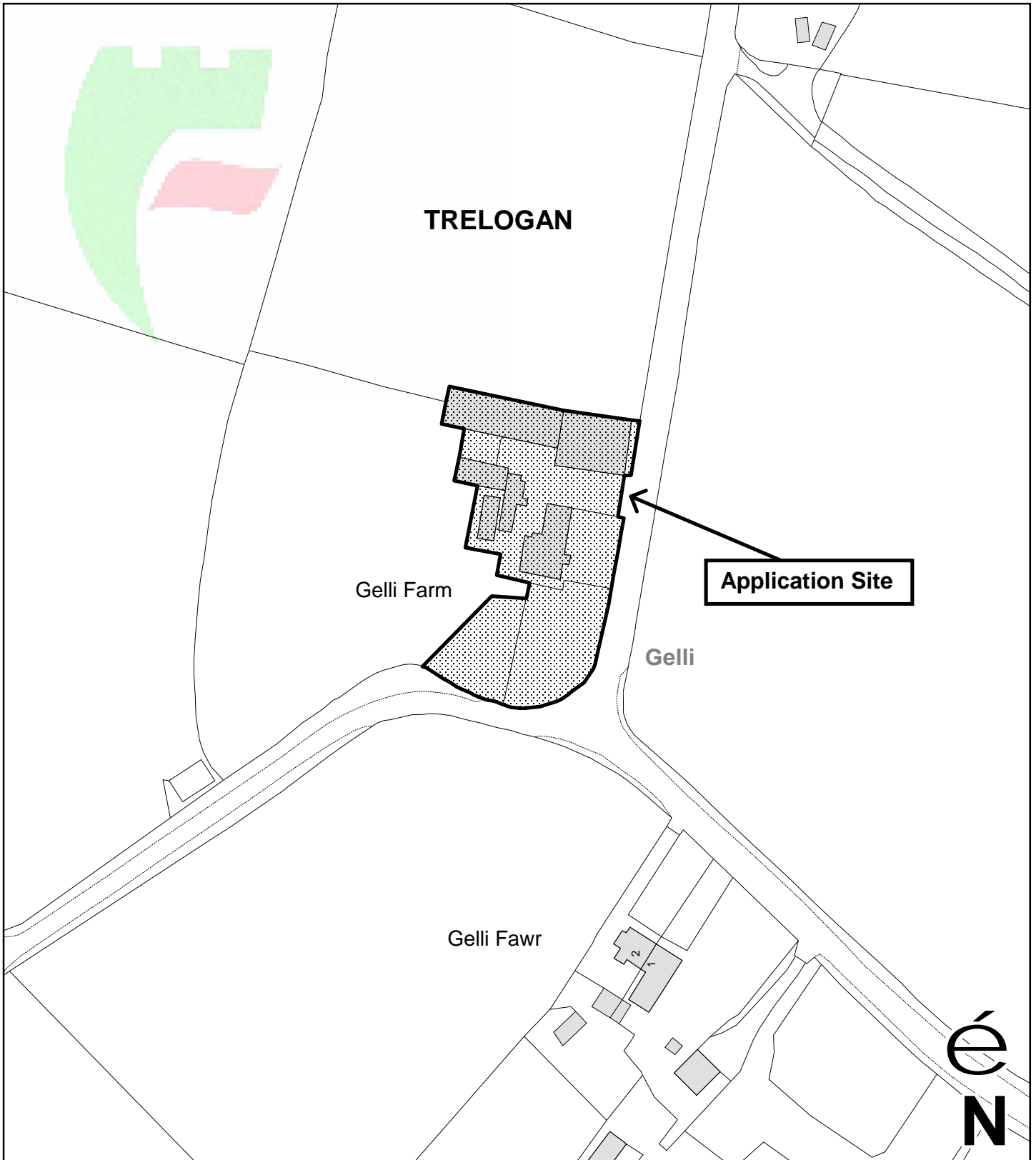
- 7.01 Having regard to the above, the Inspector concluded that the current proposal would not comply with the relevant policies of the Unitary Development Plan and that the proposal would adversely impact upon the character and appearance of the area and dismissed the appeal.

LIST OF BACKGROUND DOCUMENTS

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



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

Legend

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

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Planning Application	54273

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JUNE 2016**

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

SUBJECT: **APPEAL BY NORMAN BEDFORD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 1 NO. DWELLING AT 18 GLAN GORS, FLINT – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 054532

2.00 APPLICANT

2.01 NORMAN BEDFORD

3.00 SITE

3.01 18 GLAN GORS,
FLINT.

4.00 APPLICATION VALID DATE

4.01 28TH OCTOBER 2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal to grant planning permission for the erection of a dwelling at 18 Glan Gors, Flint, CH6 5PA. The application was refused under delegated powers with the appeal dealt with by way of written representations and was **ALLOWED**.

6.00 REPORT

6.01 Members may recall that this application was refused under delegated powers on 21st December 2015 on the grounds that the proposal would have a detrimental effect upon the character and appearance of

the area and would adversely affect the amenities of occupiers of the existing and proposed dwellings.

6.02 Issues

The Inspector considered that the main issues in this case were the effects of the proposal on the appearance of the area and whether it would result in unsatisfactory living conditions for neighbouring residents and future occupiers.

6.03 Appearance on Area

The new dwelling would be of two-storey height, in contrast to the nearest dwellings in Glan Gors which are bungalows. Elsewhere in Glan Gors and the roads leading off it, there are examples of two-storey dwellings. The new dwelling would be viewed against a backdrop of two-storey dwellings in Adwy Wint to the south-west. Given these considerations, the Inspector considered it would not appear out of place in the streetscene, and would not conflict with the Development Plan policies which seek to ensure that the new development harmonises with and respects its surroundings.

6.04 Amenities of Existing & Proposed Occupiers

The Inspector considered that the new dwelling would reduce the available amenity space to 18 Glan Gors. There would also be a limited outlook from the lounge as the site boundaries would be less than 3 m from the lounge windows. Instead, the main garden would be on the south-east side of the building with an outlook from the kitchen and dining rooms. It would have a depth of less than 11 m normally required under LPGN2, but this distance is partly to achieve an adequate separation distance between suitable rooms and facing buildings, which is not relevant in this instance, and the garden area is otherwise of a reasonable size. The Inspector considered that while the distance between the new dwelling and 18 Glan Gors would be only 4.5 m at its closest, such proximity is not unusual in the locality. The dwelling would have adequate space around it.

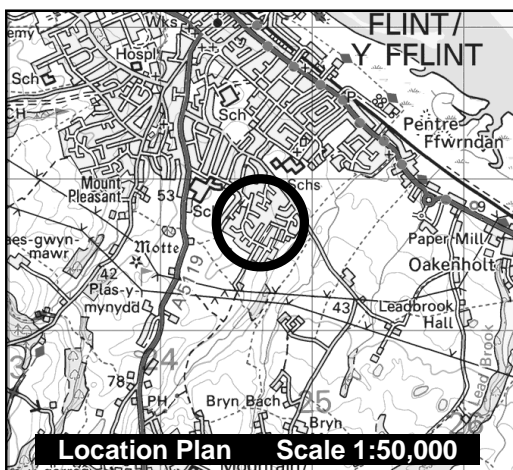
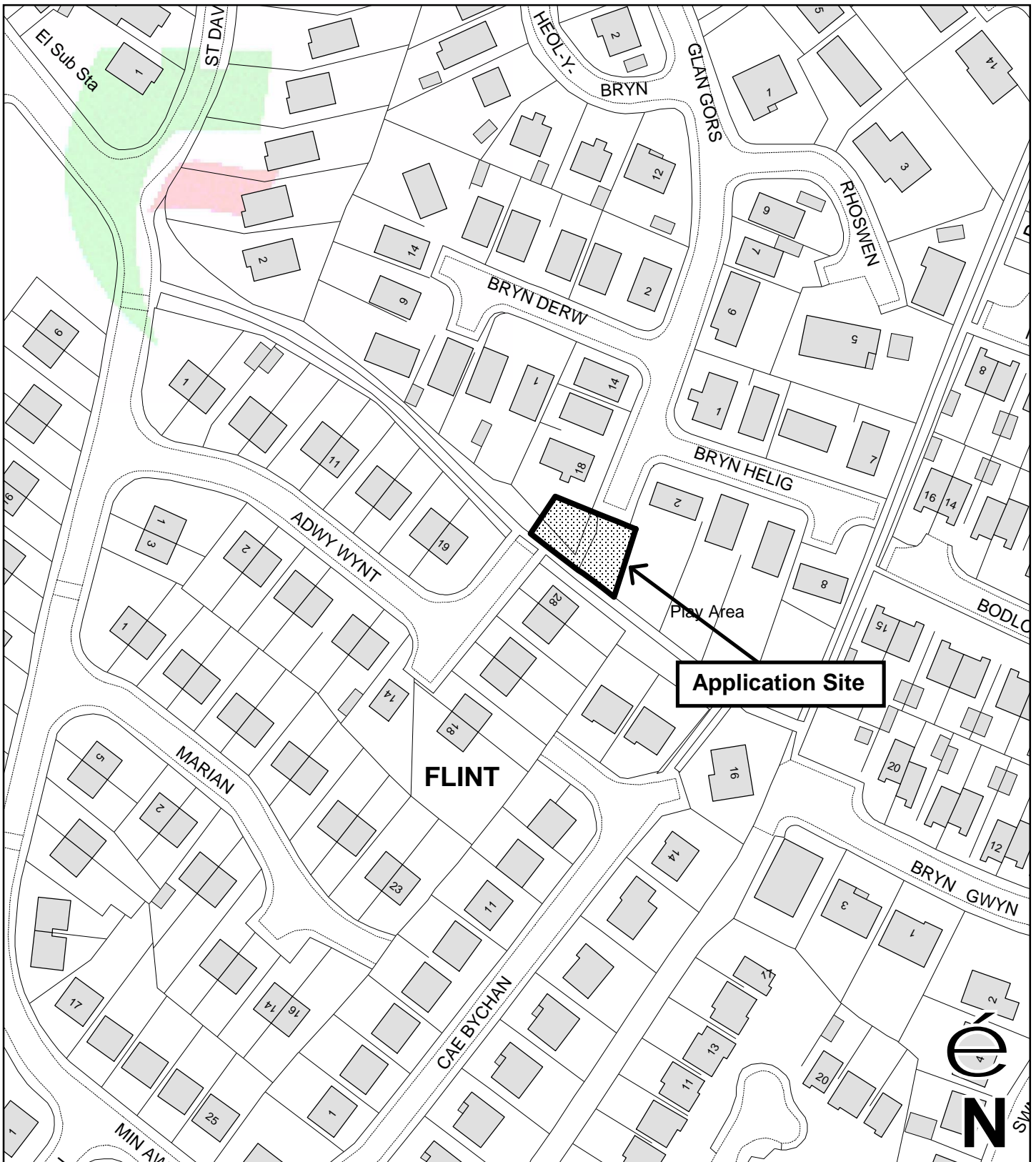
7.00 CONCLUSION

7.01 The Inspector therefore concluded that the appeal be **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

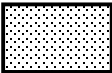

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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

Legend

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

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JUNE 2016**

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

SUBJECT: **APPEAL BY MRS E. WATKIN AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A REPLACEMENT DWELLING AT THE VARDO, GARREG BOETH, RHYDYMWYN – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 054555

2.00 APPLICANT

2.01 MRS E. WATKIN

3.00 SITE

3.01 THE VARDO,
GARREG BOETH, RHYDYMWYN

4.00 APPLICATION VALID DATE

4.01 30.11.2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in respect of the Council's refusal to grant planning permission for the erection of a replacement dwelling at The Vardo, Rhydymwyn, Mold CH7 5HP. The application was refused at delegated officer level and the appeal was dealt with via the written representations procedure and was Dismissed.

6.00 REPORT

6.01 Introduction

This appeal considered the replacement of the existing dwelling which is a single storey detached dwelling, with extensive outbuildings with a much enlarged two storey detached dwelling incorporating annex accommodation provision.

6.02 The Inspector considered the main issue in this appeal to be the effect of the proposal on the character and appearance of the area, and its compliance with policy HSG6 Replacement Dwelling Outside Settlement Boundaries.

6.03 The Inspector considered the existing dwelling and outbuildings area and the total area proposed, would amount to under 40% of the total existing floor space of the house. The Inspector considered that the inclusion of the outbuilding area in the calculation to be an overestimate of the existing and the resultant effect is a floor space increase well in excess of the original dwelling contrary to Policy HSG6.

6.04 In addition the Inspector noted that whilst the property had no architectural merit, the linear spread of the proposed would extend across two thirds of the whole site. The scale and mass of the proposed dwelling would dominate and be imposing when viewed from the site entrance near the road. The gable form is repeated throughout the linear spread and these features he considered to be over emphasised by the nature and size of the proposed glazing.

6.05 The Inspector noted the personal circumstances of the appellant and the need to accommodate a dependant relative, however considered these could be provided by a more modest replacement dwelling or as an annex under policy HSG13 of the Flintshire Unitary Development Plan. Dismissal of the appeal would not deny the possibility of a different scheme that could overcome the concerns the Inspector outlined and provide a sustainable construction using a traditional pallet of materials.

7.00 CONCLUSION

7.01 The Inspector concluded that the replacement dwelling would be out of scale with the dwelling it replaced, contrary to Policy HSG6, and considered that it would harm the character and appearance of the area, due to its scale, repetition of the glazed feature design and the linear spread of the development across the site and consider that it conflicts with GEN 1 and GEN3.

7.02 Having regard to all other matters raised in this appeal the Inspector Dismissed the appeal.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

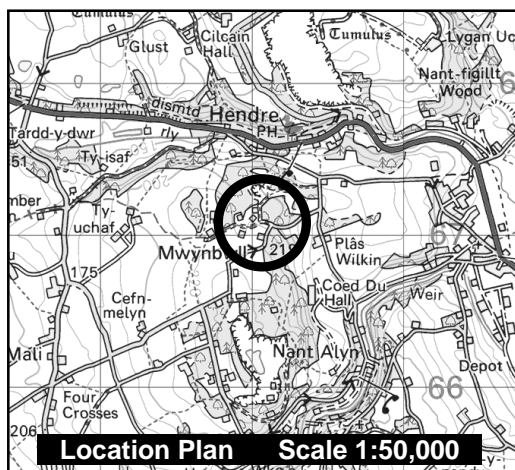
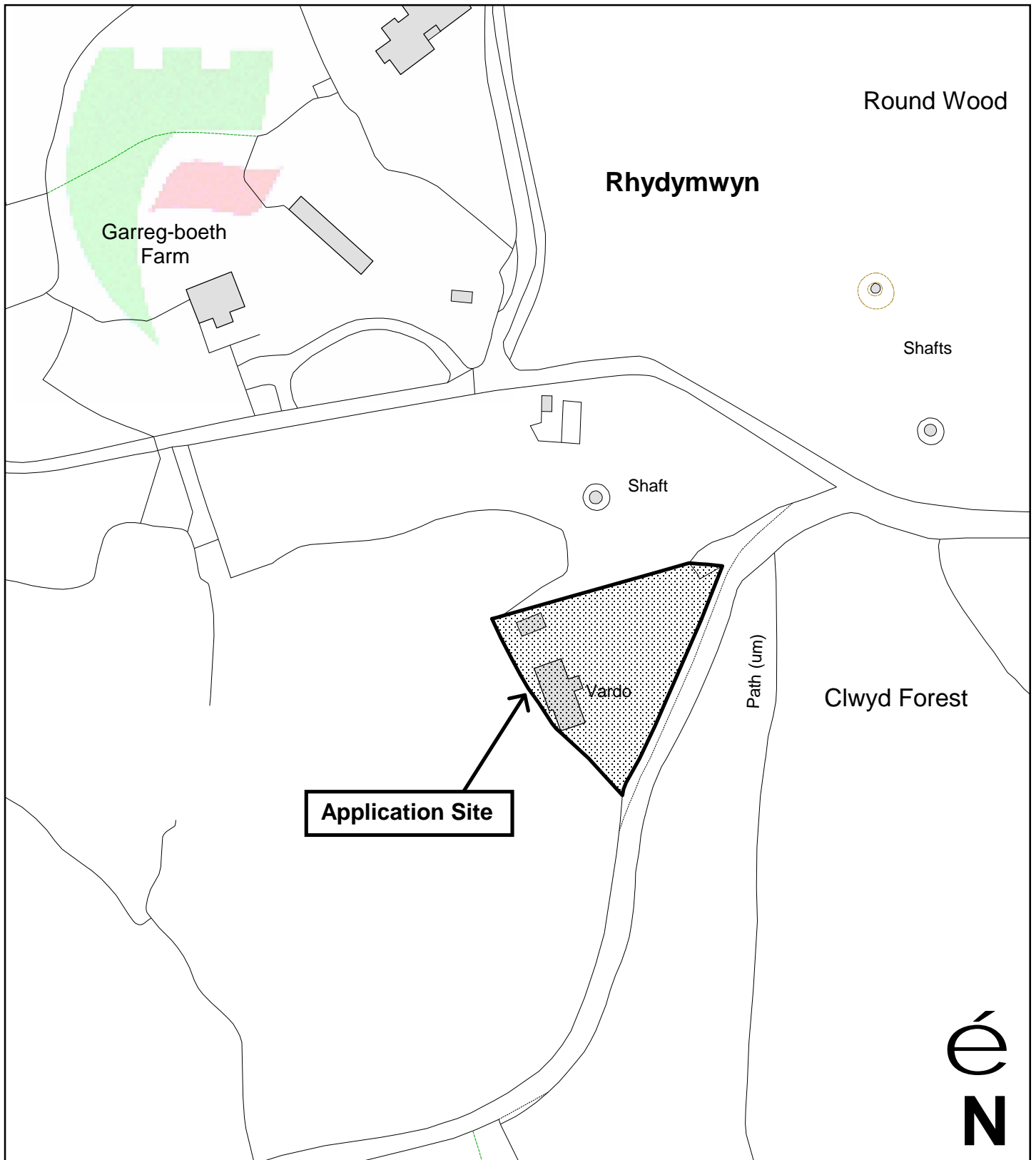
Responses to Publicity

Contact Officer: Barbara Kinnear

Telephone: 01352 703260

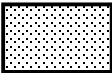

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 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JUNE 2016**

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

SUBJECT: **APPEAL BY MR. & MRS JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR ERECTION OF FIRST FLOOR EXTENSION TO SIDE OF DWELLING, ERECTION OF PORCH TO FRONT, FORMATION OF NEW ROOF WITH CREATION OF A SECOND FLOOR WITHIN THE ROOF SPACE AT COPPER VIEW, PENTRE ROAD, PENTRE HALKYN – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 054664

2.00 APPLICANT

2.01 MR. & MRS JONES

3.00 SITE

3.01 COPPER VIEW,
PENTRE ROAD, PENTRE HALKYN

4.00 APPLICATION VALID DATE

4.01 30TH NOVEMBER 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 extensions at first floor, porch and formation of new roof with creation of second floor within roof space, roof lights and dormers at Copper View, Pentre Road, Pentre Halkyn. The application was refused at Committee in accordance with officer recommendation and the appeal was dealt with by way of written representations and was Dismissed.

6.00 REPORT

6.01 Introduction

This appeal considered the extension of the existing property by the addition of a first floor extension, creation of accommodation within the raised roof line space, and the insertion of dormers to the rear and roof lights to the frontage and the addition of a porch to the front of the existing detached two storey property within the settlement boundary of Pentre Halkyn.

6.02 Main Issue

The Inspector considered the main issue in this appeal to be the effect of the proposal on the character and appearance of the dwelling and the area.

6.03 The Inspector noted that the proposal would increase the wall plate by 0.4m to allow accommodation in the roof space created, the scheme also proposed a two storey extension, dormers, roof lights and a porch with pitched roof.

6.04 Policies

The Inspector considered policy HSG12 and Policy GEN1 to be relevant in the consideration of this appeal, and considered that the arising of the roof line would increase the gap between the top of the windows and the windows and the eaves line. The position of windows up against the eaves line is a particular attribute of house along the road. He considered that in this respect the character of the original building would be altered. The roof lights are not a prevalent feature in the immediate context of the site and the roof materials would change from slate to concrete tiles, this in conjunction with the rest of the works erodes the design of the existing dwelling to its detriment.

6.05 The side extension and porch were not considered to be objectionable by the Inspector since they are subsidiary. The rear dormers are also he considered to be generally hidden element of the proposal are were considered to be acceptable. However he considered these element were not severable form the whole development and therefore could not be permitted in part.

6.06 It was noted that the roof lights in themselves may be permitted development, but as these part of the larger scheme of alterations they added to his concern over the development.

6.07 As such the Inspector considered that the proposal conflicts with the Unitary Development Plan policies GEN1 and HSG12 and concluded that the proposal would harm the character and appearance of the dwelling and the area and dismissed the appeal.

7.00 CONCLUSION

- 7.01 The Inspector concluded that the development for the reasons cited conflicted with the Unitary Development Plan policies GEN1 and HSG12 and concluded that the appeal be **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

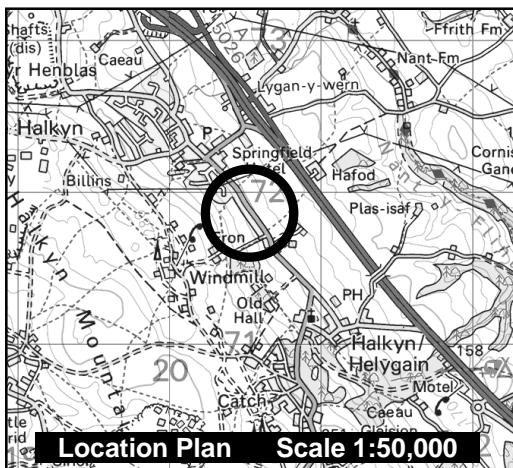
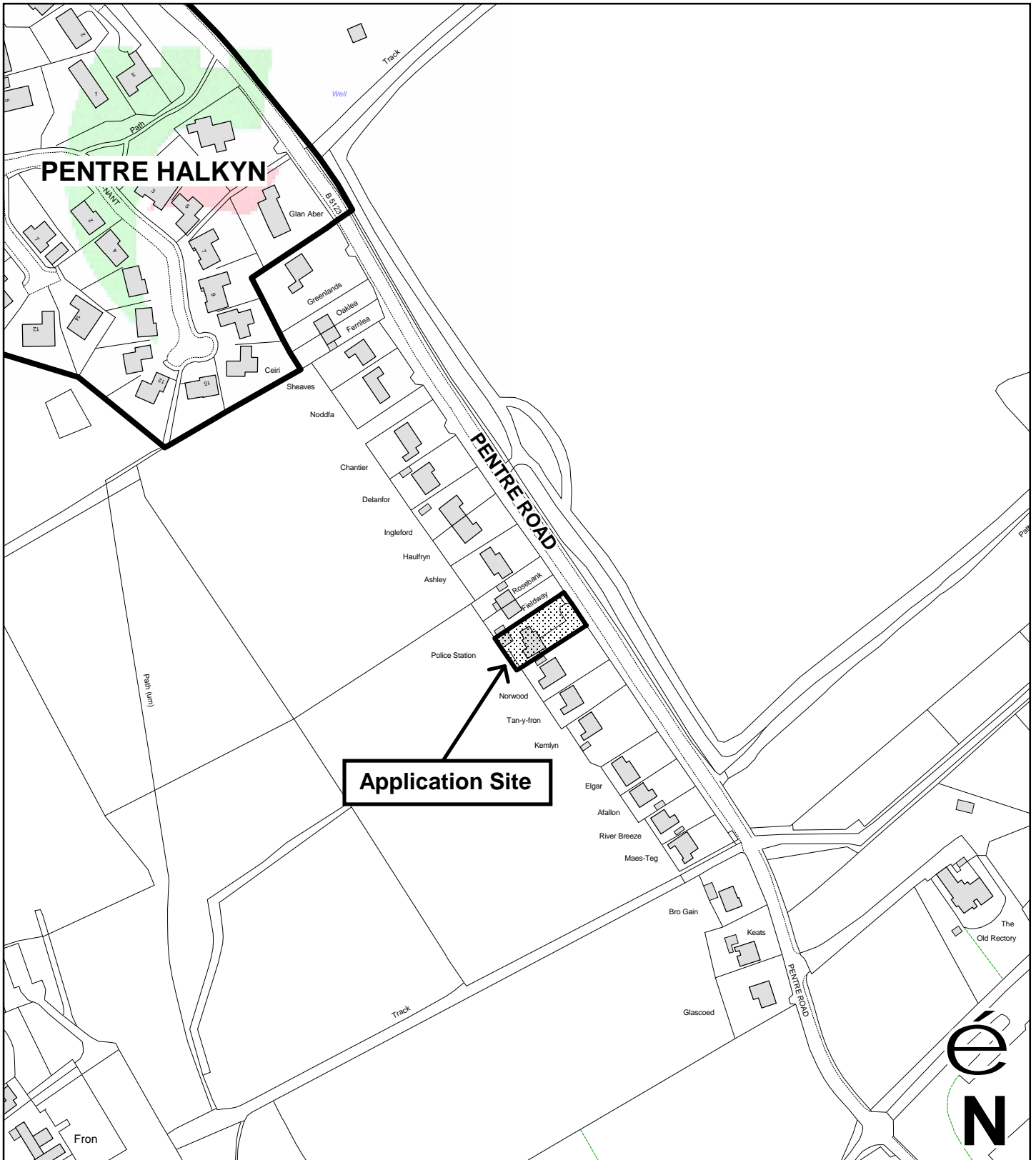
National & Local Planning Policy

Responses to Consultation

Responses to Publicity



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