

# Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

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

9 November 2016

Sharon Thomas / 01352 702324  
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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, 16TH NOVEMBER, 2016** at **1.00 PM** to consider the following items.

Yours faithfully

Robert Robins  
Democratic Services Manager

## **WEBCASTING NOTICE**

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## **AGENDA**

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

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

To confirm as a correct record the minutes of the meeting held on 12 October 2016.

5 **ITEMS TO BE DEFERRED**

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

The reports of the Chief Officer (Planning and Environment) are enclosed.

**REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)  
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 16 NOVEMBER 2016**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
6.1	055921 - A	055921 - Application for Variation of Condition Nos 5 & 15 Attached to Planning Permission Ref: 054201 to Enable the Sorting of Waste Within the Transfer Building and Subsequent Removal Off-Site of Recyclable Material and to Extend Permitted Hours for the Waste Transfer Station to Enable Receipt of Waste and Bulking from 0600 Hours and Sorting Operations from 07:30 Hours Monday - Saturdays at Parrys Quarry, Pinfold Lane, Alltami. (Pages 21 - 32)
6.2	055835 - A	055835 - Full Application - Demolition of School, Erection of 18 No. Dwellings Arranged as 5 No. Terraced Units and all Associated Development Works at Ysgol Delyn, Alexandra Road, Mold. (Pages 33 - 44)
6.3	055555 - R	055555 - Full Application - Erection of 17 Dwellings and Associated Infrastructure and Access at Northop Brook, The Green, Northop. (Pages 45 - 68)
6.4	055736 - A	055736 - Full Application - Erection of 2 No. Class A3 Units with Associated Public Realm Improvements and Car Parking Re-Configuration at Broughton Shopping Park, Broughton (Pages 69 - 78)
6.5	055750 - R	055750 - Outline Application for the Erection of a Detached Dwelling at May Villa, Cefn Bychan Woods, Pantymwyn. (Pages 79 - 88)
6.6	055618 - A	055618 - Full Application - Erection of Two-Storey Extension to Side of Dwelling at 18 Parkfield Road, Broughton. (Pages 89 - 98)
6.7	055579	055579 - General Matters - Change of Use to House in Multiple Occupation (Retrospective) at 24 The Brackens, Buckley. (Pages 99 - 100)
Item No	File Reference	DESCRIPTION
<b><u>Appeal Decision</u></b>		
6.8	054536	054536 - Appeal by Thorncliffe Building Supplies Limited Against the Decision of Flintshire County Council to Refuse Planning Permission for the Variation of Condition No. 10 (Extension to Working Hours) and Condition No. 26 (Increase Height of Stockpiles) Attached to Planning Permission 052359 at Flintshire Waste Management, Ewloe Barns Industrial Estate, Mold Road, Ewloe - <b>ALLOWED</b> (Pages 101 - 106)
6.9	055104	055104 - Appeal by Mr. D. Jones Against the Decision of Flintshire County Council to Refuse Planning Permission for the Use of Mobile Buildings as Taxi Business at Harleys Garage, Chester Street, Mold - <b>ALLOWED</b> (Pages 107 - 112)
6.10	054686	054686 - Appeal by Mr. D. Jones Against the Decision of Flintshire County Council to Refuse Planning Permission for Change of Use from Agricultural to Residential and Siting of Park Home at Bryn Hedydd Farm, Llyn Helyg, Lloc - <b>DISMISSED</b> (Pages 113 - 118)

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**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**12<sup>th</sup> OCTOBER 2016**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 12 October 2016

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

Councillors: Chris Bithell, Derek Butler, Ian Dunbar, Carol Ellis, Ray Hughes, Christine Jones, Richard Lloyd, Mike Peers, Gareth Roberts, David Roney and Owen Thomas

**SUBSTITUTIONS:**

Councillors: Chris Dolphin for Neville Phillips, Veronica Gay for Richard Jones, Ron Hampson for David Evans, Hilary McGuill for Nancy Matthews and Paul Shotton for Billy Mullin

**APOLOGIES:**

Councillors: Marion Bateman and Mike Lowe

**ALSO PRESENT:**

The following Councillors attended as local Members:

Councillor Sara Parker for agenda item 6.1

Councillor Carolyn Thomas for agenda item 6.4

**IN ATTENDANCE:**

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

**76. DECLARATIONS OF INTEREST**

Councillor Hilary McGuill declared a personal and prejudicial interest in agenda item number 6.1

Councillor Ray Hughes declared a personal interest in agenda item number 6.8.

Councillors Ellis, McGuill, Peers and Thomas declared personal and prejudicial interests in agenda item number 6.5

**77. LATE OBSERVATIONS**

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

78. **MINUTES**

The draft minutes of the meeting of the Committee held on 7<sup>th</sup> September 2016 had been circulated to Members with the agenda.

Accuracy

Councillor Peers requested that the words “secured by a commuted sum” be added to his comment on minute number 59 which was agreed.

**RESOLVED:**

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

79. **ITEMS TO BE DEFERRED**

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

**Agenda item 6.3 – Full Application – Proposed Development of a Hospital and Re-Ablement Centre for People Disadvantaged by an Autistic Spectrum Disorder and/or Learning Disability Including Proposed Residential Blocks and Independent Living Building (Previously Approved Under Planning Permission 045395 at Alyn Works (Former) Kinsale Golf Course (Part), Mostyn – Deferred at the request of the applicant agent in order to allow the budgetary implications of the proposed development on local health care providers to be clarified.**

Councillor Roney said at the site visit Members had been informed that they would receive copies of the letters from the NHS and he requested that they be provided prior to the meeting when the application would be considered.

**RESOLVED:**

That application 053310 be deferred.

80. **FULL APPLICATION – ERECTION OF 24 NO. DWELLINGS WITH ASSOCIATED GARAGES, PARKING GARDEN AREAS AND OPEN SPACES WITH DEMOLITION OF EXISTING SERVICE STATION AND OUTBUILDINGS AT ARGOED SERVICE STATION, MAIN ROAD, NEW BRIGHTON (055310)**

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

The officer explained that the application was deferred at the meeting on 20<sup>th</sup> July 2016 pending clarification of some matters. The application was subsequently deferred on 7<sup>th</sup> September 2016.

That information was now contained in the report before the Committee. He added that concerns had been raised that a direct footpath link between the site and the footpath that ran to the south of the site was not provided for within the scheme. He explained that access to the footpath and the play area beyond could be obtained via the link from the southern end of Argoed Avenue to the east of the site. That link was within easy walking distance of the site and did not involve any need to cross any major roads. He added that the introduction of a footpath link in the southern part of the site would result in a further reduction of the dwellings.

On density, he explained that the site was proposed to be developed in compliance with Policy HSG8 and at a density that reflected the density of nearby and recently approved developments.

The Councils Housing Strategy Manager had commented on the issue of affordable housing in that the demand for intermediate affordable housing was minimal in New Brighton and therefore affordable housing provision should not be sought in this scheme.

Councillor Sara Parker, as the local Member, spoke in support of the application which she felt would benefit the village. She welcomed the proposed development of the site which had not received any opposition from local residents. She also concurred with the view that affordable housing was not required on the site. She provided reassurance to the Committee that the bungalow on the site would not be developed as part of the application.

Mr White spoke against the application on the following basis: he did not accept that the introduction of a footpath link to the southern part of the site would reduce the number of dwellings; it was unacceptable for school children to walk around the perimeter of the site as opposed to the inclusion of a 20 metre footpath.

Mr Connolly spoke in support of the application based on the following: paragraph 7.21 of the report referred to the size of site which was incorrect as it included the part of the site which was occupied by the owner of the bungalow; there had never been any intention of that home being part of the proposed development therefore, the size of the site was 0.94 hectares - this meant that affordable housing was not required on the development; the site would contribute to the provision of educational facilities for primary and secondary education in the area of over £135,000; the site was also allocated as a residential site in the adopted Unitary Development Plan.

Councillor Peers proposed refusal of the application, against officer recommendation, which was duly seconded by Councillor Roberts.

Councillor Peers said the application was first considered by Committee in 2010. It was the same site area, the same number of houses but a different applicant. In 2010 officers advised that the site would be expected to provide 25 affordable homes and he queried why that had changed. He felt the site could be sub-divided which would ensure that it fell below the threshold of having to provide affordable housing. A Flood Assessment had been undertaken which showed an additional 6 houses on the site to what was outlined in the application and queried the future of the bungalow on the site. In June 2015 a report had been considered at Cabinet on Supplementary Planning Guidance which stated "it was not acceptable to sub-divide a site in a development to avoid the provision of affordable housing", which he felt was the intention in this case. He concluded by saying he felt that based on the size of the site there should be 8 affordable homes provided as part of the development.

Councillor Bithell concurred with the comments of Councillor Peers and also spoke in support of the objectors comments on children being required to walk along a main road due to no footpath link. He also concurred with the view of Councillor Peers on sub-division to avoid the provision of affordable housing. He queried whether the newly agreed wording by the Planning Strategy Group was to be used in relation to Section 106 agreements on school usages.

Councillors Butler and Roberts also concurred with the comments made and felt the site was being split to avoid the need for a provision of affordable housing, saying that affordable housing need was not just based on the people currently living in that area, in addition to a general lack of knowledge on the affordable housing register. Councillor Butler also agreed with the comments of the objector on where the footpath was situated.

The Officer explained that whilst it was the same site, it was a different proposal which needed to be considered on its own merits, not on what had happened in the past. On supplementary planning guidance, he said SPG9 had not yet been adopted so carried little weight. The report covered all of the concerns raised on the footpath.

The Planning Strategy Manager asked Members to carefully consider the application before them, citing that there were approximately 900 people currently on the affordable housing register but there was no local need in this area. That was the first consideration in applying the policy on affordable housing; if there was no local need then the rest of the policy was not invoked. In addition to that, the site size did not meet the threshold of being required to supply affordable housing. He also referred Members to the comments of the local Member who provided reassurance that the bungalow currently on the site would not be developed.

Councillor Peers summed up the reasons for refusal citing there was a lack of provision of affordable housing, insufficient level of residential density achieved on the site and an inappropriate mix of housing type. He said he would welcome a further application in the future which would address those issues.



On being put to the vote, refusal of the application was carried, against officer recommendation.

**RESOLVED:**

That planning permission be refused, against officer recommendation, on the grounds of lack of provision of affordable housing; insufficient level of residential density and an inappropriate mix of housing type.

After the vote had been taken, Councillor Hilary McGuill returned to the meeting and was advised of the decision by the Chairman.

**81. REMOVAL OF SECTION 106 AGREEMENT AT FIELD HOUSE, PLATT LANE, PENYFFORDD (055364)**

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

The Officer advised that the application sought permission to remove the Section 106 Legal Agreement associated with the 1992 permission for erection of a bungalow and stable block for the care of horses and ponies at land now known as 'Field House' Platt Lane, Penyffordd.

Councillor Roberts proposed the recommendation for approval which was duly seconded. He said every effort had been made by the applicant to advertise and sell the property in the required manner to no avail. Those comments were concurred with by Councillor Dunbar.

Councillor Bithell said this demonstrated a case whereby an application had been approved based on the personal needs of an applicant and said Members needed to be cautious on approving such applications in the future.

**RESOLVED:**

That Section 106 Agreement, dated 27<sup>th</sup> April 1992 be removed to allow unfettered occupation of the dwelling.

**82. FULL APPLICATION – SITING OF 1 YURT AND 3 SHEPHERD'S HUTS AND A SHED FOR SHOWER, TOILET AND STORAGE FACILITY FOR USE AS HOLIDAY ACCOMMODATION, INCLUDING SITE LANDSCAPING AND PLANTING AT PENYFFORDD FARM, FFORDD Y FELIN, TREUDDYN, MOLD (055631)**

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 10<sup>th</sup> October 2016. The usual consultations had been undertaken and the responses received detailed in the report.

The Officer explained that the application was for the siting of 1 yurt and 3 shepherd's huts for use as holiday accommodation which was deemed acceptable in the location. It would not give rise to any significant adverse impacts on the amenity of nearby residents or adjacent land users.

The proposed yurt would accommodate 4 guests and the shepherd's huts would accommodate 2 each, making a total of 10 guests at full capacity. A shed would house the shower and toilet for the yurt visitors. All of the units would be equipped with log burning stoves and have a small outdoor fire pit. The site would be accessed via the existing private drive with parking for 5 cars within the existing application site. The application was for operation from mid-February to 1 January but the recommendation by officers was for operation from 1 March to 1 January which was deemed more appropriate.

Mr Peace spoke against the application on behalf of local residents on the following basis: access would be required via his land; the application was not compliant with many aspects of the UDP, citing access issues, impacts on local residents, loss of privacy and disturbance; the nature of the application encouraged outdoor living which by its very nature would be intrusive. The Solicitor explained that any issues relating to Rights of Way were not for consideration by the Committee.

Mr Levy spoke in support of the application based on the following: a small glamping facility which was eco-friendly and back to nature; the site had been significantly improved following a planting programme of willow hedging which would provide appropriate screening; maximum occupancy on the site was 10 people; any noise issues would be dealt with immediately by them as they resided on site; contractual agreement at the time of booking would be specific about levels of noise.

Councillor Roberts proposed the recommendation for approval which was duly seconded. Following attendance at the site visit he felt the application could not be refused on highways ground and the issue raised by the objector the Right of Way access was a civil matter. The application site would also not result in any windows overlooking neighbouring properties.

Councillor Bithell said that people booking such a facility would be seeking a quiet retreat and it was also in the interests of the applicant to promote a peaceful site as they also resided on the site. He felt that, on balance, the objections listed in the report were outweighed by the proposal.

The local Member, Councillor Carolyn Thomas said she had received numerous phone calls and emails from residents about the application. She had also met the applicant on site but still had a number of concerns which related to: no passing places for cars; query on sufficient space for 5 vehicles; traffic; effect on a tranquil area; flooding issues; safety and accessibility for emergency vehicles; possible future mains electricity to the units; and alternative suitable sites in Treuddyn.

Councillor Owen Thomas queried the number of cars that could be expected on the site as 1 hut might attract more than one car which would result in the available car parking being insufficient. Councillor Peers concurred with this comment which could also result in problems for residents accessing their properties. He asked how waste would be removed from the site and how vehicles such as those carrying logs for the log burners would access the site.

Councillor Lloyd asked if the operational months were in line with similar applications.

The Officer explained that the supply of electricity could not be controlled through a planning condition but lighting could be. On parking, it was considered that 5 spaces were adequate for the core units. The months of operation were in line with other touring and camping site applications. Waste on the site would be removed by National Resources Wales. On the supply of wood, the use of the log burners and consequently the delivery of such logs would be controlled by the applicant.

The Chief Officer (Planning and Environment) suggested that a temporary planning permission could be considered to allow the application to be monitored. As mover of the recommendation Councillor Roberts agreed with this and suggested a two year temporary permission which was agreed with by the seconder, Councillor Bithell.

**RESOLVED:**

That planning permission be granted for a 2 year temporary period subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

**83. FULL APPLICATION – ERECTION OF WIND TURBINE UP TO 77M VERTICAL TIP HEIGHT WITH ASSOCIATED CRANE PAD, SUBSTATION BUILDING, FORMATION OF NEW TRACK AND NEW ENTRANCE JUNCTION OFF UNCLASSIFIED ROAD AND PROVISION OF TEMPORARY CONSTRUCTION COMPOUND AT MOUNT FARM, FFRITH (051143)**

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

The Officer explained that the site was elevated in its surroundings and had some small blocks of woodland on the hillside. There were 15 residential properties within a 1km radius of the turbine location with the nearest properties being approximately 600 metres to the east and 600 metres to the south west.

Policy EWP4 of the Adopted Flintshire UDP set out the criteria for assessing the impacts of wind turbine development. It was considered that the

main issues to be taken into account, which were covered in full in the report were:

- The principle of development
- Impact on the character of the landscape
- Impact on Scheduled Ancient Monuments and Historic Landscapes
- Impact on Aircraft Safety
- Impact on Residential Amenity
- Adequacy of access to serve the development
- Impact on ecology

The Civil Aviation Authority (CAA) had been involved in prolonged discussions between the applicant and Hawarden Aerodrome/Airbus as a mediator. The CAA supported the view of Hawarden aerodrome and the operator and competent authority in safeguarding their aerodrome. The CAA considered that since the proposed turbine infringed the approach and take-off climb slopes and that it was not shielded, that went against international standards and certification specifications as well as UK CAA policy. However, the CAA did state that the wind turbine should not adversely impact upon the airport and would not affect its continuing certification under the relevant regulations.

Mr Hughes spoke against the application on behalf of the local residents in Llanfynydd based on the following reasons: objected to at the Community Council meeting three years previous; ultra-low frequencies emitted from wind turbines and the link to depression; shadow flickering; prevailing wind would result in noise pollution; under the flight path of the Beluga aircraft; impact on wildlife; all letters of support appearing to be from a standard template which could be traced back to the company submitted the application.

Mr Fearnley spoke in support of the application, explaining that the most contentious issue was the one relating to aviation activity. He explained the following points: the number of turbines had been reduced following discussions with Hawarden Airport; the size of the proposed turbine had been reduced; appeal submitted to the CAA – he accepted it exceeded the height of an acceptable turbine but where it would be situated was hilly, with many of those hills being higher than the proposed turbine; it would not adversely impact upon Hawarden Airport. He concluded by repeating the comment from the Officer that the CAA did state that the wind turbine should not adversely impact upon the airport and would not affect its continuing certification under the relevant regulations.

Councillor Bithell proposed the recommendation for refusal which was duly seconded. He said the application did meet local and national policies for the creation of energy from renewable resources. Also the majority of the consultees did not object to the application. However, the objection from Airbus had to override any support for the application based on their concerns regarding aircraft.

Councillor Roberts concurred with Councillor Bithell on the grounds for refusal, adding that a further significant reason for refusing the application was the effects on local wildlife. Councillor Lloyd also supported the refusal based on the comments from Airbus.

The Officer clarified that CAA had acted as a mediator in the process and whilst they supported Hawarden Airport, if it was erected they did not think it would have an adverse effect. However, the Airport was not obliged to withdraw their objection based on any advice from the CAA. They maintained their objection which included being based on any future operations and their ability to gain a licence in the future.

**RESOLVED:**

That Planning Permission be refused for the reason outlined in the report of the Chief Officer (Planning and Environment).

After the vote had been taken, Councillors Ellis, McGuill, Peers and Thomas returned to the meeting and were advised of the decision by the Chairman.

**84. FULL APPLICATION – ERECTION OF 3 NO. TWO BED AFFORDABLE HOUSES AT LLYN Y MAWN INN, BRYNFORD (054523)**

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

The application was for the erection of 3 two bedroom affordable dwellings at land to the rear of the Llyn y Mawn public house in Brynford and it was considered that there was an identified local need for the proposed 3 dwellings. The affordability of the dwellings could be secured by legal agreement. It was not considered that the siting of the dwellings would have a detrimental impact on the amenity of surrounding occupiers.

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

**RESOLVED:**

That Planning Permission be granted subject to the applicant entering into a Section 106 agreement / unilateral undertaking of earlier payment for the following contributions, and subject to the conditions detailed in the report of the Chief Officer (Planning and Environment):

- £733 per unit for recreation enhancements in lieu of on-site provision towards improvements at Brynford Village Green; and
- Ensuring that the properties are sold at 70% of the market value at time of sale; or
- The properties are rented at an affordable rent at the Local Housing Allowance (LHA) rate for the area.

**85. FULL APPLICATION – CHANGE OF USE TO HOUSE IN MULTIPLE OCCUPATION (RETROSPECTIVE) AT 24 THE BRACKENS, BUCKLEY (055579)**

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 10<sup>th</sup> October 2016. The usual consultations had been undertaken and the responses received detailed in the report.

The application was made in retrospect for the change of use of a 6 bedroom dwelling to a 7 bedroom house of multiple occupation.

Mr Cox spoke against the application on behalf of the residents of The Brackens. He commented on the following: The Brackens was quiet cul de sac; the property had multiple inhabitants and had been rented for the past 4 years without permission; insufficient parking spaces, including when friends and family visited, and the removal of a wall to provide additional parking would still not be sufficient; supported living accommodation next door but one to the proposed site which emergency vehicles struggled to gain access to; newly built flats and apartments within 250 metres; each room was rented out to young adults and teenagers which resulted in trouble in the area.

Councillor Hampson proposed refusal of the application which was against officer recommendation, which was duly seconded. He said this was not a suitable area for a house of multiple occupation, explaining that the access was poor and there was insufficient parking. On the same estate there were two blocks of 1 and 2 bedroom flats which had vacancies and based on that, he felt this application was unnecessary. There had been no permission for the dwelling of multiple occupancy over the last 4 years. There were no fire doors installed at the property and the Police had been called to incidents on a number of occasions. The supported living accommodation on The Brackens was there due to it being a quiet area however this was no longer the case because of this property. Councillor Dolphin said he was substituting for Councillor Phillips but asked that the views of Councillor Phillips in supporting refusal of the application be noted on a human and social conscience level. The Solicitor advised that the committee should consider planning land use and issues, and not human and personal levels.

Councillor Peers commented on the useful site visit that had taken place. The road was a quiet one and he had concerns on the impact on amenity due to the residential area and the supported living accommodation on that road. He accepted that people needed to live somewhere but said that needed to be considered carefully; he felt the impact on amenity outweighed that need.

Councillor Ellis supported the views of Councillor Hampson in an area of which the houses were built as family homes. She also raised concerns on the parking facilities, highlighting the comment from the Head of Assets and Transportation in the report which said there was an issue with parked cars obstructing the highway. She expressed her concern on the access for

emergency vehicles attending the supported living accommodation and concluded that the type of building the property had been turned into was not suitable for the area.

Councillor Bithell said the application was for residential accommodation in a residential area. It was a large property which in previous years would have housed a large family. This was no longer the case and an alternative use needed to be sought for a property of such a size. Whilst he sympathised with the views of the Members who spoke against the application, he felt a lot of the comments had been made based on assumptions. He also felt that if the application was refused then the applicant could go to appeal which he felt would be lost based on the reasons given, along with potential costs awarded against the authority.

Councillor Butler concurred with Councillor Bithell that whilst local Members should be listened to and their views carefully considered, there were no planning grounds on which the application could be refused. This was also the view of Councillors Dunbar and Lloyd who said they had similar homes of multiple occupancy in their wards.

Councillors Roberts and Roney also agreed that there were no planning grounds on which the application could be refused and felt that any appeal would be lost.

Councillor McGuill queried whether the application was being submitted retrospectively was due to the forthcoming legislation on Rent Smart Wales. The Solicitor advised that legislation not related to planning was not relevant and was not material to the decision of Members.

Councillor Thomas commented that it was difficult to manoeuvre on the road at the recent site visit and felt that taking down walls and/or hedges to provide additional parking changed the character of the estate.

The Officer commented that it was a residential application in a residential area. The fact that there were nearby flats and apartments was not a consideration for Members in determining this application. There was the space for additional parking to be provided as cited in the report. On claims of anti-social behaviour raised, this was covered by alternative legislation by other organisations. In relation to the character of the building, the appearance of the dwelling was in keeping with the area.

The Senior Engineer - Highways Development Control said there were no current parking standards on houses of multiple occupancy but the authority would seek to include a condition to maximise the parking on the site. Access road was more than adequate for service and emergency vehicles so based on highways grounds, there were no reasons to refuse the application.

The Planning Strategy Manager asked Members to consider what the planning harm was over and above the existing residential use that existed

there. The property could sell on the open market and Members would have no control over the occupancy or the number of vehicles at that property.

Councillor Hampson summed up and cited his reasons for moving refusal of the application as: it was out of keeping with the area; it would create traffic problems; it would create access issues for the existing nearby supported living accommodation; and the impact on residential amenity.

On being put to the vote, refusal of the application was carried, against officer recommendation.

**RESOLVED:**

That planning permission be refused, against officer recommendation, on the grounds of being out of keeping with the area; creation of traffic problems; creation of access issues for the existing nearby supported living accommodation; and the impact on residential amenity.

**86. APPLICATION FOR CHANGE OF USE TO MIXED USE INCLUDING AGRICULTURAL, RESIDENTIAL AND BUSINESS AND REPLENISHMENT OF EXISTING STONE HARD STANDING AT BYNSANNAN COTTAGE, BRYN-SANNAN, BRYNFORD (055470)**

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 10<sup>th</sup> October 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 application sought consent for the change of use to a mixed use including, residential and business use and the replenishment of an existing stone hardstanding (in retrospect).

The business was well established and involved carrying out of works off site including hedge cutting and slurry spreading. The owner operated tractors and a commercial van, all of which were stored on the application site. Equipment and machinery for the tractors were stored on site which consisted of cutting equipment, ploughs and a slurry tanker.

Objections had been received from local residents on the grounds of safety; potential fire hazard; change of use; noise and light pollution and 'replenishment' being used deceptively in the application. Responses to each of those objections were detailed in the report.

Mrs James spoke in support of the application and provided details covering the following: full permission was being sought for agricultural, residential and business use; the business served local farms and other rural businesses; small scale sole trader; one transit van, two tractors and other usual agricultural machinery was on site; clarification of the hours of operation, which was not 24 hours a day; Welsh Government guidance advised against



temporary permissions when the application accorded to the development plan which this did; highway concerns could be dealt with by condition; support received from the immediate neighbour to the application site and full planning permission was sought as opposed to the 18 months recommended.

Councillor Thomas proposed the recommendation for approval which was duly seconded. He knew the area well which previously was a smallholding. Much of the area of Flintshire was agricultural so vehicles such as tractors were to be expected and associated storage. He recommended that full permission should be granted, not a temporary permission for 18 months.

Councillor Peers said there was not a lot of equipment on site and the applicant provided a service to the local community. Only one objection had been received and the business had been operating successfully for the past 12 months. He duly seconded the approval of a full application.

Councillors Bithell and Butler both commented that whilst agricultural businesses were encouraged by the Authority, a condition in the report related to the restriction of commercial vehicles to be parked on the site. Agricultural vehicles were not small by their very nature and they asked if the business grew, was that condition sufficient to restrict large agricultural machinery moving on and off the site.

Councillor Roberts said he knew the site which he felt was suitable for what was being considered. He also supported full approval of the application.

Councillor Lloyd said he encouraged sole traders and following the site visit, the only issue appeared to be the position of the security light. The Chairman said that the applicant had advised he would move the light to an alternative position.

The officer commented on the condition in the report and Members comments which related to the restriction of commercial vehicles and suggested that the words "and agricultural" be included after the words "commercial" in the wording. This was supported by the proposer and seconder of the motion.

**RESOLVED:**

That full planning permission be granted subject to the following conditions:

1. In accordance with the approved plans
2. Personal permission to the owner
3. Restrictions on hours of operating
4. Landscaping scheme
5. Restrictions on the commercial and agricultural vehicles to be parked on site
6. Facilities shall be provided and retained for parking and turning of vehicles
7. Lighting details and position to be agreed

**88. APPEAL BY WHITE ACRE ESTATES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE OUTLINE APPLICATION FOR THE ERECTION OF UPTO 40 DWELLINGS WITH ASSOCIATED ACCESS AND ALL OTHER MATTERS RESERVED AT RHOS ROAD, PENYFFORDD - ALLOWED (053656)**

The Development Manager explained that the Inspector considered that the main issues were: the effect of the proposed development on the character and appearance of the area and the countryside; and whether there was a 5 year supply of housing land and, if not, whether any detriment to the open countryside would be outweighed by the need to increase housing supply.

**RESOLVED:**

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

**89. APPEAL BY MR D. BIRCHAM AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A TRIPLE GARAGE WITH ANCILLARY ACCOMMODATION OVER THE OLD BARN, PADESWOOD LAKE ROAD, PADESWOOD - ALLOWED (054344)**

The Development Manager said this was an example of appeals that saw a trend of Inspectors supporting ancillary accommodation.

**RESOLVED:**

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

**90. APPEAL BY MR JAMES O'LEARY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE FROM A GUEST HOUSE TO A SMALL GROUP RESIDENTIAL CHILDRENS HOME AT GERDDI BEUNO, WHITFORD STREET, HOLYWELL - ALLOWED (054594)**

The Development Manager said this was an example of how Inspectors viewed decisions taken on perception, in particular how that could be evidenced.

Councillor Roberts said he was surprised at the outcome of the Inspector as he felt his representation at the appeal was based on strong evidence which he detailed.

**RESOLVED:**

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

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

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

(The meeting started at 1.00pm and ended at 4.05pm)

.....  
**Chairman**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **16 NOVEMBER 2016**

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

**SUBJECT:** **APPLICATION FOR VARIATION OF CONDITION NOS 5 & 15 ATTACHED TO PLANNING PERMISSION REF: 054201 TO ENABLE THE SORTING OF WASTE WITHIN THE TRANSFER BUILDING AND SUBSEQUENT REMOVAL OFF-SITE OF RECYCLABLE MATERIAL AND TO EXTEND PERMITTED HOURS FOR THE WASTE TRANSFER STATION TO ENABLE RECEIPT OF WASTE AND BULKING FROM 0600 HOURS AND SORTING OPERATIONS FROM 07:30 HOURS MONDAY – SATURDAYS AT PARRYS QUARRY, PINFOLD LANE, ALLTAMI.**

**APPLICATION NUMBER:** **055921**

**APPLICANT:** **MOLD INVESTMENTS LTD**

**SITE:** **PARRYS QUARRY,  
PINFOLD LANE, ALLTAMI.**

**APPLICATION VALID DATE:** **24/08/2016**

**LOCAL MEMBERS:** **CAROL ELLIS**

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

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

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

- 1.01 Planning permission 054201 for the construction of a waste transfer building, weighbridge, weighbridge office, access road and ancillary development was approved on the 24<sup>th</sup> March 2016. This application

is a Section 73 application to vary conditions 5 and 15.

- 1.02 Condition 5 states that *“The transfer building approved by this permission shall be used for the storage and management of waste prior to deposit in the landfill and for no other purpose.”* The Applicant is proposing that the condition is amended to read: *“The transfer building approved by this permission shall be used for the storage and management of waste prior to deposit in the landfill and for the removal of recyclable material from the waste stream.”*  
Condition 5 was included because the application was submitted and considered on the basis that its use would be incidental to the operation of the landfill. Any processing of wastes would necessitate consideration of the proposal afresh, in accordance with policies GEN 1 and AC13 of the UDP.
- 1.03 The waste types which would be managed at the site would not change as a result of the proposed variation to condition 5. The main potential for change would be to the number of vehicle movements which the site would generate as wastes would be entering *and* leaving the site carrying wastes.
- 1.04 Vehicle movements are not predicted to change as a result of the proposed variation since vehicles used to deliver wastes would also be used to remove recyclable material from the site. The sorting of waste prior to deposit in landfill would help divert waste from landfill, in accordance with the waste hierarchy, in line with national policy and guidance and policy STR10 (d) of the adopted Flintshire Unitary Development Plan.
- 1.05 Condition 15 relates to the hours of operation and states that: *“The hours of operation, including site preparatory work and maintenance of plant and equipment shall be restricted to:*
- *0730 to 1800 Mondays to Fridays*
  - *0800 to 1300 on Saturdays*
- The importation of waste shall be limited to:*
- *0830 to 1700 Mondays to Fridays*
  - *0830 to 1200 on Saturdays*
- Subject to the exemptions listed below, there shall be no working whatsoever on Saturday afternoons after 1300, Sundays, Public and Bank Holidays.*
- The following operations are exempted from the above working hours limitations:*
- *The operation of drainage and leachate pumping, pollution prevention control and monitoring equipment, and landfill gas control equipment.*
  - *Any emergency remedial actions necessary to safeguard members of the public, employees and the environment as may arise from fire, collapses and failure of essential environmental control equipment subject to the local planning authority being notified the next working day.*

- *Any other activities as are agreed beforehand by the local planning authority.”*

1.06 The approved hours of operation are currently in line with the landfill permission, which prevent working before 0730 Monday to Friday and 0800 on Saturdays, though planning committee resolved to approve a recent S73 application to allow site preparatory works to commence from 0700 Mondays to Saturdays, 055280. The Applicant originally requested to extend the hours of operation so that working can commence from 0600 Monday to Saturday, however, they have since requested that the condition is amended to allow working to commence from 0700 Mondays to Saturdays. This would bring it in line with application 055280 referred to above which is pending a S06 agreement.

1.07 The main consideration in relation to the hours of operation is the potential for nuisance through the generation of noise. The noise assessment submitted in support of the application demonstrates that noise levels at sensitive receptors would not be increased as a result of the proposal to extend hours of operation and as such allowing working to commence from 0700 Mondays to Saturdays is considered acceptable, in line with policies GEN 1, EWP 8 and EWP 13 of the adopted Flintshire UDP. Hours of operation for the remainder of the site would remain unchanged by the proposal.

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

- 2.01
- 1) Commencement.
  - 2) The inclusion of a time limit, linked to the end date of the landfill.
  - 3) Development shall be carried out in accordance with the approved plans and documents.
  - 4) Confirmation that the conditions attached to this permission shall in no way invalidate conditions attached to the landfill permission.
  - 5) Restriction of the use of the transfer building for the storage and management of non-hazardous and inert wastes prior to deposition in the landfill and removal of recyclable material off-site.
  - 6) Restriction of vehicular access and egress via the access approved under planning permission 054050
  - 7) Scheme detailing highway improvement works on Pinfold Lane.
  - 8) Secure highway improvements prior to the receipt of waste.
  - 9) Scheme for the turning of vehicles.
  - 10) Scheme for the prevention of run-off of surface water onto the highway.
  - 11) Condition to secure implementation of the surface water scheme.
  - 12) Condition preventing drainage from the site connecting to the highway.
  - 13) Scheme for the provision of wheel wash facilities.
  - 14) Requiring the submission of a scheme to control noise.
  - 15) Hours of operation

- 16) Requiring the submission of a landscaping scheme.
- 17) The submission of a scheme to secure mitigation for protected species.
- 18) Restricting the colour of the waste transfer building to holly green.
- 19) The submission of scheme to secure details regarding external lighting.
- 20) The submission of a drainage scheme for the site.

### **3.00 CONSULTATIONS**

- 3.01 Local Member: Request Committee determination due to possible effect on residents and highway implications.
- 3.02 Neighbouring Ward Member Councillor Mackie: Note that the Applicant feels that the extra hours will not cause any issues because the noise profiles show the operations will not be heard at most sensitive receptors.
- 3.03 Town/Community Council: No observations
- 3.04 Head of Assets and Transportation: The Planning design and access Statement submitted in support of this application states that those vehicles delivering waste to the site will be utilised to remove recyclable materials and that current proposals will not generate additional traffic. On this basis, raise no objection to the proposal and make no recommendation on highway grounds.
- 3.05 Head of Public Protection: Initially requested additional information to confirm that noise would not be an issue at nearby sensitive receptors. Following receipt of additional information advise that even with some potential variations in background sound levels, any noise generated by the Waste Transfer Station operations are likely to be below these background levels and will not add to the sound levels at the nearest sensitive receptors.
- 3.06 Natural Resources Wales: Do not have any comment to make on the proposed development. The Applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.
- 3.07 Welsh Government: Does not issue a direction in respect of this application.
- 3.08 Local Issues Action Group: No comments received.

### **4.00 PUBLICITY**

- 4.01 Press Notice, Site Notice, Neighbour Notification

### **5.00 SITE HISTORY**



- 5.01 The site was granted planning permission for the construction and operation of a solid waste landfill on appeal on 03/02/2009, local authority reference 042468, appeal reference APP/A6835/A/08/2068136/WF.
- 5.02 Planning application 054201 was approved on 24/03/2016 for the construction of a transfer station. The application was submitted on the basis that it would be incidental to the use of the landfill site and that no processing would take place within the transfer building.
- 5.03 Planning application 055280, to vary condition 9 to allow site preparatory works to commence from 0700 Monday to Saturday was considered by Planning Committee on 07/09/2016 and a resolution to grant made subject to entering into a S106 agreement. The permission has not been issued to date, but would allow working to commence from 0700 Monday to Saturday.

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
 STR10: Resources  
 GEN1: General Development Considerations  
 AC13: Access and Traffic Impact  
 EWP7: Managing Waste Sustainably  
 EWP8: Control of Waste Development and Operations  
 EWP13: Nuisance

Planning Policy Wales: Edition 8, Chapter 12

Technical Advice Note 21: Waste (2014)

Towards Zero Waste (2009) National Waste Strategy  
 Collections, Infrastructure and Markets Sector Plan (2013)

## **7.00 PLANNING APPRAISAL**

- 7.01 **Introduction**  
 This is a Section 73 application to allow planning permission 054201 to be implemented without compliance with condition 5: to allow sorting of waste within the transfer building; and condition 15: to allow waste to be received within the transfer building from 0600 Monday to Saturday.
- 7.02 **Condition 5**  
 The waste types which would be accepted at the site would not change as a result of this proposal. Condition 5 currently prevents any sorting of waste within the transfer building. The reason for including the condition was that application 054201 was considered on this basis and in the interests of amenity and highway safety since

processing waste and exporting waste off site has the potential to generate additional impacts.

7.03 Need

Policy EWP 7 of the adopted Flintshire requires that proposals for waste management meet an identified need within the Regional Waste Plan. The appeal decision relating to the landfill permission carefully considered the question of need and was approved on the basis that there was a need for disposal capacity. In accordance with the requirements of Technical Advice Note 21 the application is supported by a Waste Planning Assessment. The Assessment states that although the landfill will accept wastes which have already been largely sorted, there is the potential for small quantities of recyclable wastes to remain and it is this material which would be removed from the site for re-use or reprocessing off-site. It also states that inputs to the Waste Transfer Station will accord with the limits set by the landfill permission, which was submitted and assessed on the basis that the site would manage up to 150ktpa. Diverting additional waste from landfill is in line with the waste hierarchy and accords with policy STR10 of the adopted Flintshire Unitary Development Plan.

7.04 Amenity

The site has planning permission to manage non-hazardous and inert wastes and would not manage different wastes as a result of this proposal. The proposal includes manual sorting of non-hazardous wastes and the use of a screen to process mixed demolition and construction wastes including glass, soil, concrete, wood and asphalt. Managing the waste within the building would help minimise the impact of the development on nearby sensitive receptors. The transfer building is set away from the nearest sensitive receptor and noise is not predicted to increase at such properties as a result of the proposal.

7.05 **Condition 15: Hours of Operation**

Condition 15 relates to the hours of operation and states that: *“The hours of operation, including site preparatory work and maintenance of plant and equipment shall be restricted to:*

- *0730 to 1800 Mondays to Fridays*
- *0800 to 1300 on Saturdays*

*The importation of waste shall be limited to:*

- *0830 to 1700 Mondays to Fridays*
- *0830 to 1200 on Saturdays*

*Subject to the exemptions listed below, there shall be no working whatsoever on Saturday afternoons after 1300, Sundays, Public and Bank Holidays.*

*The following operations are exempted from the above working hours limitations:*

- *The operation of drainage and leachate pumping, pollution prevention control and monitoring equipment, and landfill gas control equipment.*

- *Any emergency remedial actions necessary to safeguard members of the public, employees and the environment as may arise from fire, collapses and failure of essential environmental control equipment subject to the local planning authority being notified the next working day.*
- *Any other activities as are agreed beforehand by the local planning authority.”*

7.06 The Applicant was originally requesting to extend the hours of operation so that working can commence from 0600 Monday to Saturday, however, they have since requested that the condition is amended to read:

*The hours of operation shall be restricted to:*

- *0700 to 1800 Mondays to Fridays*
- *0700 to 1300 on Saturdays*

*Except for the use of the mobile screener which shall not commence operations until 0730 Monday to Saturday.*

*The importation of waste shall be limited to:*

- *0700 to 1700 Mondays to Fridays*
- *0700 to 1200 Saturdays*

*Subject to the exemptions listed below, there shall be no working whatsoever Saturday afternoons after 1300, Sundays, public and Bank Holidays.*

*The following operations are exempted from the above working hours limitations:*

- *The operation of drainage and leachate pumping, pollution prevention control and monitoring equipment, and landfill gas control equipment.*
- *Any emergency remedial actions necessary to safeguard members of the public, employees and the environment as may arise from fire, collapses and failure of essential environmental control equipment subject to the local planning authority being notified the next working day.*

*Any other activities as are agreed beforehand by the local planning authority.”*

7.07 The hours of operation are currently in line with the landfill permission, which prevent working before 0730 Monday to Friday and 0800 on Saturdays. The Applicant originally requested to extend the permitted hours for the Waste Transfer Station to enable the receipt of waste and bulking from 0600 hours and sorting operations from 0730 hours Monday – Saturdays with no operations on Sundays, Public and Bank Holidays. The Applicant has since requested that the permitted hours are extended to enable the receipt of waste and bulking from 0700 Monday to Saturdays, with other restrictions remaining the same. It should be noted that members of the Planning Committee resolved to approve a previous planning application, reference 055280, which would allow site preparatory works to commence from 0700 Mondays to Saturdays. The application is pending a S106 agreement, however, the hours requested under this application would bring it in line with

start times for the rest of the site.

7.08 The application is supported by a Noise Assessment Report and, following a request for further information by the Local Planning Authority a BS4142 Noise Assessment Report using BS 4142:2014 Method for Rating and Assessing industrial and Commercial Sound. This was done to investigate the potential cumulative impact of the waste Transfer Station and the existing operation of the landfill work on the nearest relevant noise receptors. The existing background levels are high and the dominant noise source at all receptors is road traffic, particularly from the nearby A55 expressway and A494.

7.09 There are some inconsistencies between background noise monitoring contained in the information submitted in support of this application and information submitted in support of previous applications. Nevertheless, the assessment demonstrates that noise levels at nearby sensitive receptors would not be adversely effected as a result of working from 0600 Monday to Saturday within the transfer building. The Environmental Health Officer has not objected to the proposal and has concluded that noise generated by the transfer operations would not add to the sound levels at the nearest sensitive receptors.

7.10 **Other Matters**

Because the proposal is a Section 73 application it would result in a new planning permission being issued. It is therefore considered essential that conditions which were applied to the previous permission are applied to any S73 permission. In order to ensure compliance with conditions it is recommended that conditions which remain unmet should be included as prior to commencement of development authorised under this permission. This would ensure that the necessary schemes are secured and/or implemented prior to waste being received within the transfer station.

**8.00 CONCLUSION**

8.01 The proposed variation would ensure that any recoverable waste is diverted from landfill, in accordance with national and local policy. Extending hours of operation are considered unlikely to impact on local amenity and any impacts can be controlled via condition. Subject to the inclusion of conditions, the proposal is considered acceptable, in line with conditions STR10, GEN 1, EWP 8 and EWP 13 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.

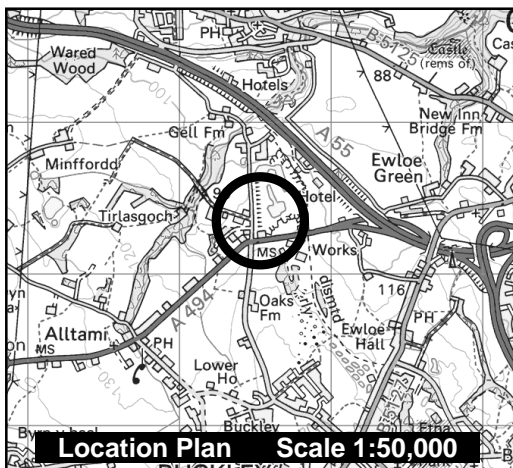
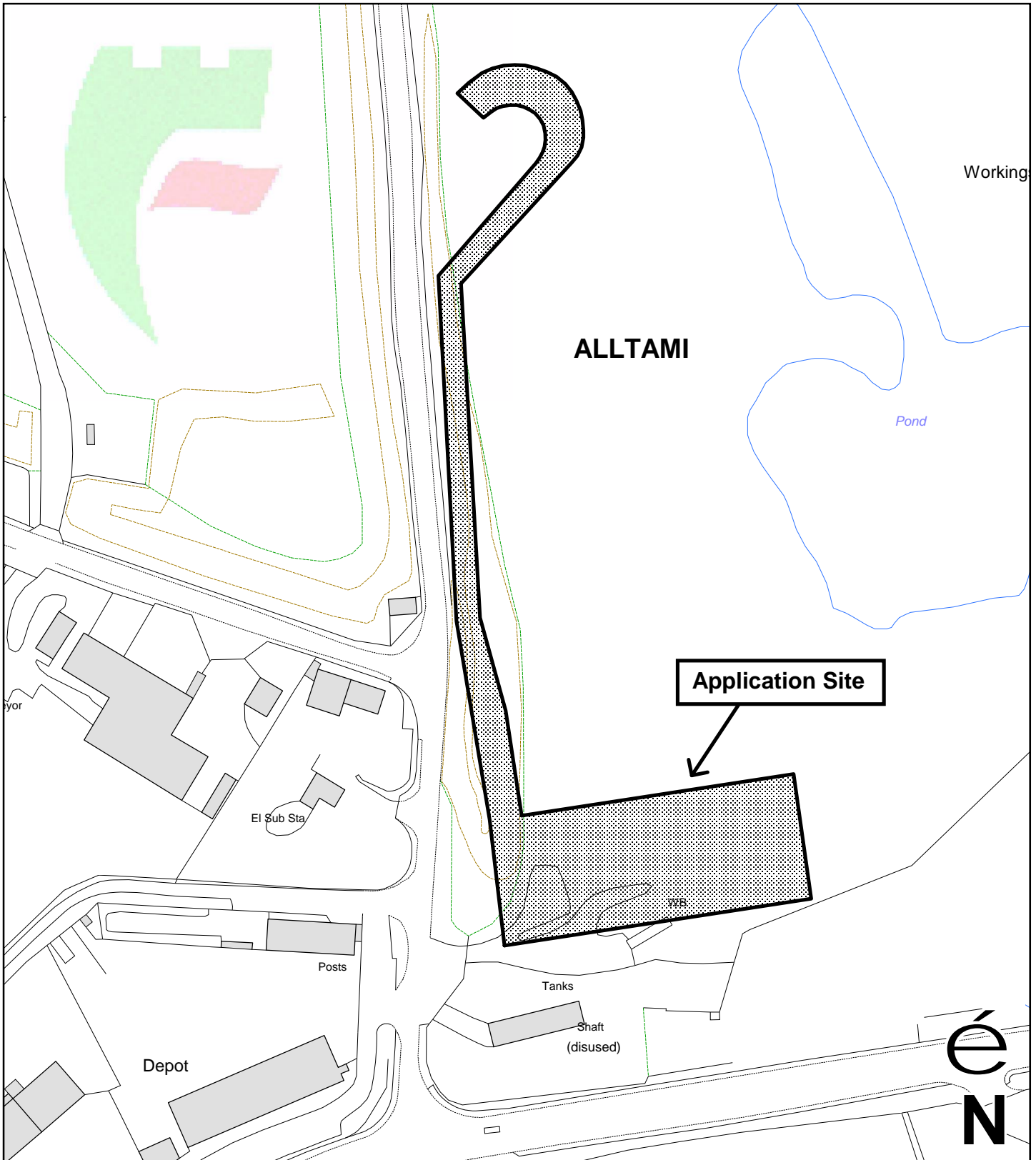
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

#### **LIST OF BACKGROUND DOCUMENTS**

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



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

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

**Legend**

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

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Map Scale	1:1750
OS Map ref	SJ 2766
Planning Application	<b>55921</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **16<sup>TH</sup> NOVEMBER 2016**

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

**SUBJECT:** **FULL APPLICATION – DEMOLITION OF SCHOOL, ERECTION OF 16 NO. DWELLINGS ARRANGED AS 5NO. TERRACED UNITS AND ALL ASSOCIATED DEVELOPMENT WORKS AT YSGOL DELYN, ALEXANDRA ROAD, MOLD.**

**APPLICATION NUMBER:** **055835**

**APPLICANT:** **WATES LIVING SPACE**

**SITE:** **YSGOL DELYN, ALEXANDRA ROAD, MOLD.**

**APPLICATION VALID DATE:** **8.8.2016**

**LOCAL MEMBERS:** **COUNCILLOR R. C. BITHELL**

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

**REASON FOR COMMITTEE:** **THE PROPOSALS ARE OF A SCALE WHICH REQUIRES COMMITTEE DETERMINATION.**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

- 1.01 This is a full application for the redevelopment of the Ysgol Delyn site for the purposes of residential development. The proposals include the demolition of the former school building and provide for the erection of 16No. affordable dwellings and the creation of a new point of vehicular access. The dwellings are proposed to be affordable via social rental methods.
- 1.02 Members are advised that this site forms one of those within the Council's Strategic Housing and Regeneration Programme (SHARP).

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

2.01 That conditional planning permission be granted subject to the following:-

Conditions:

1. Time limit on commencement
2. In accordance with approved plans
3. All external materials to be submitted and approved
4. Implementation of landscaping (inc. boundary treatments).
5. Drainage scheme to be submitted and agreed.
6. Construction Management Plan to be submitted and agreed.
7. Siting, layout and design of access to be submitted and agreed.  
No other works until access formed as per agreed details.
8. Access to be constructed to base course and kerbed before any other site works.
9. Visibility splay of 2.4m x 43m in both directions with no obstruction to visibility in excess of 0.6m in height. Visibility splays to be made available and unobstructed the duration of site works.
10. Layout, design, means of traffic calming and signing, surface water drainage (inc. positive means of preventing surface water run onto the highway), street lighting and construction of the internal estate roads shall be submitted to and approved before any site works.
11. The gradient of the access for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter.
12. A 1.8m wide footway shall be provided along the site frontage.
13. Facilities for parking and turning to be submitted and agreed prior to commencement and provided prior to first occupation.
14. A Residential Travel Plan to be submitted prior to the first occupation of any dwelling.
15. No development shall commence unless and until a scheme has been submitted and agreed that satisfies the policy and planning guidance requirements relating to the retention of affordable housing.
16. No development shall commence unless and until a scheme has been submitted and agreed to satisfy the policy and planning guidance requirements relating to public open space and recreation.
17. No development shall commence unless and until a scheme has been submitted and agreed to satisfy the policy and planning guidance requirements relating to educational infrastructure.
18. Removal of Permitted Development rights for alterations to the roof and extensions.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor R. C. Bithell  
No response at time of writing.

Mold Town Council  
Objects upon the following grounds:

- Considers the proposals for an additional 7 driveways onto Alexandra Road will give rise to increased conflict with already high levels of traffic;
- Increased traffic will increased the pressure on the junction with Wrexham Street;
- The scheme has no flood alleviation measures; and
- The scheme is lacking in landscaping and energy saving measures.

Highways DC  
No objection. Requests the imposition of conditions.

Pollution Control  
No response at time of writing.

Education - Capital Projects and Planning Unit (CPPU)  
Advises that the local Primary School affected by the proposal would be Ysgol Bryn Coch, which is already over capacity. Accordingly a contribution towards addressing the impact of the proposals upon school capacity is sought. (See Section 7.31 – 7.40 for more details on this issue.)

Advises that sufficient capacity exists in the local Secondary School, Mold Alun High School and therefore no contribution is sought in this respect.

Public Open Spaces Manager  
No response at time of writing.

Housing Strategy Manager  
Advises that there is an identified need for social rented housing in the Mold area, and a particular demand 2bed and 3bed houses and therefore supports the application. Evidence of need is:

- The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units;
- The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures;
- The SARTH currently has 932 applications - 353 have

identified Mold as one of the areas where they are seeking either a social rented house, bungalow or flat;

- The SARTH register, as of 01/07/16, identifies that, of those who chose Mold as an area for a social rented house, 87 were looking for either a 2bed or 3bed house.

Dwr Cymru/Welsh Water

No objection subject to the imposition of conditions.

Natural Resources Wales

Advises the site is within flood Zone A and therefore there is no risk arising from flooding. Suggests that a condition requiring the agreement of the proposed means of surface water is imposed.

Advises the proposals are not considered to give rise to any impacts upon species.

**4.00 PUBLICITY**

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

4.02 At the time of writing, 1No. representation has been received which raises concerns in relation to the impacts of increased traffic upon existing highway safety.

**5.00 SITE HISTORY**

**5.01 80/00038**

Erection of a building  
Permitted 18.3.1980

**99/00663**

Erection of an extension  
Permitted 21.7.1999

**82/00665**

Siting of a school mobile  
Permitted 15.2.1983

**99/00738**

Erection of flagpoles  
Permitted 24.8.1999

**84/00497**

Siting of a school mobile  
Permitted 30.10.1984

**01/00595**

Siting of a school mobile  
Permitted 1.8.2001

**90/00657**

Erection of an extension  
Permitted 28.8.1990

**04/00428**

Renewal of school mobile  
Permitted 11.7.2006

**94/00182**

Erection of an extension  
Permitted 20.4.1994

**045019**

Renewal of school mobile  
Permitted 30.5.2008

## **6.00 PLANNING POLICIES**

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

Policy STR1	- New Development
Policy STR4	- Housing
Policy GEN1	- General Requirements for Development
Policy GEN2	- Development inside Settlement Boundaries
Policy D1	- Design Quality, Location and Layout
Policy D2	- Design
Policy D3	- Landscaping
Policy D5	- Crime prevention
Policy AC13	- Access and Traffic Impact
Policy AC18	- Parking Provision and New Development
Policy HSG3	- Housing on unallocated sites inside settlements
Policy HSG8	- Density of Development
Policy HSG10	- Affordable Housing within Settlement Boundaries
Policy SR5	- Outdoor playing space & new residential dev't.

### Planning Policy Wales

TAN12 - Design

### Local Planning Guidance Notes

LPGN9 - Affordable Housing

LPGN11 - Parking standards

## **7.00 PLANNING APPRAISAL**

### **7.01 The Site and Surroundings**

The site comprises a 0.3 hectare area of previously developed land within the settlement boundary of Mold. The buildings upon site were lastly in use as Ysgol Delyn to provide a special educational needs school.

7.02 The site is flat and is situated within an area which is predominantly residential in character although the eastern and northern boundaries of the site abut the playing fields and gymnasium of the adjacent Ysgol Bryn Coch. The site is bounded to the south by existing residential development across Alexandra Road. The western boundaries of the site abut residential apartments and funeral directors. The site is bounded to the east by school style fencing and to the north, south and west by a mixture of brick walls and vegetation.

### **7.03 The Proposed Development**

The proposals provide for the redevelopment of this vacant site via the demolition of the former school buildings and the erection of 16No. 2 storey dwellings. These proposals provide:

- 10No. 2 bed units; and
- 6No. 3 bed units.

The dwellings are provided as 5No. blocks of terraced housing. A new point of vehicular and pedestrian access onto Alexandra Road is proposed.

7.04 The Main Issues

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

- the principle of the development in planning policy terms,
- design considerations;
- the impact upon adjacent residential amenity;
- highway impact;
- affordable housing; and
- education and recreation provision.

7.05 Principle of Development

Within the UDP, Mold is classified as a Category A settlement where most housing growth is expected to occur. The site is sustainably located with access to bus services, the nearby town centre, together with other local services and infrastructure. Accordingly, the principle of the development of this site is established via the policy presumption in favour of development of this type in this location.

7.06 Design

The proposals seek to create a street presence along the site frontage with Alexandra Road and create a scheme which relates well in visual terms to the forms of dwelling opposite the site. Notwithstanding that the site provides for a central access way into the site, the scheme provides a clearly discernible street frontage. The proposals to mark the edge of the public and private realm with a dwarf brick wall topped with wrought iron railings sits well within the street scene and provides a visual relationship to the existing dwellings opposite.

7.07 The application is accompanied by a design statement and detailed discussions have taken place with the applicant to arrive at the current design. Whilst the scheme is high in terms of density, at 53 dwellings per hectare, this is reflective of both national and local planning guidance which seeks to make the best and most sustainable use of land.

7.08 A palette of materials has been suggested for the external finishes of the scheme to enhance the visual impact of the buildings and to complement the character of the area. These include details such as the use of an 'off white' render in combination with a main red coloured facing brick and slim profile roofing tiles. The scheme also provides full details of the materials to be used in the formulation of the landscape within which the dwellings sit. I propose to condition the submission and agreement of samples of the same prior to their use.

7.09 The proposed scheme would redevelop a vacant and derelict site

within the centre of Mold in accordance with development plan policies. The proposals would not be out of character with the site and its surroundings and is of a design, utilising quality materials which would enhance the overall appearance of the area.

7.10 Impacts upon Residential Amenity

The scheme provides for dwellings with adequate separation distances not only to those dwellings facing the site frontage across Alexandra Road but also within the site itself. Whilst the proposed dwellings do not all achieve 11 metres of garden depth, all provide an area of private amenity space in accordance with LPGN 2 – Space around Dwellings. I am therefore satisfied that future occupiers of these units will have an adequate degree of amenity space. In order to ensure that this is not compromised in the future, I also propose to remove rights to alter roofs and make extensions to the dwellings, thereby placing such alterations within the control of the Local Planning Authority in the interests of the safeguarding of future amenity.

7.11 Highway Impacts

The proposals provide for a new point of access to the site to be created. This provides access to an adoptable turning head, with pedestrian access upon the eastern edge of the new road. A lesser width service margin is proposed to the western side. Access to the rearmost 3 dwellings within the scheme is proposed via a private drive arrangement off the turning head.

7.12 Whilst car parking spaces are provided at a level below that indicated within Policy AC18, it is accepted that the site is situated close to the town centre; in close proximity to education, employment and retail facilities; and has easy access to public transport facilities.

7.13 The proposals have been the subject of consideration by the Highway Authority who do not raise any objection to the proposals, subject to the conditions outlined in Paragraph 2.01 of this report.

7.14 Affordable Housing Provision

In respect of affordable housing policies, although the site is owned by the Council and is proposed to be developed on behalf of the Council as an affordable housing scheme, it must still operate in a manner consistent with the aims of the Council's planning policies in terms of the provision of affordable housing. Accordingly, safeguards should still properly be sought to ensure the retention of the same in the future.

7.15 Therefore I propose to condition that no development is permitted to commence until a scheme detailing the methods via which the affordability of these units will be secured in perpetuity is submitted to and agreed in writing with the Local Planning Authority.

- 7.16 Infrastructure Implications - Education and Recreation  
Consultation has highlighted a lack of capacity within the existing educational infrastructure to accommodate the pupils arising from the proposed development of a further 16 dwellings.
- 7.17 Members will be aware that applications of this type are the subject of consultation with the Capital Projects and Planning Unit within the Local Education Authority. This consultation has established, having regard to SPG23 : Developer Contributions to Education, the development would not give rise to any contribution requirement at Secondary School level as there is sufficient capacity within the school (Mold Alun High School) both currently and following this development (if approved).
- 7.18 However, such capacity is not available at the nearest primary school (Ysgol Bryn Coch). The current capacity of the school stands at 599. However, there are presently 601 pupils attending the school. Accordingly the school has no surplus of spaces for additional pupils. The proposals would likely give rise to an additional 4 pupils. This further adversely impact the capacity of the school. Accordingly, upon the application of the guidance, a sum of £49,028 would normally be sought for educational purposes as a consequence of this development.
- 7.19 The fact that the site is owned by the Council prevents the Council from utilising the mechanism of a S.106 agreement to address this issue, as the Council cannot enter into an agreement with itself. However, the proposals will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for contributions towards educational infrastructure where the proposals give rise to a potential impact.
- 7.20 Accordingly I propose a condition in respect of the above issue such that no development is permitted to commence until a scheme to address the education infrastructure issue is submitted and agreed. No public open space is proposed as part of the development. Due to the type and size of the proposed development the Authority would not be seeking on site recreation provision. However, the scheme will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for the public open and recreation need of future occupiers.
- 7.21 Again, given that the Council own the application site, I propose a condition in respect of the above issue such that no development is permitted to commence until a scheme to address the public open space and recreation issue is submitted and agreed.
- 7.22 Other Matters  
Concern was raised in response to consultation that the proposals make no provision for the alleviation of flood risk. It should be noted



that the site is not located within area at risk of flooding and NRW advise to this effect in response to consultation. Drainage is a matter which both DCWW and NRW advise, in this instance, is best addressed via the imposition of a condition requiring the submissions and agreement of the drainage proposals before the commencement of development. I concur and propose accordingly.

## **8.00 CONCLUSION**

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

### **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.

8.03 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.

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

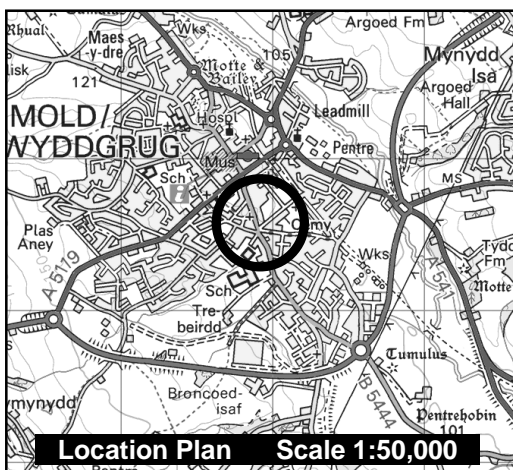
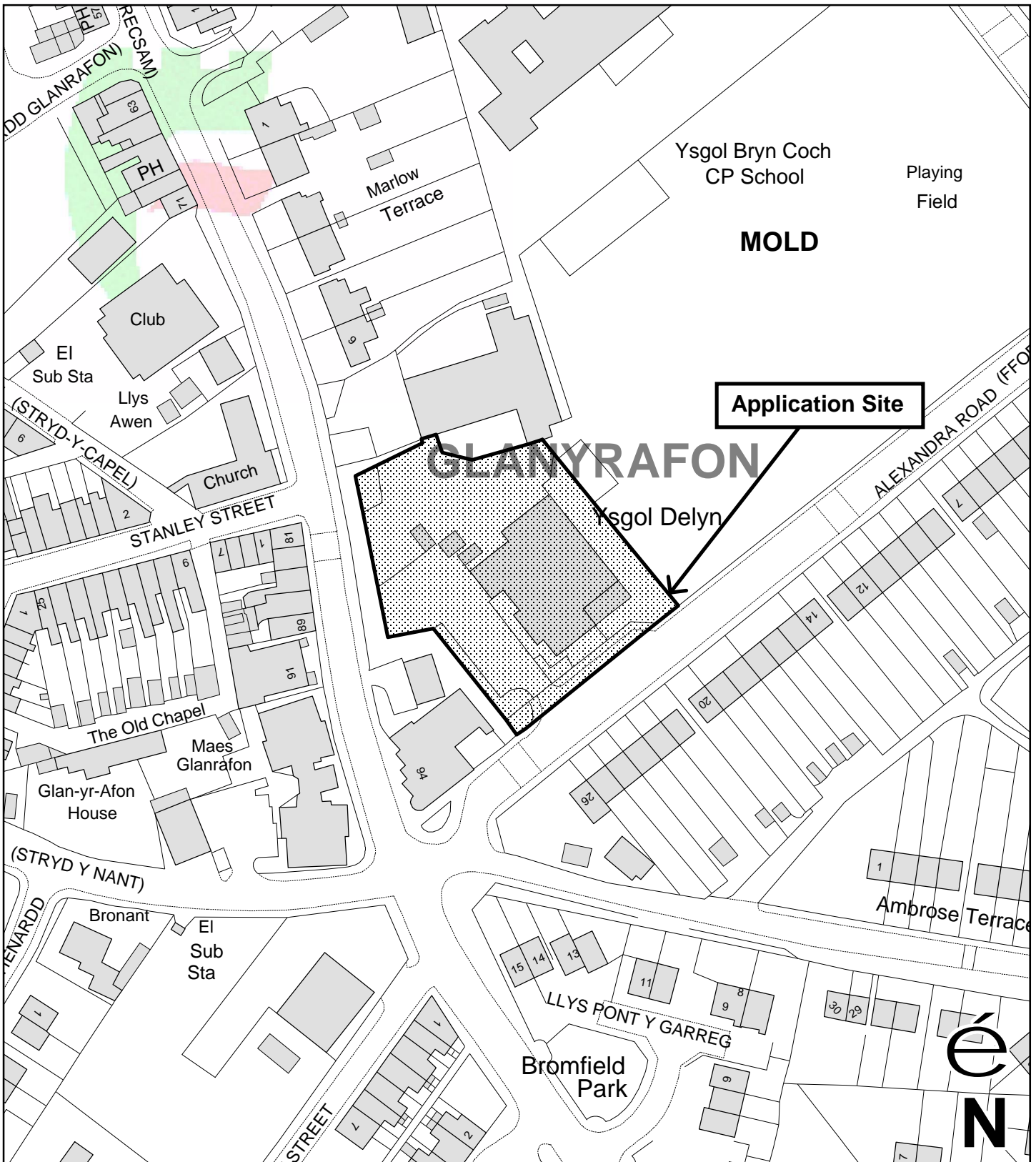
8.05 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

## **LIST OF BACKGROUND DOCUMENTS**

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

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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2363

Planning Application **55835**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 16 NOVEMBER 2016**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF 17 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND ACCESS AT NORTHOP BROOK, THE GREEN, NORTHOP.**

**APPLICATION NUMBER:** **055555**

**APPLICANT:** **PECKFORTON DEVELOPMENTS LIMITED**

**SITE:** **NORTHOP BROOK, THE GREEN, NORTHOP**

**APPLICATION VALID DATE:** **06.06.16**

**LOCAL MEMBERS:** **COUNCILLOR M BATEMAN**

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

**REASON FOR COMMITTEE:** **OVER 15 UNITS AND A DEPARTURE**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

- 1.01 This is a full planning permission for 17 dwellings on land to the east of Northop Brook which is outside the settlement boundary of Northop as identified in the current UDP. The site would lead to the loss of Grade 2 agricultural land without sufficient justification. It is not considered that there is an overriding need for this development in this location. It is considered that the development would result in a detached form of development not well rated to an existing settlement and therefore contrary to PPW and TAN1. It would also adversely affect the visual impact of the character of the open countryside in this location and would be detrimental to a number of historic assets and

views in and out of the conservation area.

## **2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

- 2.01
1. The proposals would result in the unjustified loss of Grade 2 Best and Most Versatile agricultural land contrary to the provisions of policies STR1, STR7, STR10, GEN1 and RE1 of the Flintshire adopted Unitary Development Plan.
  2. The application is for residential development in the open countryside and would have an adverse impact on the character of the open countryside and the setting of the historic assets within the village of Northop. The proposed development would be fragmented from the village of Northop and is not physically or visually linked and would lead to an urbanising impact on this open countryside location. The proposed development cannot therefore be considered to form sustainable development and is contrary to policies STR1, GEN1, GEN3, HSG4, L1, HE1 and HE2.
  3. 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.

## **3.00 CONSULTATIONS**

- 3.01 Local Member  
Councillor Marion Bateman  
No site visit requested. No comments made.

### Northop Community Council

Object on the grounds of;

- Impact on residential amenity
- Impact on character and appearance of the area, impact on a number of Grade II Listed Buildings and Northop Conservation Area
- Impact on highway safety – would increase the use of two difficult junctions. There is no footway in the village.
- Impact on community facilities
- Outside village envelope so contrary to GEN3, HSG4 and LPGN 10 New Housing in the open countryside
- Unacceptable increase in the size of the village
- Impact of flooding to the village if this land is developed
- Good productive agricultural land which is protected by Policy RE1
- Impact on wildlife including great crested newts- contrary to WB1

#### Highways Development Control Manager

The submitted Design and Access Statement and Transport Assessment both refer to the provision of a new section of footway to be constructed along the site frontage onto Capel y Nant however the provision of this footway is not indicated on the submitted drawings.

The site context plan and the Transport Statement refer to the close proximity of community facilities with the old A55 separating the site from these facilities, therefore an improved pedestrian crossing facility is required.

Both the footway and the crossing can be provided through a condition.

Requests conditions covering;

- Provision of footway and improved pedestrian crossing facility to be constructed prior to any dwelling being occupied
- Means of access detail to be kerbed and completed to carriageway base course
- Visibility splay of 2.4m x 62m to the left and 2.2m x 120m to the right on exit measured from the nearside edge of the adjoining carriageway and kept free from obstruction
- Parking and turning facilities
- Front of garage shall be set back a distance of 5.5m behind the back of footway line or 7.3m from the edge of the carriageway with a grass service manager
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- The 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 run-off of surface water from any part of the site onto the highway

#### Public Protection Manager

No adverse comments to make.

#### Welsh Water/Dwr Cymru

Only foul water from the development site shall be allowed to discharge into the public sewerage system and this discharge shall be made at a specific point in the network.

Standard drainage conditions relation to a scheme for foul, surface water and land drainage.

No problems are envisaged at the Waste Water Treatment Works for the treatment of domestic discharges from the site.

#### Natural Resources Wales

##### Flood Risk

The site lies within Zone A as defined by TAN15 Development and Flood Risk. However the risks to the application site from Northop Brook and its tributary are unknown. The surface water maps shows large parts the site are at risk of surface water flooding. The additional information submitted indicates that properties will be positioned at a minimum level of 103m AOD which is taken to be the minimum finished floor level at the development. This is above the lowest level of the road at 101m AOD which crosses the watercourse and therefore well above the level at which any impoundment of water due to flood flows or blockage at the culvert would begin to weir across the road. No objection subject to a condition setting minimum finished floor levels at 103mAOD.

##### Protected Species

The overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to have regard to the provision of the 1992 Habitats Directive (92/43/EEC) and the 2009 Birds Directive (2009/147/EC).

The proposal does satisfactorily demonstrate that it will not be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts subject to the imposition of conditions or a S106 agreement to secure the proposed mitigation and management plan.

A biosecurity condition should be imposed to any consent given requiring a biosecurity risk assessment.

##### Open Space manager

In accordance with LPGN13 a payment of £1,100 per dwelling is required in lieu of on-site open space to enhance toddler play provision at the children's play area located at Ffordd Owen, Northop.

##### Welsh Government Land Use Planning Unit

Following the site visit Welsh Government considered that the majority of the site has no micro relief limitation and could be absorbed into the larger field unit to the north by the removal of the fence. The site appears to be majority Grade 2 with an area of 3b to the east.



### CADW

The proposed development is located within the vicinity of the scheduled monument known as FL083 Wat's Dyke: Section for Chester-Holywell Road to Soughton Farm. The boundary of the application area is within 400m of the monument however the development part of the site is 610m away. The topography of the land between the application area and the monument allows views between them only at the western end of the application area where the existing woodland remains. Views to the development area are blocked by the topography and existing vegetation which will remain. Consequently there will be no impact on the setting of FL083 Wat's Dyke.

The Grade II registered historic park and garden at Lower Soughton Hall and the Grade II\* registered historic park and garden at Soughton Hall are also located in the vicinity of the proposed development of the A5119. While the impact on these assets is not assessed or recognised within the application documents the impact is not considered to be significant due to the limited visibility of the proposed development due to existing trees and hedgerows within the registered park at Soughton Hall.

### Housing Strategy Manager

The SARTH (Social Housing Register) currently has 932 applications – 95 have identified Northop as an area they are seeking social rented housing (house, bungalow or flat). There is an identified level of interest for intermediate products (intermediate ownership and rent) in Northop: with 19 applicants on the register wanting affordable ownership (e.g. shared equity) requiring 2 bed and 3 bed houses; and 13 applicants requiring 2 bed and 3 bed houses for intermediate rent. We therefore support the proposal to gift 1no. 2 bed property to the Council for Intermediate rent.

### Education

The development would give rise to 4 Primary School pupils. The nearest Primary School is Ysgol Owen Jones which has 20 surplus places and a capacity of 14.49%. The proposed development would not lead the capacity of the school to reach the % trigger of less than 5% capacity so a contribution is not required.

The development would give rise to 3 Secondary School pupils. The nearest High School is Flint High School which has 51 surplus places at 6.40%. The proposed development would not lead the capacity of the school to reach the % trigger of less than 5% capacity so a contribution is not required.

### Public Open Spaces Manager

In accordance with Local Planning Guidance Note No 13 POS provision for a development of this type and size the Council would require a payment of £1,100 per dwelling. The payment would be

used to enhance toddler play provision at the children's play area located at Ffordd Owen, Northop.

Airbus

It does not conflict with aerodrome safeguarding criteria.

Community Safety Officer

Sets out principles for design and layout to design out crime.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice and Neighbour Notification

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

15 objections were received on the grounds of;

- Outside the settlement boundary of Northop on a greenfield site contrary to Policy STR1 and GEN3
- The site is in a minerals safeguarding area protected by policy MIN8
- Contrary to HSG4 – No need
- Northop has exceeded its growth band of 8-15%
- Population projections for Flintshire 2011-2036 are low therefore more housing is not needed
- The need is for 2 and 3 bed houses not 4 bed houses
- Phase one of a bigger development
- Will set a precedent
- Flood risk to adjacent houses, the site acts as the flood plain to Northop Brook and is very wet, the development of this site could lead to problems further downstream where the brook runs
- Increased surface water runoff
- Traffic impacts on Capel y Nant and junction with A5119. Junction has poor visibility for increased use of traffic coming round the bend from the Mold direction
- A Phase 1 ecological survey is inadequate and undertaken outside the breeding season
- Alter historic setting of Listed Building Ty Capel
- Adverse effect on and loss of habitat, ditches and hedgerow loss, indirect impacts on woodland and ponds
- Impact on wetland amphibians, great crested newts, bird, badgers and bats
- Impact on the setting of Northop and its Listed Buildings and the approach to the village which has remained unchanged for 150 years
- Impact on trees
- Noise and nuisance impacts of development in this part of the countryside
- Pressure on local services in terms of school places

- Impact on sewers
- Development sites in Northop should be considered through the LDP and not in an adhoc basis
- Design and materials do not respect the character of the village contrary to policy GEN1
- Agricultural land quality and loss of agricultural land
- The provision of a footway will reduce the carriageway width
- The site is remote from Northop and will be a stand-alone community
- No street lighting and no pavements to reach bus stops which in any event are not easily accessible
- Contrary to policies GEN1, GEN2, GEN3 and GEN5

6 letter of support on the grounds of;

- currently renting in Northop and want to buy a house in Northop
- need more opportunities for first time buyers so support more houses in the area
- need more family housing in this area

Council for the Protection of Rural Wales

Object on the grounds of;

- The proposal is a speculative housing development on a greenfield site used for agricultural purposes.
- The site does not form a logical extension to Northop and is not connected to the settlement
- No overriding need for residential development in this location
- Contrary to UDP policies STR1, GEN3 and STR7
- The loss of agricultural land needs to be considered as it is a finite resource
- The proposed development will introduce unconnected urban sprawl into the distinctive rural landscape.
- The proposed landscaping will take a long time to mature
- The proposed development has the potential to affect the settings of a number of Listed Buildings however no assessment on their impact has been undertaken
- Part of the development site will fall within a Mineral Safeguarding Area and there is no assessment of the impact this development will have on the safeguarded area
- The proposal does not comply with the policy for dwellings outside the settlement boundary HSG4 or HSG11 for affordable housing
- Affordable housing provided in a gifted way needs to be explained

**5.00 SITE HISTORY**

5.01 **0461/89**

Outline residential development. Refused June 1990.

## **6.00 PLANNING POLICIES**

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

STR1 - New Development

STR4 - Housing

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New Development

GEN2 - Development Inside Settlement Boundaries

GEN3 - Development Outside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

TWH2 – Protection of Hedgerows

WB1 - Species Protection

WB4 – Local Wildlife Sites of Wildlife and Geological Importance

WB6 – Enhancement of Nature Conservation Interests

AC2 – Pedestrian Provision and Public Rights of Way

AC3 – Cycling Provision

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

L1 – Landscape Character

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

EWP16 – Water Resources

EWP17 – Flood Risk

RE1 - Protection of Agricultural Land

HE1 – Development Affecting Conservation Areas

HE2 – Development affecting Listed Buildings and their Settings

HE5 – Protection of Landscapes, Parks and Gardens of Special Historic Interest

HE6 – Scheduled Ancient Monuments and other Nationally Important Archaeological Sites

HE7 – Other Sites of Lesser Archaeological Significance

SR5 – Outdoor Play Space and New Residential Development

IMP1 – Planning Conditions and Planning Obligations

Planning Policy Wales Edition 8 January 2016

Technical Advice Note 1 Joint Housing Availability Studies 2015

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 6: Planning for sustainable Rural Communities

Technical Advice Note 15: Development and Flood Risk

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning permission for 17 dwellings on land to the east of Northop Brook which is outside the settlement boundary of Northop as identified in the current UDP.

### **7.02 Site Description**

The site 3.35 hectare site lies to the south west of Northop Village. It is bound by the Northop Brook to the north, the road to the east and agricultural land to the south and west. 0.75 hectare is dry grassland, with 1.3 hectares of marshy grassland to the north east and 1.8 hectares of wet woodland to the west. To the south east of the site is the junction of Northop Road A5119 and Capel y Nant/B5125 Sychdyn Road.

### **7.03 Proposed Development**

It is proposed to erect 17 houses of 7 different house types with 2 two bed dwellings, 1 three bed dwelling, 14 four bed dwellings and detached garages. They are all two storey predominantly brick with some render elements. It is proposed to gift the two bedroom 669sqft house to NEW homes.

7.04 The proposed development has a new access off Capel y Nant/B5125 with an internal access road and private drives leading from it. Each dwelling has 2 car parking spaces and rear gardens. It is proposed to create a footpath to the west of the B5125 to provide pedestrian links into Northop.

7.05 Only part of the application site is proposed to be developed. The remainder of the site is to be retained for wildlife mitigation as woodland and a wetland area. A scheme of enhanced landscaping is proposed.

7.06 The application was accompanied by;

- Design and Access Statement by DGL Associates Ltd.
- Planning Policy Statement by Peckforton Development Limited.
- Flood Consequences Assessment and Outline Drainage Strategy by Scott Hughes Design.
- Geo-Environmental Phase 1 Desk Study by Scott Hughes Design.
- A Transport Statement by SCP.
- Landscape and Visual Appraisal.
- An Extended Phase One Survey by Ecological design Consultants.
- Ecological Appraisal by Envirotech.
- Agricultural Land Classification Study by Reading

## Agricultural Consultants.

- 7.07 The applicant has submitted a further statement in support of the application stating that;
- It would meet the housing shortfall
  - A unit is gifted to provide affordable housing
  - Open space contribution to the local community of £19,000
  - Protection of and future management of 8.5 acres of ancient woodland and wetlands and the associated wildlife, flora and fauna in perpetuity
  - Limited local opposition
  - No objections from statutory consultees Dwr Cymru, NRW, Airbus and internal consultees; highways, ecology, education,
  - There are no capacity issues on services in this location such as gas, electricity, water etc
  - The site is easily accessible from the A55 and the public transport network
  - Previous consents have been granted at Maes Celyn and Northop Country Park
  - The developer will accept a 2 year planning consent
  - 5 registrations of interest to purchase houses have been lodged since the application was submitted
  - Developers have shown an interest in purchasing the site
  - Northop has a role to play in LDP according to consultation documents on website

7.08 Planning history and the UDP

The site was not considered as part of the preparation of the UDP, although other sites in the vicinity were put forward as 'omission' sites as potential housing allocations or settlement boundary changes. In particular, land to the north of the site (south of The Green) was promoted by an objector as an allocation in the deposit Plan. That site was considered by the Inspector who commented as follows:

*"5970 – north west of Northop Brook – The objection site is about 1.5ha in extent. It lies behind properties fronting The Green, in character and appearance it is an intrinsic part of the open countryside comprising marshy grassland and scrub vegetation. The nature of the land means it has nature conservation value. The representations provide no substantive reasons why with the current planning policy position the land should either be allocated for development or included within the settlement boundary'."*

- 7.09 In terms of Northop as a whole, the Inspector commented 'Northop is a category B settlement. Altogether completions, commitments and HSG1(49) would provide over 20% growth. Although this is above the indicative band of 8-15%, I conclude at HSG1(49) that

*the allocation should stay. However, as a consequence of this relatively high level of growth, I do not consider there is a need to provide additional housing in Northop either in locational or numeric terms. In addition I note that a number of the sites because of their size would result in development of a scale which would harm the character of the settlement. These relatively high levels of growth have not been justified in terms of the availability of infrastructure, services and the like'. Earlier in the report in commenting on the allocated site the Inspector comments 'Northop is a category B settlement where planned growth will be about 22% which is somewhat above the indicative growth band of 8 –15%. However, Northop is a main village with a reasonable level of services and facilities and it is in an accessible location next to the A55 between Mold and Flint. I have taken account of the potential for further growth from windfall developments. And also considered the development at Northop Country Park, but that is a somewhat isolated development set in the countryside at some distance from the defined village limits. It would be inconsistent with other localities for its growth to be added to that of Northop. In principle I do not consider the potential level of growth would result in overdevelopment of the village'.*

7.10 It is clear that the Inspector saw Northop as a sustainable location for growth but did not consider that any further allocations were necessary, particularly larger sites. We are now outside the UDP period and we do not have a 5 year land supply. These issues are discussed in more detail below.

7.11 Principle of development

The site is located outside the settlement boundary for Northop within the Adopted UDP. Northop 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 of April 2015 the settlement had a growth rate of 23%. While this is in excess of the indicative growth rates, these were not prescriptive and we are now outside the UDP timeframe and looking at growth post 2015. The monitoring of growth over a 15 year period as required by HSG3 ended on 1<sup>st</sup> April 2015.

7.12 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.

7.13 Given that the proposal is for an anticipated 17 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.

7.14 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.

7.15 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.”*

7.16 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’.*

7.17 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’.*

7.18 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’.

- 7.19 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.”
- 7.20 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.”*
- 7.21 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.”*
- 7.22 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.”*
- 7.23 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.
- 7.24 The Council have set out how they will approach the issues of speculative development such as this proposal in line with the thrust of National Policy and guidance in its ‘Developer Guidance Note: Speculative Housing Development Proposals’. The note sets out the expected information to be submitted with an application in order for the Council to assess the sustainable credentials and

deliverability of a site. The key objective of achieving sustainable development is examined in more detail below.

7.25 Sustainability and connectivity

In broad terms, Northop is considered to be a sustainable location for development, based on the UDP Inspector's comments. As part of the emerging LDP, a Key Messages document has been produced and consulted upon. This document included a number of alternative approaches to categorising settlements in the County, compared to the approach in the UDP and was accompanied by some 80 plus settlement audits which provided a measure of the sustainability of each settlement. As part of these settlement hierarchy options, Northop generally appeared as a 'sustainable village' i.e. 'settlements which benefit from some services and facilities and are sustainably located'. The site is relatively close to the range of facilities and services in the village and is also adjacent to bus services. On this basis it would be difficult to argue against a relatively small development being sustainable development.

7.26 However this site is outside the settlement boundary for Northop and there are a number of site specific factors to take into account such as how the site actually relates to the settlement and its facilities and services and its connectivity in both physical in order to access those services.

7.27 The north western edge of the site physically adjoins the settlement boundary of Northop at a point where it runs along the garden boundary to a detached dwelling called The Spinney. However this part of the application site comprises woodland. The only other part of the site which adjoins or comes close to the settlement boundary is a small section opposite a detached dwelling on the B5125 road called 'The Vicarage'. This part of the application site comprises marshy grassland. In this context the proposed net developable part of the site is in the south eastern corner of the overall application site and this happens to be the most distant point from existing built development within the settlement (and from the settlement boundary). The woodland separates the proposed built part of the site from the settlement there is therefore considered to be little relationship between the site and that part of Northop. There would also be little direct relationship between the built part of the site and the existing built development on the B5125 culminating with The Vicarage.

7.28 Rather than the site relating well to the built form and pattern of the settlement, it would appear as an 'island' or 'outlier' of built development, poorly related to the existing pattern and form of built development comprising the settlement. In this context the site cannot be considered to represent an extension to the settlement. The developable part of the site is 85m from The Vicarage and

165m from The Spinney.

7.29 Para 4.7.8 of PPW states '*development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access and habitat and landscape conservation...new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled*'. It is not considered that the proposal meets this element of national planning guidance as it would result in a detached form of development not well related or connected to the nearby settlement. If this is the case, then the proposal cannot be considered to comply with the principles embodied within national guidance in PPW. The proposal is therefore contrary to both national and local planning policies and therefore in terms of para 6.2 of TAN1, weight should not be attached to the housing land supply shortfall.

7.30 Landscape Impact

A Landscape and Visual Impact Assessment was submitted with the application. This has been reviewed for the Council by an independent landscape architect. It is considered that the assessment has been undertaken in accordance with the relevant guidelines.

7.31 The visual assessment is based on the impact of the development from 11 viewpoints. These are considered to be a fair representation of those that are available of the site and upon the various visual receptors. It is identified within the assessment that at viewpoints 2, 6 and 8 there would be significant (adverse) visual effects from the proposed development locally. However the applicants landscape architect considers that the "*proposed development would have limited effects on the wider landscape in landscape and visual terms and therefore the proposal is considered acceptable*". She considers "*that the new housing when seen from the southern approach would sit against the visual backdrop of existing development*".

7.32 The Council's consultant however, does not agree with the conclusions of the LVIA. Despite some dialogue between the two landscape consultants, the Council's consultants' view has not changed. It is not considered that "*the proposal would unify the existing development along The Green to the north west with that at Parkgate to the north east*" or that "*the proposed development would appear as an integral part of the village and would not be an intrusive addition to the landscape*". It is considered that that locally the effect of the proposal would have a significant adverse effect upon the Landmap character areas FLNTVS011 and FLNTVS057 and therefore not achieve a key component of sustainable development which is the consideration of the

environmental impact of development.

7.33 Transport Impacts

The application is accompanied by a Transport Statement which has been reviewed by the Council's Highways Development Control Manager. Objectors have raised issues relating to the highway impacts of the development.

7.34 The proposed development would create a new point of access for vehicular traffic and a visibility splay along with a pedestrian footpath. There are no highway objections to the proposal subject to conditions covering the required footway and crossing.

7.35 The nearest bus stops to the site are located on Connah's Quay Road approximately 400 m to the northeast of the site. The bus stops are served by services within and outside Flintshire. The nearest train station is at Flint 5.7km north of the site which can be accessed via the local bus network. This provides services on the mainline between Holyhead and Manchester. Hawarden Railway Station on the Wrexham to Bidston Line is 7.9km southeast of the site.

7.36 Impact on the historic environment

The proposal is for the development of a housing site on the southern side of the historic settlement of Northop. The proposed housing site lies in close proximity to a number of historic assets and it therefore has the potential to detrimentally affect the setting of these. To the east of the site lies the Grade II listed Lower Lodge to Soughton Hall and the Soughton Hall Historic Park and Garden; to the north lies the Grade II\* listed Parkgate Farm House and Shippon; and to the north west lies the Grade II listed Old School. Northop also has a well-defined conservation area containing many traditional stone, rendered and brick buildings with slate roofs and other interesting features, with the Grade 1 listed church being an important and highly visible building set within its boundaries.

7.37 The application site lies in a rural location to the south of the settlement, and is divorced from the settlement boundary, being in character and appearance an intrinsic part of the open countryside, and forming part of the setting of the conservation area, historic park and garden and several listed buildings. Between the site and the village is an area known as The Green which contributes greatly to the character and setting on the approach to the southern side of the settlement and forms part of the setting of the Grade II\* listed Parkgate Farm complex.

7.38 It is considered that location and proximity of the proposed development to the above mentioned listed buildings, in particular Parkgate Farm which is a mid-Victorian estate farm would be

detrimental to these historic assets. The development of this housing site would in effect enclose the farm complex within the settlement, thus impacting detrimentally on its historical significance, form and function, as well as its setting. Development of the site would also impact on the setting of the historic park and garden, and on the setting of, and views in and out of, the conservation area.

7.39 Agricultural Land Quality

An agricultural land survey (ALC) was submitted with the application undertaken by Reading Associates to assess the agricultural land quality as the loss of Best and Most Versatile Agricultural land is a material planning consideration. The conclusions of the report suggest that micro-relief appears to make the difference between the site being all Grade 3b or majority Grade 2. The report found the site to be 3b on micro relief with two of the three borings taken indicated that the land was ALC Grade 2 without the micro-relief limitation.

7.40 Welsh Government's Land Use Planning Unit was consulted on the ALC in order to provide a technical review of the survey in accordance with TAN6 Annex B6. Their response is limited to a technical appraisal of the assessment and does not relate to the merits of the proposal.

7.41 Welsh Government advise that the key factor with micro-relief is whether the problem can be remediated using "normal management operations or improvements". If so, the limitation should be discounted. If remediating is likely to be impractical or highly expensive, micro-relief should be considered as limiting. Due to the uncertainty over the effect of the micro-relief in this instance more information was requested and a site visit was undertaken by the Welsh Government Officer.

7.42 Following the site visit Welsh Government considered that the majority of the site has no micro relief limitation and could easily be absorbed into the larger field unit to the north by the removal of the fence. Therefore the site appears to be majority Grade 2 (0.50ha) with an area of 3b to the east.

7.43 It is therefore considered that the proposal would lead to the loss of best and most versatile agricultural land. Although land ownership may prevent its use as part of the wider field, land is a finite resource and the only obstacle is the current fence line. Policy RE1 states "Development which would result in the loss of agricultural land of Grades, 1, 2 or 3a will be permitted only where;

- a) there is an overriding need for the development;
- b) the development cannot be accommodated on derelict, non-agricultural or low grade agricultural land, or
- c) available lower grade land has an environmental value or

designation which outweighs the agricultural considerations.

- 7.44 It is not considered that there is an overriding need for this development in this location and that although Flintshire does not have a 5 year land supply, there are other sites coming forward on lower grade land.
- 7.45 Ecology  
The site is adjacent to Green Cottage Wood and Marsh which is designated as a Local Wildlife Site which consists of semi-natural broadleaved woodland and associated species rich marshy grassland.
- 7.46 The application is accompanied by an Ecological Appraisal (2015) and an additional Extended Phase I survey (2015/16) which also includes protected species mitigation. The surveys conclude that the site is agriculturally improved grassland adjacent to marshland habitats. The Council's Ecologist agrees with this description of the site albeit with willow encroaching into the grassland. The grassland itself is of little ecological value.
- 7.47 The Phase I survey confirmed that there are known great crested newts within close proximity. Great crested Newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning. The nearest record is 30m away and the development site offers good terrestrial habitat for amphibians. Badger activity and habitat was also recorded and the mature trees on the south western boundary offer potential for bats. The report's recommendations take account of the protected species and habitats present on the site.
- 7.48 Mitigation and reasonable avoidance measures for the great crested newts are proposed in the form of the long term management of the adjacent Wildlife Site up to the Brook, using a commuted sum provided by the developer, plus the creation of at least one additional pond. Such management would aim to enhance the grassland and woodland habitats for a minimum of 25 years. Access to achieve this management would need to be considered in further detail.
- 7.49 Badger activity would be monitored to assess whether a licence is required. There would be no significant impact on bats as long as the trees on the site remain. While sections of hedgerow would be removed to achieve the access and visibility requirements the hedgerow is species poor and could be mitigated for through other hedge planting on the site.

- 7.50 The part of the site which is to be developed is of poor ecological value. While there are protected species using the site it is considered that the proposed mitigation subject to a long term management plan would address any impacts.
- 7.51 Flood Risk  
The site lies within Zone A as defined by TAN15 Development and Flood Risk. NRW's surface water maps shows large parts the site are at risk of surface water flooding. It is proposed to have an attenuation pond to the west of the development with an embankment around the pond. The additional information submitted indicates that properties will be positioned at a minimum level of 103m AOD which is taken to be the minimum finished floor level at the development. This is above the lowest level of the road at 101m AOD which crosses the watercourse and therefore well above the level at which any impoundment of water due to flood flows or blockage at the culvert would begin to weir across the road. NRW therefore have no objection subject to a condition setting minimum finished floor levels at 103mAOD.
- 7.52 Affordable Housing  
Policy HSG11 is a criteria based policy which applies to affordable housing in rural areas. The overall expectation is that outside village settlement boundaries, proposals to development housing will require a 100% affordable housing provision where there is evidence of a genuine local need for such provision.
- 7.53 The applicants have not provided any evidence of affordable housing need in the area however they are proposing to gift 1 two bedroom dwelling to the Council. The Housing Strategy Manager states that The SARTH (Social Housing Register) currently has 932 applications – 95 have identified Northop as an area they are seeking social rented housing (house, bungalow or flat). There is an identified level of interest for intermediate products (intermediate ownership and rent) in Northop: with 19 applicants on the register wanting affordable ownership (e.g. shared equity) requiring 2 bed and 3 bed houses; and 13 applicants requiring 2 bed and 3 bed houses for intermediate rent. The proposal to gift 1no. 2 bed property to the Council for Intermediate rent therefore does meet the local need.
- 7.54 Education  
The proposed development would not lead the capacity of Primary or Secondary schools reach the percentage trigger of less than 5% capacity so a contribution is not required as set out in Local Planning Guidance Note 23 Education.
- 7.55 Open Space  
In accordance with Local Planning Guidance Note No 13 POS provision for a development of this type and size the Council would

require a payment of £1,100 per dwelling. The payment would be intended to be used to enhance toddler play provision at the children's play area located at Ffordd Owen, Northop. This would be secured through a S106 agreement if permission was granted. Not more than 5 contributions have been sought for this project and therefore the contribution would be CIL compliant if requested.

## **8.00 CONCLUSION**

The site would lead to the loss of Grade 2 agricultural land without sufficient justification. It is not considered that there is an overriding need for this development in this location and although Flintshire does not have a 5 year land supply, there are other sites coming forward on lower grade land.

It is considered that the proposed development would result in a detached form of development not well related or connected to the nearby settlement and therefore the proposal cannot be considered to comply with the principles embodied within national guidance in PPW. The proposal is therefore contrary to both national and local planning policies and therefore in terms of para 6.2 of TAN1, significant weight should not be attached to the housing land supply shortfall.

The development of the site for residential development would have an adverse visual impact on the character of the open countryside in this location.

It is also considered that location and proximity of the proposed development to the above mentioned listed buildings, in particular Parkgate Farm which is a mid-Victorian estate farm would be detrimental to these historic assets. Development of the site would also impact on the setting of the historic park and garden, and on the setting of, and views in and out of, the conservation area.

### **8.01 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



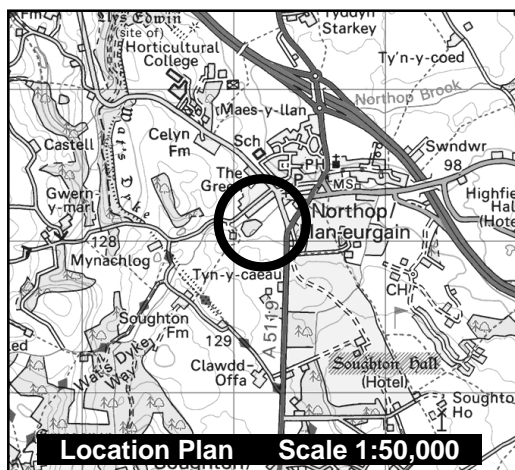
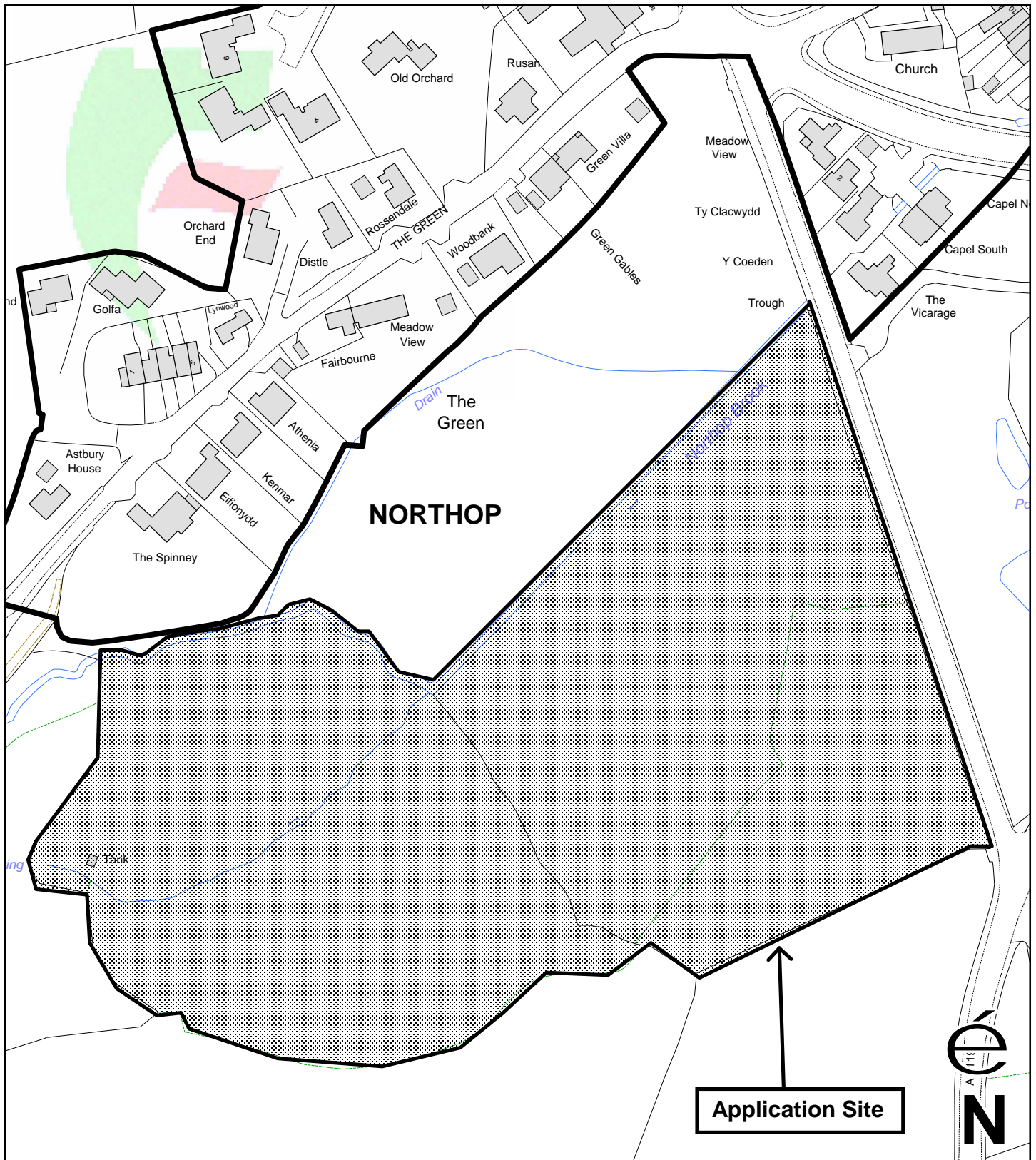
Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Emma Hancock (Senior Planning Officer)  
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**Sir y Fflint  
Flintshire  
COUNTY COUNCIL**

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	1:1750
OS Map ref	SJ 2468
Planning Application	<b>55555</b>

Page 67

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **16<sup>TH</sup> NOVEMBER 2016**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 2 NO. CLASS A3 UNITS WITH ASSOCIATED PUBLIC REALM IMPROVEMENTS AND CAR PARKING RE-CONFIGURATION AT BROUGHTON SHOPPING PARK, BROUGHTON**

**APPLICATION NUMBER:** **055736**

**APPLICANT:** **HERCULES UNIT TRUST**

**SITE:** **BROUGHTON SHOPPING PARK, BROUGHTON**

**APPLICATION VALID DATE:** **31.08.16**

**LOCAL MEMBERS:** **COUNCILLOR BILLY MULLIN**

**TOWN/COMMUNITY COUNCIL:** **BROUGHTON**

**REASON FOR COMMITTEE:** **DEPARTURE FROM THE DEVELOPMENT PLAN**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

1.01 It is considered that the addition of two A3 uses and the associated public realm improvements would enhance and complement the current offer at Broughton Park. It is not considered that on the whole the loss of parking spaces is significant. The proposed uses will complement the existing uses on the park and will not in themselves lead to an increased number of visitors.

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

- 2.01
1. Time commencement
  2. Plans
  3. Materials – buildings
  4. Materials – hard landscaping, paving and planter, seating
  5. Soft landscaping, and management
  6. Public art design and location
  7. Drainage scheme
  8. No occupation prior to October 2017 unless waste water treatment works upgrade is completed.
  9. Parking occupation survey methodology
  10. Parking occupation strategy for 12 months including peak periods following the uses being brought into use

### **3.00 CONSULTATIONS**

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

Broughton Community Council  
No objection.

Highways Development Control Manager  
No objections subject to conditions covering parking occupation survey.

Public Protection Manager  
No adverse comments to make.

Welsh Water/Dwr Cymru  
An upgrade is currently being undertaken to the Chester wastewater treatment works which flows from this development.

No objection subject to no buildings being occupied prior to October 2017 unless the upgrading of the waste water treatment works has been completed.

The applicant proposes to discharge surface water into the public sewer. The developer will have to demonstrate that all surface water drainage options have been fully explored and exhausted. No objection subject to standard drainage conditions.

Airbus  
The proposed development has been examined from an aerodrome safeguarding aspect and it complies with the general safeguarding criteria for buildings and is not infringing the obstacle limitation surfaces. However the submitted proposals have the potential to impact on the safe operation of Hawarden Airport due to the attraction of birds and an increase in the risk of bird strike at the airport for the

completed development due to the grass roof on the buildings.

Request a condition for a bird hazard management plan to be implemented and agreed with Airbus during the construction and for the completed scheme to be enforced for the life of the development.

#### **4.00 PUBLICITY**

##### **4.01 Press Notice and Site Notice, Neighbour Notification**

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

1 letter of support on the grounds that;

- Broughton park is in need of more food/coffee outlets and a play area for the children is a must

3 letters of objection on the grounds of;

- The current car park is not suitable despite the upgrading, the one way system doesn't work and the parking spaces are too narrow. Road surface is poor
- Road network outside the site is not sufficient to support the level of traffic the park generates. The access to the park is poor
- More food outlets are not needed
- Loss of parking spaces when there is not enough parking

#### **5.00 SITE HISTORY**

5.01 Complex history relating to the development and recent modernisation of the retail park. The most relevant applications to this current one are;

**052624** - Refurbishment of existing Shopping Park to incorporate installation of new shop fronts and canopies, together with public realm and related circulation/car parking improvements. Approved 10.11.14

**055965** - Application for a non-material amendment to planning permission ref: 052624. Approved

#### **6.00 PLANNING POLICIES**

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

STR1 - New Development

STR5 - Shopping Centres and Commercial Development

GEN1 - General Requirements for Development

S3 - Integrating New Commercial Development

S8 - Hot food take-ways restaurants and cafes

D1 - Design Quality Location and Layout

D2 - Design

D3 - Landscaping  
D4 - Outdoor Lighting  
D6 - Public Art  
AC1 - Facilities for the Disabled  
AC2 - Pedestrian Provision and Public Rights of Way  
AC3 - Cycling Provision  
AC4 - Travel Plans for Major Traffic Generating Developments  
AC12 - Airport Safeguarding Zone  
AC13 - Access and Traffic Impact  
AC18 - Parking Provision and New Development  
EWP16 - Water Resources

Planning Policy Wales Edition 8  
LPGN 11: Parking Standards

The application compliance with the above policies is assessed below.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for the erection of two A3 restaurant units along with landscaping and public realm works at the Eastern Terrace, at Broughton Shopping Park, Broughton.

### **7.02 Site Description**

The application site is within the existing established out of centre retail park at Broughton. The site is located on the 'eastern terrace' which forms an area within the retail park currently used as public realm with a mobile catering unit and the Hawarden Estate Farm shop and part of the current parking area.

### **7.03 Proposed development**

This is a full planning application for the erection of two A3 restaurant units along with landscaping and public realm works to create a sense of place and to enhance the current visitor experience as part of the current modernisation works at the park. The units are 232m<sup>2</sup> (2,500sqft) and 306.6m<sup>2</sup> (3,300sqft) respectively.

7.04 The two A3 units have been designed with the adjacent aeroplane wing manufacture facility in mind and a wing shape has been chosen to reflect this. The restaurants are a contemporary design with significant elements of glazing and an oversized roof. The solid walls of the buildings will be corten steel and will be perforated in a pattern which mimics aeroplane vapour trails complemented by a flowing pattern to the landscape paving. These elevations will be lit at night to provide an art installation. The buildings are 4.3 metres in height at the highest point, 3 metres in width and 30 metres in length. It is proposed that the roofs of the buildings would be green sedum roofs with the overhang clad in cedar strip boarding.



- 7.05 It is proposed to create a flexible and multi-functional area through hard and soft landscaping. This includes planters, seating areas and garden areas, along with children's play areas. An element of public art is also proposed which would be a project between British Land and the community.
- 7.06 Principle of development  
The application site is situated between but outside the defined settlement boundaries of Broughton to the west and Bretton to the east. It is therefore outside any town centre, however it is within an established out of centre retail park. The park has been established since the 1990's and has recently been through a period of modernisation and enhancements. This has included an extension to the retail park with complementary uses in the form of the cinema and restaurants. The retail park itself is being transformed through new glazed shop fronts and public realm improvements to the pedestrianised and car parking areas. This work is ongoing and is in the final phases. The refurbishment has been phased with the aim of minimising disruption to retailers and shoppers alike.
- 7.07 The addition of two A3 uses in an existing retail park. There is no policy requirement to demonstrate 'need' unlike for out of centre retail developments. The units are centrally located within the park and therefore would not necessarily get 'passing trade'. The restaurants would add to the existing food offer on the park and encourage visitors to stay longer. The principle of development is therefore acceptable.
- 7.08 The site of the proposed two units is currently partially a pedestrianised area and partially car parking. The car parking area within this part of the park has not yet been modernised and has consent to be remodelled as part of 052624. The impact on these two areas is addressed below. The most relevant development plan policy is Policy S8 which requires;
- a) *such proposals to ensure the amenity of local residents, including residents living above the property, is not unduly harmed*  
There are no residents within the shopping park and it is wholly a commercial retail park.
  - b) *on-site provision is made for the disposal of casual litter and wastes;*  
Provision for service refuse and on site refuse disposal is provided.
  - c) *the use will not result in traffic hazards or disturbance arising from street parking.*  
The use would not lead to on-street parking. The highways implications are addressed below.
- 7.09 Highways and parking  
A Transport Statement prepared by Vectos was submitted with this planning application and to support a Non-Material Amendment

(NMA) application relating to the pedestrian, parking and road layout outside the Tesco Extra store. (055965)

- 7.10 The main highways issue in relation to this proposal is the impact on the parking provision. While the new uses may lead to an increase in visitors to the park it is considered that this would be negligible and that the majority would be linked trips with other uses. The impact on the highway network is therefore not considered to be an issue.
- 7.11 The proposed uses however does have an impact on the current parking provision. The eastern unit will lead to the loss of 15 disabled spaces in the existing car park and also the potential for an increased pressure for parking as visitors may extend their stay. The western unit is located on an existing pedestrian area.
- 7.12 The current parking provision on the site is 2408 car parking spaces. This is made up of 2099 public spaces predominately in a central area and 309 staff spaces which are located to the rear of the units. The NMA application involved changes to the pedestrian area and road layout in front of the Tesco store to ensure that layby set down area remains and the pedestrian circulation space is enhanced. This leads to the loss of 25 parking spaces, 2 of which are disabled and 2 parent with child. This equates to the loss of 1% of the total spaces. It was not considered that this change was material. This proposed development along with the NMA leads to the loss of 44 car parking spaces which would be 1.8% of the total. A total of 2055 will then be provided at the park; of which 136 would be disabled and 98 parent with child which are pepper potted around the park.
- 7.13 A demand /capacity was undertaken at the park in June. The results of which are within the Transport Statement. This indicated a current demand of 88.76%, it is envisaged with the proposed changes the new development would increase this to 90.6%. At occupancy rates of over 90% car parking users can find it difficult to find a space and queues can arise as people look for spaces.
- 7.14 Assessed against the Councils maximum parking standards all the uses on the park individually would require 2,583 spaces, this includes un-built mezzanine floor space. With the new uses this increases to 2,671 spaces. However the park operates as a whole and not individual units, the park is also well served by alternative modes of transport to the car.
- 7.15 There are four pedestrian routes into the park which link to the existing community and the current new housing developments. There are also 44 cycle spaces around the shopping park pepper potted around. The park modernisation has recently improved the bus stop facilities in the park which offers regular services within and outside Flintshire. The site is therefore a highly accessible location to and from areas within and outside Flintshire.

7.16 The Highways Development Control Manager has no objection subject to conditions covering a Parking occupation survey following the uses being brought into use. This should be for 12 months and cover in particular peak periods. This will provide the Local Authority with an up-to-date picture of how parking on the site is used in order to inform any further developments.

7.17 Public realm improvements and design

The design of the two units has been influenced from the aeroplane wing manufacture in the local area. The design and the choice of materials of the buildings will enhance the overall public realm in the retail park and will complement the modernised park with glazed shop fronts.

7.18 The overall public realm improvements between and around the proposed A3 units will also enhance the park and provide some much needed greenery and places to sit. There are a mixture of elements including benches, children's play area, soft landscaping and public art. This will help to create a sense of place in what currently is an open bland urban landscape.

7.19 Airbus

The application site is within the close vicinity of Hawarden aerodrome. The proposed development has therefore been examined from an aerodrome safeguarding aspect and Airbus consider that it complies with the general safeguarding criteria for buildings and is not infringing the obstacle limitation surfaces of the runway. However the submitted proposals have the potential to impact on the safe operation of Hawarden Airport due to the attraction of birds and an increase in the risk of bird strike at the airport for the completed development due to the grass roof on the buildings. They therefore request a condition for a bird hazard management plan to be implemented and agreed with Airbus for the lifetime of the development.

7.20 Welsh Water

Welsh Water have indicated that they are currently upgrading Chester wastewater treatment works which would take flows from this development. They have no objection to the proposed development subject to no buildings being occupied prior to October 2017 unless the upgrading of the waste water treatment works has been completed. A Grampian style condition to this effect would be imposed.

**8.00 CONCLUSION**

8.01 It is considered that the addition of two A3 uses and the associated public realm improvements would enhance and complement the current offer at Broughton Park. It is not considered that on the whole

the loss of parking spaces is significant. The proposed uses will complement the existing uses on the park and will not in themselves lead to an increased number of visitors.

#### 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.

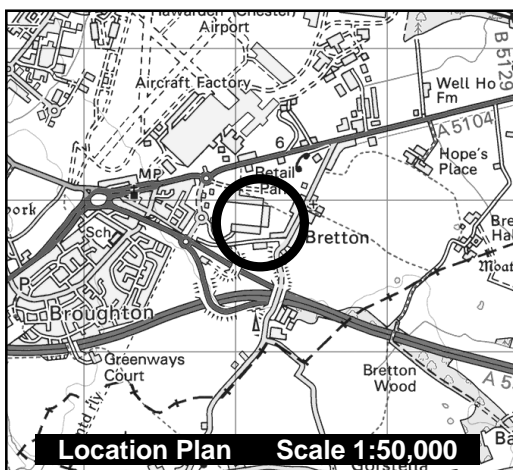
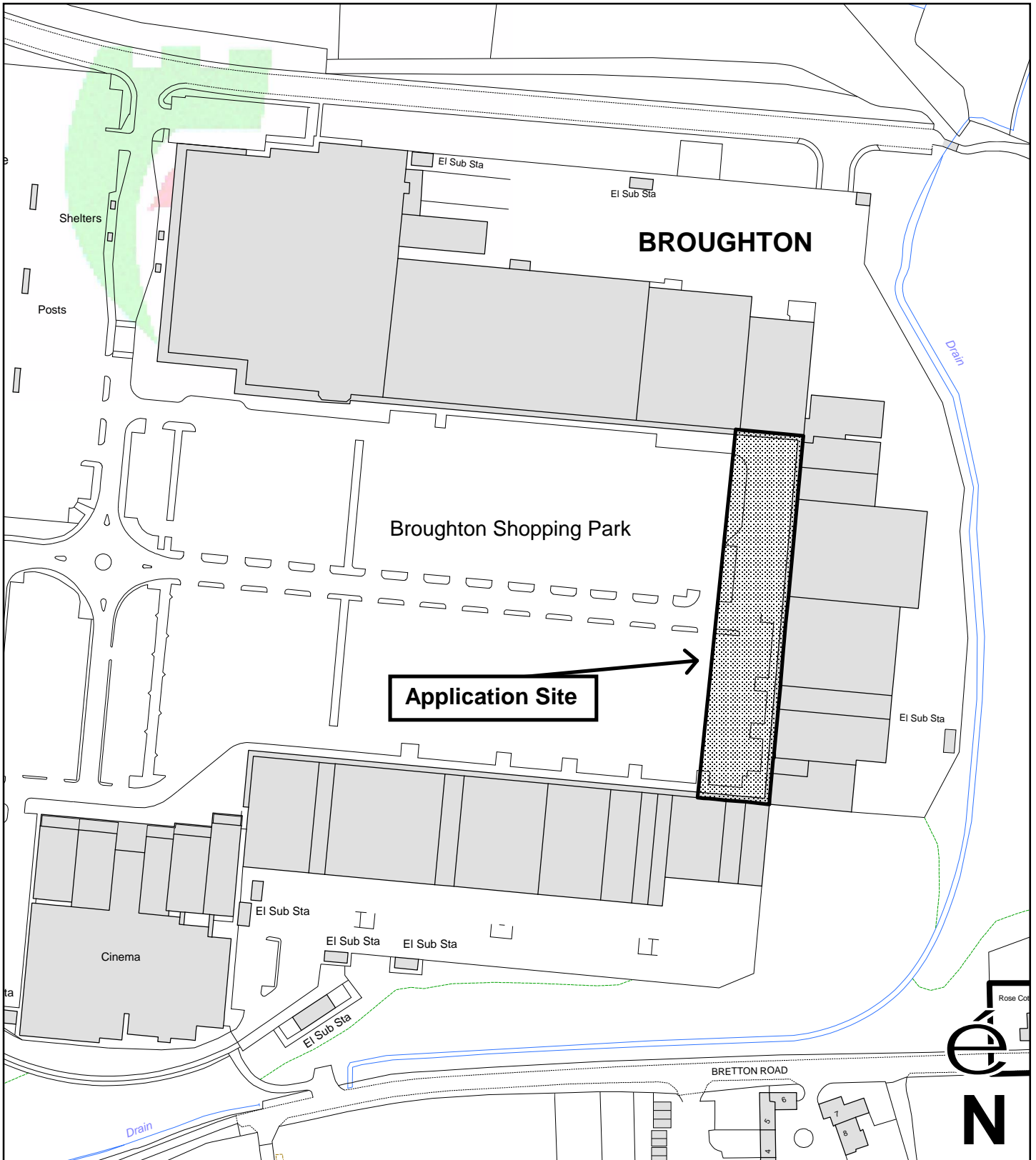
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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**

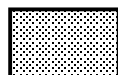
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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OS Map ref SJ 3563

Planning Application **55736**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 16 NOVEMBER 2016**

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

**SUBJECT:** **OUTLINE APPLICATION FOR THE ERECTION OF A DETACHED DWELLING AT MAY VILLA, CEFN BYCHAN WOODS, PANTYMWYN.**

**APPLICATION NUMBER:** **055750**

**APPLICANT:** **MR. & MRS HALLARON**

**SITE:** **MAY VILLA,  
CEFN BYCHAN WOODS, PANTYMWYN**

**APPLICATION VALID DATE:** **25<sup>TH</sup> SEPTEMBER 2016**

**LOCAL MEMBERS:** **COUNCILLOR MS A.J. DAVIES-COOKE**

**TOWN/COMMUNITY COUNCIL:** **GWERNAFFIELD COMMUNITY COUNCIL**

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

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

### **1.00 SUMMARY**

- 1.01 This is an outline application for the erection of a detached dwelling at May Villa, Cefn Bychan Woods, Pantymwyn. The site is located outside any recognised settlements and within both open countryside and the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty as defined by the Adopted Flintshire Unitary Development Plan. Due to this location, it is not for a proven local need and not considered an infill plot, the principle of the development is contrary to Policies STR1, GEN3, HSG4 & HSG5 of the Adopted Flintshire Unitary Development Plan. This unjustified development will have a significant detrimental impact upon the character and appearance of the countryside which does not maintain or enhance this part of the

Clwydian Range & Dee Valley Area of Outstanding Natural Beauty and contrary to Policy L2 of the Adopted Flintshire Unitary Development Plan. Therefore the recommendation is to refuse the application.

**2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

- 2.01 If allowed, the proposed dwelling would be located in the open countryside, whereby there is a general presumption against development of this nature that is not intended or required to meet the essential housing needs of farm or forestry workers, thereby contrary to Policies STR1, GEN3, HSG4 and HSG5 of the Adopted Flintshire Unitary Development Plan and relevant guidance in Planning Policy Wales and TAN 6. The proposal represents unjustified non-essential development in the open countryside, which does not maintain or enhance the natural beauty of the Clwydian Range and Dee Valley Area of outstanding Natural Beauty and contrary to Policy L2 of the Adopted Flintshire Unitary Development Plan.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Ms A.J. Davies-Cooke

Wishes application to go to Planning Committee and have a site visit as there is no difference between this application to other applications that have been approved in the area.

Gwernaffield Community Council

No objections.

Head of Assets and Transportation

On the basis that the precedent for development on the westerly side of the access road has been set as a result of Glenholme and Woodend and there being limited scope for further plots to be developed, do not believe that a reason for refusal on highway grounds may be substantiated. No objection to the proposal and confirm do not intend to make a recommendation on highway grounds.

Head of Pollution Control

No adverse comments to make on the application.

Natural Resources Wales

No objection to the scheme.

Clwydian Range & Dee Valley AONB JAC

Objects, which his contrary to long standing local and national planning policies which apply strict controls over development in the



open countryside. Site is outside the recognised settlement limits of Pantymwyn, cannot be classed as an infill site and no special case put forward to justify a dwelling to meet the specific needs of an associated rural enterprise. In addition, concerned that if this application were granted it would set a precedent for the development of similar detached garden plots in this locality.

#### Welsh Water/Dwr Cymru

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

### **4.00 PUBLICITY**

#### 4.01 Press Notice, Site Notice, Neighbour Notification

One letter of objection received. The ground of objection being that planning applications have only ever been approved on land in Cefn Bychan Woods that had an existing dwelling (i.e., chalets etc). If planning was to go ahead at May Villa (a plot of land with no dwelling) then concerned that this would set a precedent for further development down this lane.

### **5.00 SITE HISTORY**

#### 5.01 **94/0385**

Erection of a replacement dwelling – Granted 21<sup>st</sup> July 1994.

#### **93/0109**

Two storey extension, loft conversion and erection of a detached double garage – Granted 13<sup>th</sup> April 1993.

#### **83/0006**

Replacement of existing structure with new dwelling – Granted 24<sup>th</sup> August 1983.

#### **80/0734**

Extension at rear including new w.c. – Granted 15<sup>th</sup> January 1981.

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

STR7 – Natural Environment.

GEN1 – General Requirements for Development.

GEN3 – Development in the Open Countryside.

TWH1 – Development Affecting Trees & Woodlands.

L2 – Area of Outstanding Natural Beauty.

AC13 – Access and Traffic Impact.

HSG5 – New Dwellings Outside Settlement Boundaries.  
HSG4 – Limited Infill Development Outside Settlement Boundaries.  
EWP12 – Pollution.  
EWP13 - Nuisance.  
EWP16 – Water Resources.

Local Planning Guidance Note 2 – Space Around Dwellings.  
Local Planning Guidance Note 4 – Trees & Development.  
Local Planning Guidance Note 10 – New Housing in the Open Countryside.

Planning Policy Wales (PPW) (Edition 8, January 2016)  
Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015). Housing Land Availability in Wales updated 1 November 2016.  
Technical Advice Note (TAN) 2: Planning & Affordable Housing (2006).  
Technical Advice Note (TAN) 10: Tree Preservation Orders (1997).  
Technical Advice Note (TAN18): Transport (2007).

It is considered that the development is not acceptable in principle in planning policy terms as it is located outside any recognised settlement boundaries, within open countryside and part of the Clwydian Range Area of Outstanding Natural Beauty and is not for a proven local need or regarded as infill development.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description & Proposals**

The site comprises part of the existing garden of May Villa, Cefn Bychan Woods, Pantymwyn. This Northern part forms a rectangle, is relatively flat with a mature oak subject to a Tree Preservation Order located on part of the Northern boundary. The garden is split from the dwelling by the existing access track which serves this property and the remainder of the dwellings within this cluster of dwellings.

7.02 May Villa is the Southernmost dwelling within a row of existing properties located on the Eastern side of the existing access road. Along the Western side of the road lie the gardens to these properties. May Villa as with these other properties within the row is a detached, rendered wall and tiled roof bungalow.

7.03 This application seeks outline planning permission with all matters reserved for the erection of a new detached dwelling. It will have the maximum overall dimensions of 16.2 m (length), 12.7 m (width) and 7.95 m (height). A passing place is proposed in the south eastern corner of the site for all users of the track serving the existing properties. An illustrative plan showing the siting of the proposed dwelling within the plot has been submitted.

7.04 Issues

The main issues to be considered within the determination of this application is the principle of the development in Planning Policy terms, the highway implications, the effects upon the character and appearance of the area, the effects upon the existing tree and the effects upon the amenities of the existing and proposed occupiers.

7.05 Principle of Development

The site is located within open countryside and outside any recognised settlement boundary as defined by the Adopted Flintshire Unitary Development Plan (FUDP). Policies STR1, GEN3, HSG4 and HSG5 essentially restrict the type of development permitted outside settlement boundaries. This application does not relate to an essential farm or forestry worker under Policy HSG4 or a rural enterprise dwelling as defined in Planning Policy Wales and TAN 6.

7.06 Policy HSG5 relates to infill development provided it is for a proven local need. This application is not for a local need but for private market housing. In addition, to meet the policy, the development must comprise of a small gap within a clearly identifiable small group of houses within a continuously developed frontage and does not create fragmented development.

7.07 The site is not a small gap within a group of houses within a continuously developed frontage as it is separate from the existing ribbon development opposite the proposed development site. The proposal would create development which is at odds with the strong characteristic of the existing ribbon development. The proposed dwelling would appear conspicuous as it is isolated from the existing residential development. If allowed, the development as a result would create fragmented development which does not respect the form, design and scale of surrounding development.

7.08 The applicant's submission makes reference to the lack of a 5 year supply of housing. TAN 1 specifically states that lack of housing supply alone is not sufficient to make unacceptable development acceptable and that proposals should comply with development plan and national planning policies (paragraph 6.2). Flintshire may not have the 5 year housing land supply required by PPW and as defined by most recently updated TAN 1 guidance however, whilst this is an important material consideration, the proposal is not compliant with the criteria based approach of Policy HSG4 and HSG5. The fundamental objectives of those policies in protecting the open countryside remain compliant with the thrust of Planning Policy Wales. Furthermore the provision of one dwelling would only make a minimal contribution to meeting the shortfall and the harm caused to this location outweighs the contribution that would be made to housing provision.

7.09 Highways

Vehicular access to the site will be off the existing single width track which serves the existing dwellings which in turn is located off the single width Cefn Bychan Woods road. A passing place for all users of the track serving all of the existing properties is proposed in the south eastern corner of the site to aid highway safety. A management group is also to be formed to assist with the maintenance of this existing single width track.

7.10 Given the above, the Highways Development Control Manager does not raise any objection to the proposal upon highway grounds.

7.11 Character & Appearance of Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

The site is located within open countryside in the Adopted Flintshire Unitary Development Plan and within the Clwydian Range & Dee Valley Area of Outstanding Natural Beauty.

7.12 It enjoys an open location which is visible from the entrance to the existing cluster of dwellings. This unjustified proposed development with its associated paraphernalia would lead to a fragmented form of development within this part of the open countryside to its visual detriment which does not also either maintain or enhance the natural beauty of this part of the AONB.

7.13 Trees

The mature oak on the northern boundary adjacent to the garage on the neighbouring plot is subject to TPO 285 (2011) which is in good condition and needs to be retained.

7.14 The estimated diameter of the stem is 600 mm which translates to a Root Protection Area of 7.2 m in the British Standard. The crown spread is a similar distance.

7.15 The above means that the dwelling would need to be situated outside of this defined area. Also to achieve a satisfactory juxtaposition between the tree and living accommodation, the dwelling should be positioned further away.

7.16 The illustrative site plan shows that the dwelling will be sited behind the garage on the adjoining plot. This avoids conflict with the tree and retains the end of the private road's open character. The tree's prominence along the road would also not be diminished.

7.17 Amenities of Existing & Proposed Occupiers

There are no existing properties either to the side or to the rear of the proposed dwelling. The existing property of May Villa is located opposite the proposal but is separated by the existing track with the proposed separation distance also being 22m. Therefore there will be no significant detrimental impact upon the amenities of either the existing or proposed occupiers in terms of overlooking, loss of light or

obtrusiveness.

- 7.18 In terms of the existing and proposed private amenity areas, the requisite standard sizes within Local Planning Guidance Note No. 2 'Space Around Dwellings' will be met. Therefore the amenities of both the existing and proposed occupiers will not be compromised in this respect.

## **8.00 CONCLUSION**

- 8.01 Having regard to the most current advice in TAN 1 regarding housing supply the proposal fails to meet the necessary criteria based approach set out in Policy HSG4 and HSG5 and accompanying national planning guidance. Furthermore the development would have a significant detrimental impact upon the character and appearance of the open countryside which also would not maintain or enhance the natural beauty of this part of the Clwydian Range & Dee Valley Area of Outstanding Natural Beauty contrary to Policy L2.

### **8.01 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.

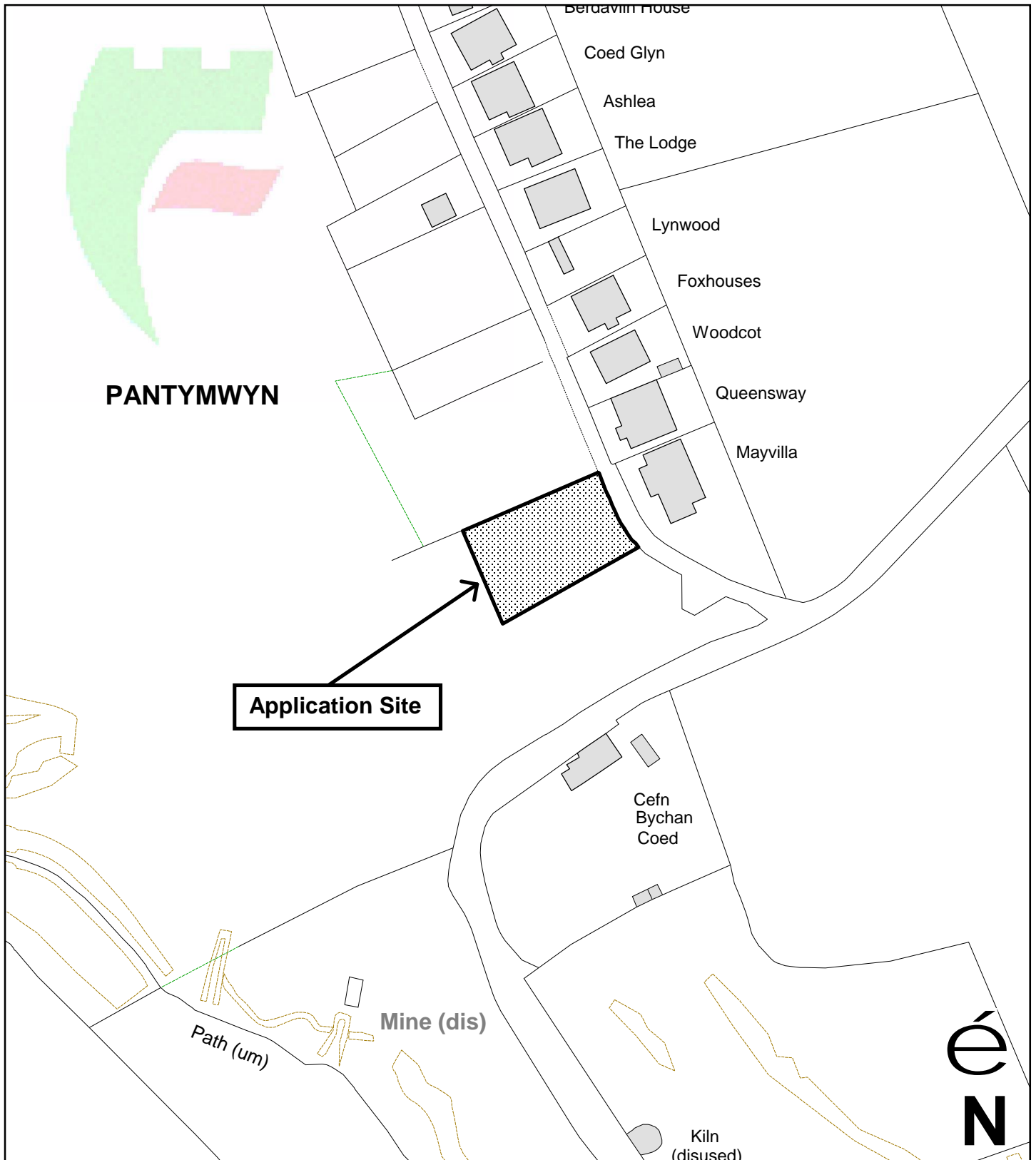
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

## **LIST OF BACKGROUND DOCUMENTS**

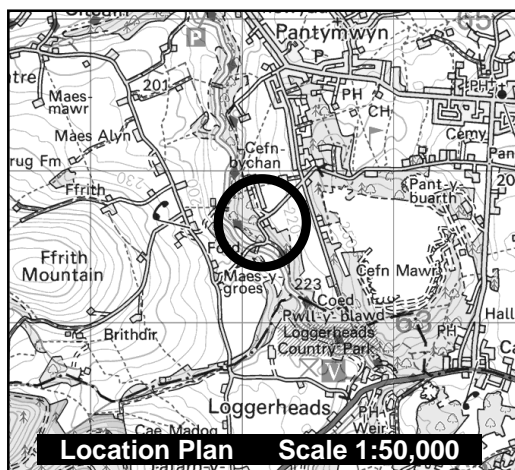
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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





**Application Site**

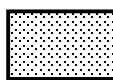



**Location Plan Scale 1:50,000**



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	<b>55750</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **16<sup>TH</sup> NOVEMBER 2016**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF TWO-STOREY EXTENSION TO SIDE OF DWELLING AT 18 PARKFIELD ROAD, BROUGHTON**

**APPLICATION NUMBER:** **055618**

**APPLICANT:** **MR TIM NILAND**

**SITE:** **18 PARKFIELD ROAD, BROUGHTON**

**APPLICATION VALID DATE:** **28<sup>TH</sup> SEPTEMBER 2016**

**LOCAL MEMBERS:** **COUNCILLOR D BUTLER**  
**COUNCILLOR M LOWE**

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

**REASON FOR COMMITTEE:** **REQUEST OF LOCAL MEMBER FOR REASON THERE ARE COMPLEX ISSUES**

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

### **1.00 SUMMARY**

- 1.01 The application as submitted forms a full application which relates to the erection of a two storey side extension at 18 Parkfield Road, Broughton.
- 1.02 The proposal is considered to comply with Policies GEN1, D2, AC18 and HSG12 of the Flintshire Unitary Development Plan. And Local Planning Guidance Notes 1, 2, and 11.

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

- 2.01 1. Time limit.  
2. In accordance with plans.  
3. Facilities to be provided and retained within the site for parking.

### **3.00 CONSULTATIONS**

3.01 Local Member

Councillor D Butler

Has formally requested Committee determination and a Committee site visit be made.

Councillor M Lowe

No response at time of writing

Community Council

No objections

Head of Assets and Transportation

Plan has now been amended to show the provision of three parking spaces and no objections are raised.

Head of Public Protection

No adverse comments to make.

Welsh Water/Dwr Cymru

Public sewer crosses the site, therefore request that that a note be added to any planning consent if minded to approve the application. The note identifies that a public sewer crosses the site with the approximate position being shown on the map provided. No development including the rising or lowering of ground levels will be permitted within the safety zone which is measured either side of the centre line. The developer is required to contact Dwr Cymru Welsh Water if a sewer connection is required.

### **4.00 PUBLICITY**

4.01 Neighbour Notification

At the time of writing three letters/e-mails and one power point presentation have been received from the neighbouring occupier of No 16 Parkfield Road who objects to the development on the following grounds:-

- Loss of natural sun light to the property including a second floor bedroom (located to the side elevation facing the development) garden area and drive areas.
- Shared manhole would need to be relocated and would refuse to allow the manhole in middle of drive.

- Loss of view from bedroom
- Loss of residential amenity.
- Noise disturbance
- Overlooking
- Overshadowing.
- Unacceptable overdevelopment of the site.
- Visual impact of the development.
- Effect on character of the neighbourhood
- Development is overbearing, out of scale or out character in terms of appearance compared with existing development in the vicinity.
- Loss view from neighbouring properties.
- Adversely affect highway safety
- Terraced affect
- Contrary to policy advice

A letter has been received from a Mr MacKenzie a legal representative appointed by the occupier of No 16 Parkfield Road who has set out the occupiers objections as referred to above and has submitted notes setting out the relevant considerations applicable in determining the application as noted below in section 6. The letter identifies the relevant policies and policy documents /paragraphs applicable to this proposal :-

Local Planning Guidance Note No 1 Extension and Alterations to dwellings Policy 2.1 (Design) and 2.2 (Extensions should not be more than 50% of original floor space). Paragraph 5.6 relates to issues relating to overdevelopment, garden areas, parking distances, overlooking issues. Paragraph 6.2 relates to terracing.

Local Planning Guidance Note No 2 Space Around Dwellings paragraph 3.1 requires minimum separation distances to allow satisfactory privacy to habitable rooms. Paragraph 4.1/4.2 relates to minimum garden areas required. Paragraph 5.1 relates to parking requirements together with Local Planning Guidance Note 11 on Parking Standards.

Policy D1 Design Quality, Location and layout

The letter concludes that the proposal conflicts with policies GEN1, HSG12, D1 and LPG1 (House Extensions and Alterations, LPG 2 (Space Around Dwellings) and LPG Note 11 (Parking) and should be refused.

## **5.00 SITE HISTORY**

### **5.01 041194**

Demolition of utility room and part of garage to form single storey pitched roof kitchen extension to rear - Approved.

### **037766**

Dormer extension – Approved.

## **6.00 PLANNING POLICIES**

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

STR1 – New Development

STR8 – Built Environment

GEN1 – General Requirements for Development

D1 – Design Quality, Location and Layout

D2 – Design

HSG12 – House Extension and Alternations

AC18 Parking Provision and New Development.

Technical Advice Note 12 Design

Local Planning Guidance Note No. 1 Extensions and Alterations to Dwellings.

Local Planning Guidance Note No. 2 Space Around Dwellings.

Local Planning Guidance Note No. 11 Parking Standards.

## **7.00 PLANNING APPRAISAL**

7.01 The application site itself is located within Broughton as defined in the Flintshire Unitary Development plan. The application as submitted and amended relates to a householder application for the erection of a two storey side extension at 18 Parkfield Road, Broughton CH4 0SF.

7.02 The property itself consists of a previously extended semi-detached dormer style dwelling constructed of brick under a tiled roof in part. As noted in the site history above the dwelling has been the subject of two previous planning application both of which were approved and subsequently built.

### Previous Extensions

7.03 The first application submitted under reference 037766 related to the erection of a dormer to the front of the dwelling. The application was

submitted in June 2004 and showed a dormer measuring 5 metres wide with a flat roof extending to just below the roof line of the dwelling by 0.15 metres. The development necessitated the increase in floor area of the original dwelling footprint by approximately 15sqm.

- 7.04 The second application submitted under reference 041194 proposed the erection of a single storey pitched roofed kitchen extension. Part of the proposal involved the demolition of the utility room and utilised part of the existing garage. Overall this resulted in a net gain of 8sqm.

#### Present Application

- 7.05 The present application initially showed a two storey side extension, indicating a garage/store at ground floor level with a utility room to the rear. While the plans show the provision of a garage/store, given the dimensions of the garage and the fact the site narrows towards the rear of the site the garage as shown could not be used as a garage to accommodate a normal family sized vehicle. The garage measures 2.7 metres at the front narrowing to approximately 2 metres at the rear of the garage indicated. At first floor the plans show a bedroom to the front with a shower room to the rear. The original submission showed the proposed roof line at the level of the existing roof line. In order to provide a relief in the design of the roofline an amended plan was submitted to show a small step in the roof line. In addition the rear window to the shower room indicated an opening window, this was amended also to show the window fixed and obscure glazed to stop any overlooking of the adjoining property.

- 7.06 As noted above the space to the side of No 18 Parkfield Road where the extension is proposed narrows from front to rear. The site is 1.1 metres narrower at the rear than the front and this is reflected in the design of the extension which is narrower to the rear. The extension has a dormer design to reflect the existing dwelling and others in the area. The plans show a small flat roofed dormer to the new bedroom at the front and a smaller dormer to the shower room to the rear which are also reflective of other dormers in the area. The amended plan shows the provision of three parking spaces as required by the guidance for a four bedroom dwelling.

- 7.07 In terms of scale the extension as noted measures 3.1 metres to the front narrowing to approximately 2 metres at the rear being approximately 0.15 metres off the boundary line. The extension measures 7.6 metres deep slightly less than the main house given a slight set back is proposed to create relief in the design of the frontage. The area at ground floor level is approximately 18.8 square metres while the first floor having an area of 15.44 metres square giving an overall total for the extension of 34.24 square metres additional floor area.

#### Extension Size

- 7.08 The original dwelling had an approximate floor area of 85 sqm. The

balance of the previous alterations resulted in an increase of 34.5sqm. The proposed extension would add a further area of 34 square metres.

- 7.09 The existing and proposed extensions would result in an increase of 68.74 sqm, an increase of approximately 61%. The neighbouring occupier objects to the increase of the dwelling based on LPG 1 House Extensions to Dwellings and states that houses should not be more than 50% of the original floor space. The LPG1 is a guidance note and each site needs to be looked at on its own merits. In this instance it is considered the extension combined with the previous applications is not considered out of scale or character with the existing dwelling.

#### Highway Issues

- 7.10 The occupier of No 16 Parkfield Road has objected in relation to highway safety and parking requirements for the proposed development. The objector makes reference to LPG Note 11 and the requirement for adequate parking to meet the needs of the development in hand. The Highway Officer no objections to the provision of 2 spaces in the originally submitted application. However, the applicant has submitted an amended plan showing the provision of 3 parking spaces which meets the requirement of the LPG guidance note. The objector raises the further issues letter raises issue that it is impossible for spaces 1 and 2 to be used whilst parking space 3 is in use. However, there is no objection to this layout, it is not unusual or overly onerous for a single household to manage parking spaces within their own driveway.

#### Design

- 7.11 In terms of householder applications there has never been a requirement to submit a design and access statement. The amendments sought to the proposal were to provide relief in the proposed roof-line and the frontage. The amendments have secured a proposed design which is considered to harmonise and appear subservient to the main dwelling. Furthermore the replication of the use of dormer windows complements the host dwelling the fenestration pattern in the surrounding housing stock. In addition the rear window to the shower room indicated an opening window, this was amended also to show the window fixed and obscure glazed to stop any overlooking of the adjoining property. The objector also raised the issue of terracing however, given the amended plan showing a reduced roof line and the extension slightly off the boundary it is not considered that this would give rise to a terracing effect.

#### Separation Distances

- 7.12 The neighbouring occupier at No 16 has objected to the distance which would be created between his existing first floor habitable bedroom windows and the proposed extension. The objector has referred to guidance contained within LPG note 2, Space About Dwellings. The guidance requires that a separation distance of 22m is achieved between back to back facing habitable room windows and 12m is

achieved between a habitable room and a flank wall.

7.13 At present the bedroom window of the objectors house looks out onto gable end of the application site and its parking/garden area. This is an unusual arrangement whilst commonplace to this location this is not a common practice with present day developments with only secondary windows usually now found on side elevation i.e bathrooms etc. The proposed extension would still result in a flank wall being presented to the neighbouring occupier at No 18. The fundamental difference would be the flank wall would be between 2metres and 3 metres closer given the narrowing nature of the application site. There would be no issues with relation to privacy only in relation to overshadowing and level of light received to the occupier of the bedroom at No 18. .

7.14 Due to the south-westerly orientation of the proposed extension which is a dormer style construction, the effect of the proposal would not significantly alter the existing light levels within the room which is at first floor level and any minor reduction would be confined mainly to the morning. It is considered that this would have a limited impact on the reasonable enjoyment of that room by any occupier. In terms of overshadowing, it is expected that for a limited period of time during the morning there might be overshadowing in the narrow part of the garden area/driveway between the two properties. It is considered that the proposal would have a negligible effect on the main, useable area of the garden lying towards the rear of the dwelling. Overall the proposed extension would not cause any greater harm to the occupiers reasonable enjoyment of that first floor bedroom at No 18 than is already created by the existing arrangement.

## **8.00 CONCLUSION**

### **8.01 Other Considerations**

It is considered that the proposed development is largely compliant with the relevant policies and guidance. The harm which would arise by the increase in proximity of the flank wall of No 16 towards No 18 is not unreasonable. The development in the manner proposed will not adversely impact upon highway safety nor will it impact on the residential amenity of the occupants of the adjoining residential property or the character of the area in a manner that would warrant refusal of the application

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.

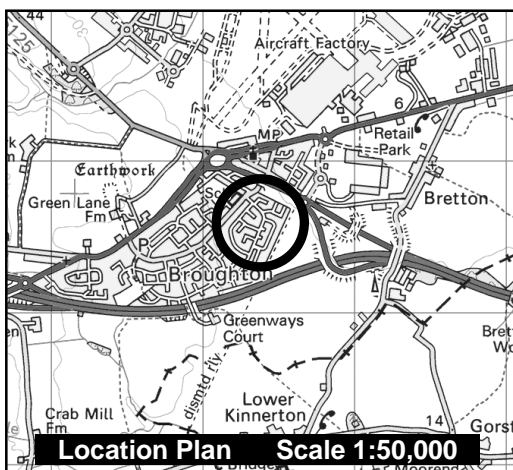
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

#### **LIST OF BACKGROUND DOCUMENTS**

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

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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 1:750

OS Map ref SJ 3463

Planning Application **55618**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 16 NOVEMBER 2016**

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

**SUBJECT:** **GENERAL MATTERS - CHANGE OF USE TO HOUSE IN MULTIPLE OCCUPATION (RETROSPECTIVE) AT 24 THE BRACKENS, BUCKLEY.**

### **1.00 APPLICATION NUMBER**

1.01 055579

### **2.00 APPLICANT**

2.01 Limelight

### **3.00 SITE**

3.01 24 The Brackens, Buckley, Flintshire

### **4.00 APPLICATION VALID DATE**

4.01 8 July 2016

### **5.00 PURPOSE OF REPORT**

5.01 At the Planning and Development Control Committee meeting on the 12<sup>th</sup> October 2016, members resolved to refuse the above application for four reasons, namely that it is Out of keeping; will create traffic problems; will create access issues for the existing nearby supported living accommodation and; the impact on residential amenity

### **6.00 REPORT**

6.01 In coming to their decision to resolve to refuse the above application Members expressed concerns over issues of amenity and impact upon neighbouring residential amenity, traffic and highways safety issues and concerns over the

6.02 Accordingly the proposed reasons for refusal are as follows:

- In the opinion of the Local Planning Authority the proposed use represents an incongruous form of development within this locality, where the predominant character is defined by dwellinghouses occupied by families. The proposed development would be out of keeping with the character of the locality and as such is contrary to policy GEN1 of the Flintshire Unitary Development Plan.
- In the opinion of the Local Planning Authority the proposal, by virtue of the increased traffic generation and vehicle movements to and from the premises, is likely to give rise to an increased risk to highways safety for local residents. As such the proposal is contrary to policy GEN1 and AC13 of the Flintshire Unitary Development plan.
- The likely increase in vehicular traffic and on road parking at the site, in close proximity to existing supported living accommodation, would lead to access issues arising for emergency service vehicles compromising the safe use of the existing facility. As such the proposal is contrary to policies GEN1 and AC13 of the Flintshire Unitary Development Plan.
- In the opinion of the Local Planning Authority the increased intensity of the proposed use would give rise to excessive noise and disturbance from increased comings and goings which would adversely affect the living conditions of neighbouring occupiers. As such the proposal is contrary to policy GEN1 and D1 of the Flintshire Unitary Development Plan.

## **7.00 RECOMMENDATIONS**

- 7.01 That the suggested reasons for refusal as set out in paragraph 6.02 above form the basis of the decision of the Council to refuse application Ref: 055579.

### **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:** **16<sup>TH</sup> NOVEMBER 2016**

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

**SUBJECT:** **APPEAL BY THORNCLIFFE BUILDING SUPPLIES LIMITED AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE VARIATION OF CONDITION NO. 10 (EXTENSION TO WORKING HOURS) AND CONDITION NO. 26 (INCREASE HEIGHT OF STOCKPILES) ATTACHED TO PLANNING PERMISSION 052359 AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE – ALLOWED.**

### **1.00 APPLICATION NUMBER**

1.01 054536

### **2.00 APPLICANT**

2.01 Thorncliffe Building Supplies Limited

### **3.00 SITE**

3.01 Flintshire Waste Management, Ewloe Barns Industrial Estate, Mold Road, Ewloe

### **4.00 APPLICATION VALID DATE**

4.01 03/11/2015

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the decision of the Planning Inspectorate on an appeal which followed the refusal by members of the Planning Committee against officer recommendation of an application for the Variation of Condition No. 10 (Extension to Working Hours) and Condition No. 26 (Increase Height of Stockpiles) Attached to Planning Permission 052359. Note condition 26 was withdrawn prior to determination by Planning Committee. The appeal was considered under written representations and was ALLOWED, granting planning permission without compliance with condition number 10 which

related to the hours of operation, but subject to the following condition:

*10 ) For a period of six months starting from the date of this permission the receipt of waste and tipping of waste within the transfer building, including the manual sorting of waste, shall be restricted to:*

- *0600-1900 hours Monday to Saturday*
- *1000-1700 hours Sunday*

*All other activities, including crushing and screening and processing of waste in the open air, shall be restricted to:*

- *0700-1800 hours Monday to Saturday*
- *No working on Sundays or Christmas Day, except for repair, maintenance and testing which shall only be carried out between 0900-1700 hours.*

*Following the period of six months identified above, the hours of operation shall revert back to those contained within condition 10 of planning permission 052359.*

## **6.00 REPORT**

6.01 The inspector considered the main issue to be in this case:

- The effect of varying the condition would have on the living conditions of nearby residents in relation to noise and disturbance.

6.02 The site is a waste management facility located within the southern part of the Ewloe Barns Industrial Estate, a well-established industrial estate which accommodates a number of different uses. The appeal site is set away from residential properties with the nearest sensitive receptors located at Parry's Cottages, approximately 220m to the north, separated from the appeal site by the A494 trunk road. Other properties considered include Oaks Farm, approximately 300m to the west of the appeal site and residential properties along Smithy Lane, approximately 390m to the east of the appeal site.

6.03 The Inspector agreed with the methodology which was used to assess the impact of the development on nearby sensitive receptors and the sensitive receptors which were selected for the assessment. He noted that the assessment identified that there would be no significant impact on sensitive receptors as a result of the variation and that Local planning policies GEN 1(d), EWP 8(b) and (f) and EWP 13 generally require that an impact be significant. He also noted the 6 month period would allow any concerns regarding uncertainty to be addressed through a full assessment.

## **7.00 CONCLUSION**

7.01 The Inspector concluded that varying the condition for a period of 6 months would not harm the living conditions of nearby residents in relation to noise and disturbance and that the appeal should be ALLOWED.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

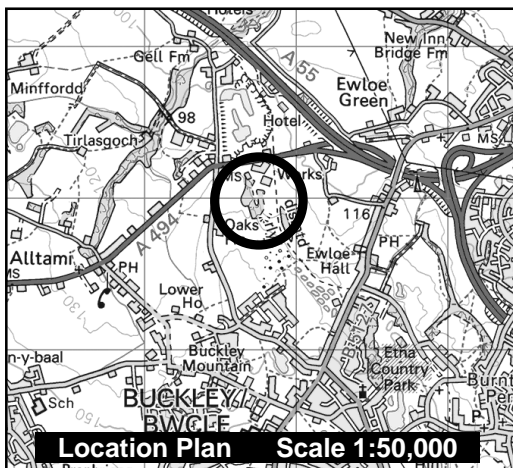
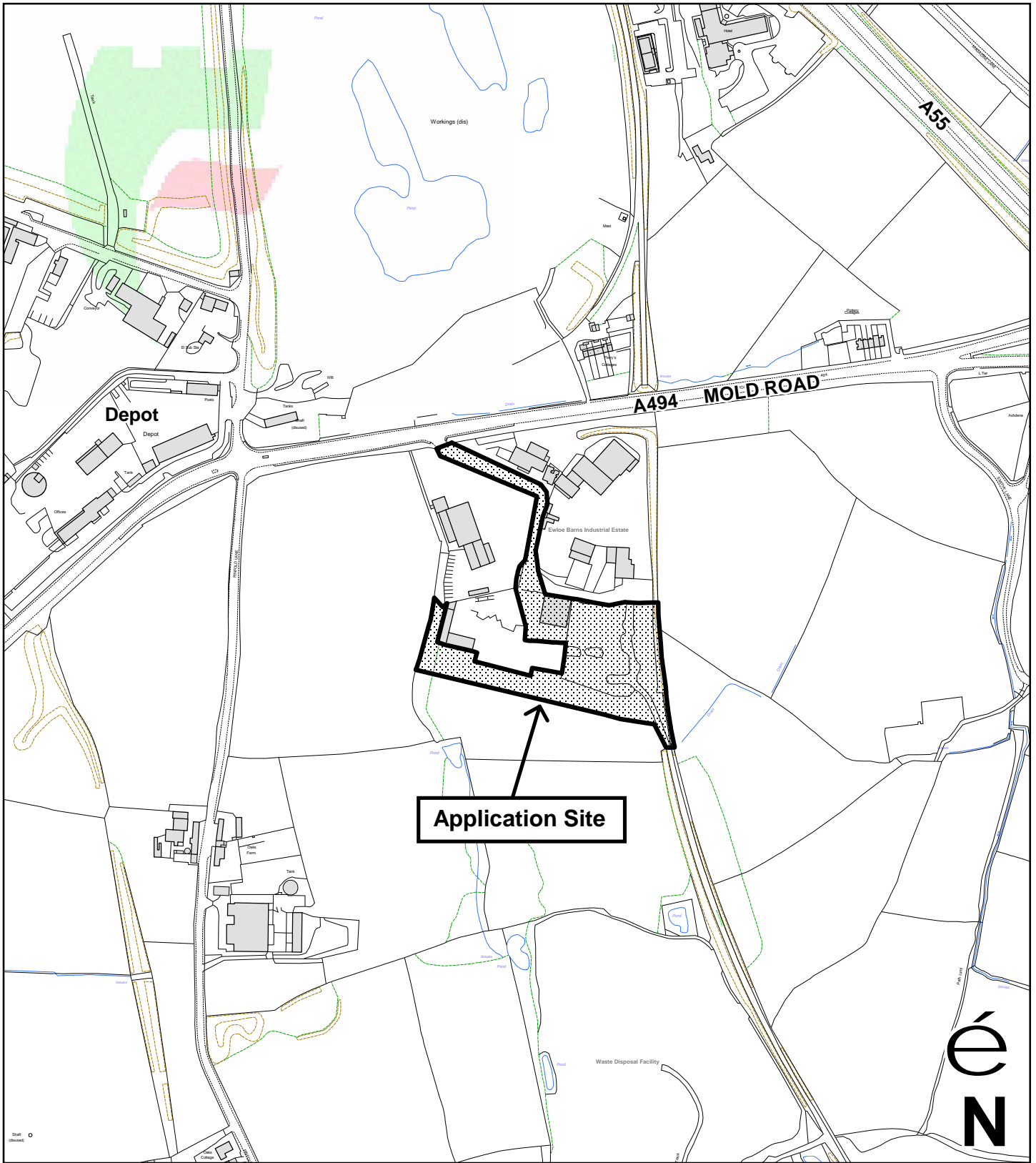
Responses to Consultation

Responses to Publicity

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Chief Officer: Mr Andrew Farrow

**Legend**

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

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Map Scale	1:5000
OS Map ref	SJ 2766
Planning Application	<b>54536</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **16<sup>TH</sup> NOVEMBER 2016**

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

**SUBJECT:** **APPEAL BY MR. D. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE USE OF MOBILE BUILDINGS AS TAXI BUSINESS AT HARLEYS GARAGE, CHESTER STREET, MOLD - ALLOWED**

### **1.00 APPLICATION NUMBER**

1.01 055104

### **2.00 APPLICANT**

2.01 MR. D. JONES

### **3.00 SITE**

3.01 HARLEYS GARAGE,  
CHESTER STREET, MOLD

### **4.00 APPLICATION VALID DATE**

4.01 18TH APRIL 2016

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation into the refusal to grant planning permission for use of mobile buildings as a taxi business at Harleys Garage, Chester Road, Mold. The application was refused by Delegated Powers, with the appeal dealt with by way of written representations and was **ALLOWED**.

### **6.00 REPORT**

#### 6.01 Background

Members may recall that this application was refused by Delegated Powers on 10<sup>th</sup> June 2016 on the basis that the building is visually

harmful by virtue of its design and location to the character and appearance of the area, and setting of the conservation area.

6.02 Issue

The Inspector considered that the main issue to be the effect of the proposal on the setting of the conservation area and the character and appearance of the area and the materiality of the claimed lawful use and operational development of the site.

6.03 Lawful Use

The site is a commercial garage situated on the south side of Chester Street split on two levels. The upper side adjacent to Chester Street is currently not being actively used and includes a mobile cabin and forecourt area, together with buildings currently used for storage purposes in connection with the garage. The lower side is an operational garage with access onto the Tesco roundabout and road which runs beneath Chester Street bridge leading to public car parking areas. Fronting this lower road and roundabout are a series of small units contained in a single building and these are occupied in part by taxi hire businesses.

6.04 The appellant maintained that the garage use had been established since the 1930s and a car wash facility operated on the site since the 1960s. The appellant asserted that the mobile cabin is immune from enforcement action and cannot be required to be removed from the site. This was corroborated by two aerial photographs in 2009 and 2015 which shows the presence of the mobile cabin in situ for these periods. The appellant also noted that a valeting business operated on the forecourt and utilised the cabin prior to 2008 and this continued until July 2015 as stated on the application.

6.05 The proposal seeks to change the use of the cabin and associated forecourt to a taxi office. The forecourt would be utilised for parking and space is shown for 4 vehicles on the submitted plan. The cabin would be utilised as a control room for taxis, and it seems unlikely given its size, it would be used as an operational taxi office where staff and customers would wait for a taxi to escort them to their destination. The appellant asserted that in the majority of circumstances taxis would not need to visit the appeal site since new bookings and instructions would be given by phone/radio whilst on-call, and therefore in all likelihood taxis would remain operating on the road.

6.06 The Council objected to the development on the basis that the appeal building is visually harmful by virtue of its design and location to the character and appearance of the area and setting of the conservation area. The Council referred to a proposal for retention of the building to be used in connection with the proposed use. However, the appellant's application would be to re-use the current cabin for the intended purpose, and it seemed to the Inspector that the appellant had not sought to retain the appeal building on the site but to establish

a new use, given that the appellant was firm on the belief that the building/cabin is immune from enforcement action.

- 6.07 The conservation area boundary starts beyond the bridge to the west of the site. It includes the ramped pedestrian access leading down to the public car park. This then continues on the north side of the road towards the town centre. On the south side, the conservation area includes the cream painted brick hipped roof building inset from the junction with Tyddyn Street. On the south side the conservation area boundary is some 75 m distance from the appeal site. The forecourt of the Dental Care practice, the junction of Tyddyn Street, and the heavily landscaped pedestrian link down to Tesco together with the substantial landscaping below and alongside the bridge are all features outside the conservation area on the south side of the road. On the north side is a commercial premises selling solar panels which utilises a part stone faced lean-to building linked to a timber, felt and part rendered building behind. This is quite heavily screened from the bridge next to the ramped access point.
- 6.08 Taking the view back from the conservation area, the cabin and garage forecourt are not noticeable, obscured by established landscaping alongside the bridge, which is situated outside of the appeal site. The bridge walls, raised carriageway and pavements and the buildings beyond are the main focus of the view. From the appeal site towards the conservation area the listed stone former Council office is seen beyond the bridge and the gable end of the buildings on the far side of the bus station entrance. Some part of the building selling solar panels is also seen but in the main the appeal site has limited influence and neutral effect on the conservation area because of the intervening bridge walls, pavement and established landscaping.
- 6.09 Therefore the Inspector concluded that the proposal would preserve the setting of the conservation area.
- 6.10 The Council indicated that the appeal site and the immediate area is characterised by its openness and landscaping, being located opposite a public amenity area which is paved and has seating, ornamental trees and sculpture. However, the Inspector considered the site is that of a garage business opposite a small amenity area next to a bridge which is substantially landscaped. The effect on openness and landscaping would not change if the preceding use were to be supplanted by the proposed use since the forecourt could be reused and is currently being used by vehicles being parked there, possibly associated with the garage business. The impact of the proposed use has no discernable visual change on the character and appearance of the area from the preceding valeting use or the established garage use. The Council was critical of the design, location and appearance of the cabin, but the nature of the proposal the Inspector considered seeks to re-use the current building in situ,

and the Council did not provide evidence that it seeks to enforce against the removal of the cabin. The evidence presented on this point that the continued siting of the cabin now forms part of the character and appearance of that area.

- 6.11 Whilst the Inspector provided no conclusive determination on the issue of immunity under a section 78 appeal, based on the available evidence the materiality of the claimed lawful use and operational development of the appeal site provided some moderate weight in favour of the proposal in relation to the effect this development would have on the character and appearance of the area. In summary, there was some credence to the appellant's submission that the reuse of the cabin is the only change involved which is immaterial to the present character and appearance of the area. Had that not been the case then the appellant would have sought the cabin's retention as part of the planning application.

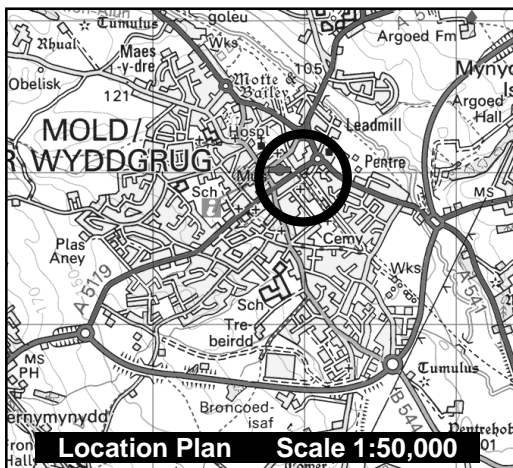
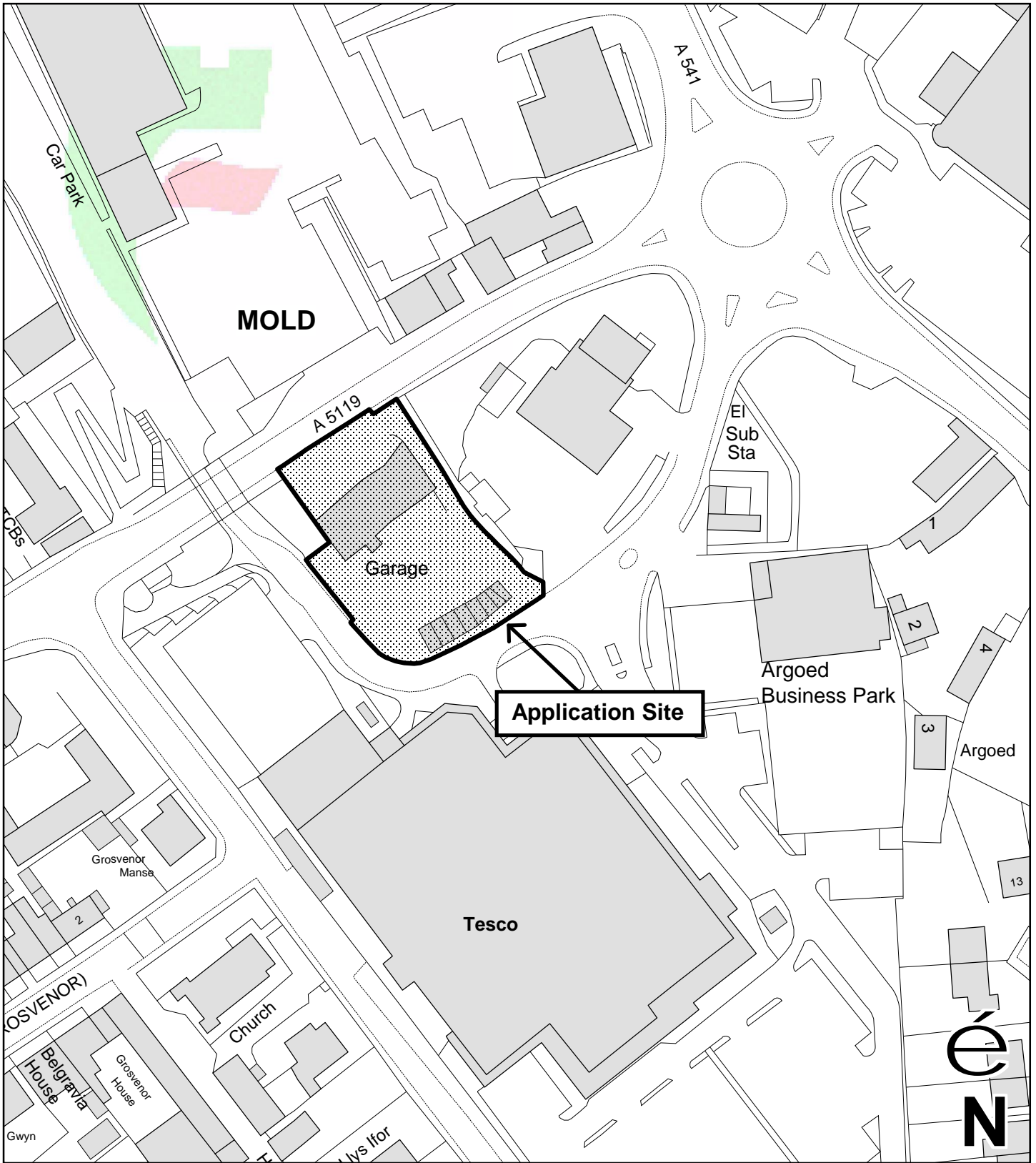
## **7.00 CONCLUSION**

- 7.01 The Inspector concluded that the proposal would not harm the character and appearance of the area since it forms part of the character of that area. Therefore the appeal was **ALLOWED**.

### **LIST OF BACKGROUND DOCUMENTS**

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

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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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OS Map ref SJ 2363

Planning Application **55104**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **16<sup>TH</sup> NOVEMBER 2016**

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

**SUBJECT:** **APPEAL BY MR. D. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL AND SITING OF PARK HOME AT BRYN HEDYDD FARM, LLYN HELYG, LLOC – DISMISSED.**

### **1.00 APPLICATION NUMBER**

1.01 054686

### **2.00 APPLICANT**

2.01 MR. D. JONES

### **3.00 SITE**

3.01 BRYN HEDYDD FARM,  
LLYN HELYG, LLOC

### **4.00 APPLICATION VALID DATE**

4.01 4<sup>TH</sup> DECEMBER 2015.

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation into the refusal to grant planning permission for change of use from agricultural to residential and siting of a park home at Bryn Hedydd Farm, Llyn Helyg, Lloc, Holywell. The appeal was 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 by Members of

the Planning & Development Control Committee on 23<sup>rd</sup> March 2016 as there was insufficient justification of the development and its resultant detrimental impact upon the character and appearance of the countryside.

6.02 Issue

The Inspector considered the main use to be whether or not there was adequate justification for a new rural enterprise dwelling in this location.

6.03 Need/Justification

The information submitted with the application to the Council in order to justify the proposed dwelling consisted of a supporting statement, trading account information and financial projections relating to the livery and agricultural businesses at Bryn Hedydd. Information was subsequently provided which identified the involvement of various family members in different activities at Bryn Hedydd. However, having regard to the clear expectations and requirements set out in considerable detail in TAN6 and the supporting Practice Guidance, it was plain that insufficient information was present to demonstrate that all of the key tests identified were satisfied. In particular, there was no analysis of hours involved in operating the equestrian business and the agricultural business, and hence no robust assessment of the labour requirements of these two activities.

6.04 As regards the functional requirement for workers to have a round the clock presence at the site or close by in order to meet the operational needs of the rural enterprise activities concerned, the information on this was also limited. The Inspector recognised that the livery businesses will in all probability require the round the clock presence of a worker in order to operate the enterprise properly, attending to the care of the horses and being on hand to ensure their welfare, deal with any emergencies and provide security. The Council indicated its acceptance of this at the hearing. However, the existing farmhouse currently provides this facility and thus enables this requirement to be met. Although the stated intention is for Arwel Jones and his family to occupy the farmhouse going forward, on the evidence before the Inspector his involvement at present is predominantly with the haulage business, which is not one of the qualifying rural enterprise activities in respect of which the case for an additional dwelling at Bryn Hedydd is based.

6.05 The information concerning the scale, management and functional needs of the agricultural activities at Bryn Hedydd is minimal. At the hearing the Inspector was informed that the principal livestock enterprise is a flock of 100 breeding ewes (although the submitted forecast trading figures are based on 60 sheep). However, there was no analysis of the labour requirements of this or any other agricultural activity at Bryn Hedydd, on which an assessment of the functional requirements of the agricultural enterprise can be based. Whilst it

emerged at the hearing that Arwel Jones' eldest son commenced rearing beef cattle at Bryn Hedydd in Spring 2016, again there was no analysis of this to form part of any assessment of the overall requirement for essential workers' dwellings at Bryn Hedydd.

- 6.06 It is said for the appellant (Mr. Jones senior) that in reassigning the responsibilities on this rural enterprise the farming responsibilities, which have historically been undertaken by him (no doubt assisted by other family members), will pass to his son Arwel Jones and the two eldest grandsons. However, no details of the new management arrangements or the mechanism by which the proposed arrangement is to be secured were submitted.
- 6.07 Nor, assuming that the holding at Bryn Hedydd will pass jointly to Arwel Jones and Gwenfair Reid as stated was there an assessment of the combined qualifying rural enterprise activities at Bryn Hedydd which demonstrates that the functional needs of the Bryn Hedydd enterprises are such that a second essential worker's dwelling on the holding is justified, in the terms referred to in paragraphs 4.10 – 4.11 of the Practice Guidance.
- 6.08 The Inspector recognised that the level of agricultural activity at Bryn Hedydd will have fluctuated through time, depending on the involvement of different members of the family at any given time and the level of focus on other activities at the site. The Inspector accepted that with the passing of the management of Bryn Hedydd from one generation to the next and the increased involvement of younger members of the family, the level of agricultural activity may increase. However, it is important that where new residential accommodation is permitted as an exception to the normal restriction on such development in the open countryside, this is done on the basis of clear and robust evidence of current need which is likely to be sustained, demonstrating that all of the tests referred to in TAN6 and the Practice Guidance are met. Such evidence had not been provided in this case. Whilst it was also potentially arguable that a second workers dwelling is necessary at Bryn Hedydd at this stage in order to enable the agricultural enterprise to develop as intended alongside the on-going operation of the livery business, the Inspector did not have detailed evidence which supports such an argument.
- 6.09 The Inspector concluded that it had not been adequately demonstrated that an additional worker's dwelling at Bryn Hedydd was justified.
- 6.10 Effect on Character & Appearance of the Area  
The site of the proposed dwelling would be located adjacent to the existing grouping of buildings. Whilst the park home would be distantly visible in long range views over the countryside from the south, it would have a comparatively low profile due to its single storey height and would be seen in the context of the existing buildings. The

site is not located in an area subject to any landscape designation conferring higher than normal landscape protection. Undue visibility could in any event be mitigated by landscape planting and/or control of external finishes, which could be regulated by conditions.

- 6.11 At the hearing the Council agreed that, if it had been satisfied as to the justification for a new rural enterprise dwelling at Bryn Hedydd, it would have seen no over-riding objection to the development as regards its visual impact and effect on the character and appearance of the countryside. The Inspector agreed with that position. However, whilst the Inspector found no over-riding objection to the proposal in terms of the matters specifically raised by UDP policies GEN1 and L1, this did not outweigh the Inspector's conclusion that there is insufficient evidence to demonstrate that the proposed dwelling is justified as an exception to the general restriction on new dwellings in the open countryside. In the light of this the Inspector found that the development would unjustifiably erode the character and appearance of the open countryside.

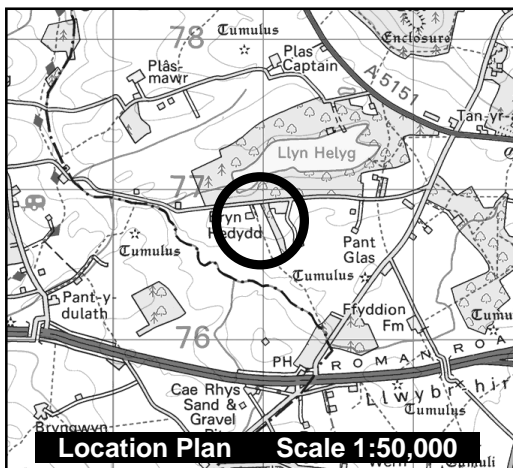
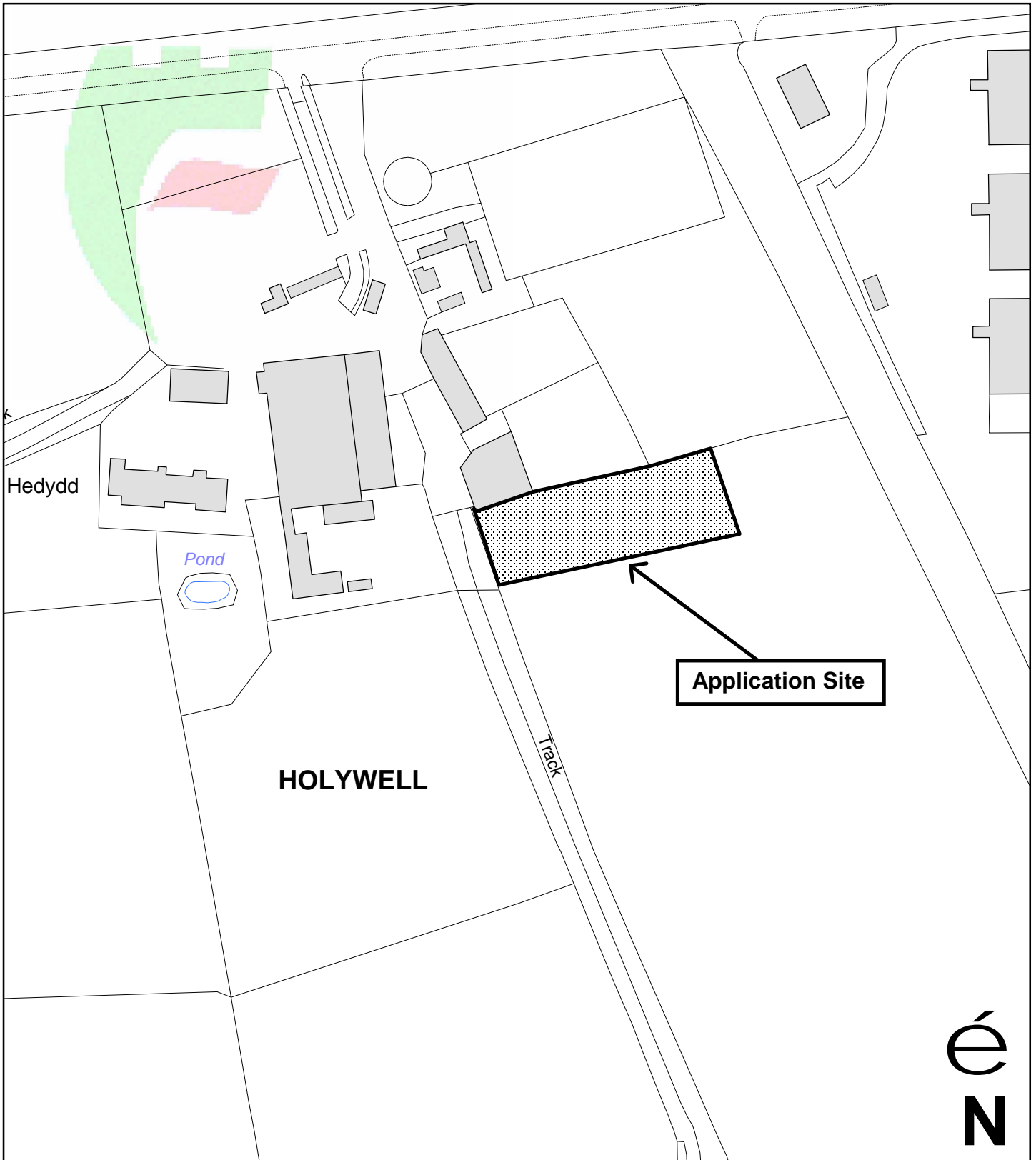
## **7.00 CONCLUSION**

- 7.01 The Inspector concluded that there was insufficient justification demonstrated for a new rural enterprise dwelling in this location. Material considerations did not exist to indicate a decision other than in accordance with the development plan. Thus the appeal was **DISMISSED**.

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

**Legend**

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

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Map Scale	1:1250
OS Map ref	SJ 1076
Planning Application	<b>54686</b>

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