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Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



To: Cllr David Wisinger (Chairman)

CS/NG

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

15 March 2017

Maureen Potter / 01352 702322
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Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 22ND MARCH, 2017** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins
Democratic Services Manager

WEBCASTING NOTICE

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A G E N D A

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 22nd February 2017.

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 22 MARCH 2017**

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	054548 - A	054548 - A - Full Application - Erection of 43 No. Dwellings and Associated Works at Ffordd Eldon, Soughton. (Pages 21 - 36)
6.2	055807 - R	055807 - R - Full Application - Demolition and Relocation of Existing Cricket Pavillion with Associated Parking and Erection of 91 No. Dwellings, Associated Infrastructure and Landscaping at Northop Cricket Club, Flint Road, Northop. (Pages 37 - 54)
6.3	056547 - A	056547 - A - Full Application - Construction and Operation of a Household Recycling Centre at Chester Road, Oakenholt (Pages 55 - 86)
6.4	056436 - A	056436 - A - Full Application - Erection of Two Storey and Single Storey Extension to Rear of Dwelling at 5 Church Cottages, Old Sealand Road, Sealand. (Pages 87 - 92)
6.5	056319 - A	056319 - A - Full Application - Change of Use and Conversion of an Existing Chapel to Form a Single Dwelling at Cysegr Chapel, Rhewl Mostyn, Holywell. (Pages 93 - 102)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.6	054770	054770 - Appeal by Elan Homes Ltd Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 56 No. Dwellings with Associated Access, Open Space and Infrastructure at Kinnerton Lane, Higher Kinnerton - ALLOWED. (Pages 103 - 108)

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PLANNING AND DEVELOPMENT CONTROL COMMITTEE
22nd FEBRUARY 2017

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 22nd February 2017.

PRESENT: Councillor Ian Dunbar (Vice Chair in the Chair)

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

IN ATTENDANCE:

Chief Officer (Planning and Environment); Development Manager; Senior Engineer - Development Control; Senior Planners; Planning Officer, Senior Solicitor and Team Leader – Democratic Services.

132. DECLARATIONS OF INTEREST

Councillor Marion Bateman declared a personal and prejudicial interest in agenda item number 6.1 – Full Application – Erection of 43 No. Dwellings and Associated Works at Ffordd Eldon, Soughton (054548).

Councillors Carol Ellis, Mike Peers and Neville Phillips declared personal and prejudicial interests in agenda item number 6.2 – Renewal of Outline Planning Permission Ref: 046545 for Residential Development at Hillcrest, Mount Pleasant Road, Buckley (055936).

Councillor Derek Butler declared a personal interest in agenda item number 6.4 – Full Application – Swap Out and Relocation of the Existing 10m High Monopole for a 12.0m High Alpha Monopole, Installation of 3 No. Equipment Cabinets and Associated Development at Land Opposite Fair Haven, Ruthin Road, Gwernymynydd (056287).

The Solicitor advised that the officer taking the minutes would be replaced with another officer for agenda item number 6.3 – Full Application – Erection of Single Storey Extension to Provide Children's Nursery Facilities at 10 Aughton Way, Broughton (056279) as she was a friend of the applicant.

133. LATE OBSERVATIONS

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

134. MINUTES

The draft minutes of the meeting held on 18th January 2017 were submitted.

RESOLVED:

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

135. ITEMS TO BE DEFERRED

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

Having earlier declared a personal and prejudicial interest in the application, Councillor Marion Bateman left the meeting prior to the discussion.

Agenda item number 6.1 – Full Application – Erection of 43 no. Dwellings and Associated Works at Ffordd Eldon, Soughton. He explained that it had become apparent that not all of the interested parties who had made representations to the Authority had received details of the item being considered at the Committee today. He felt that it was prejudicial to those people and it was not safe for the Committee to determine the application on that basis and apologised for the administrative error.

Councillor Bithell moved deferment of the application and was seconded by Councillor Wisinger.

Councillor Richard Jones commented on the large number of people that were in attendance for that item and said it was unfortunate that they had not been informed of the deferral. The Chief Officer explained that a Member decision could not be pre-judged and until deferral was voted on, the item was still for determination. He acknowledged the point made by Councillor Jones and suggested that it could be a matter for discussion at a future Planning Strategy Group meeting.

On being put to the vote, deferral of the application was carried.

RESOLVED:

That agenda item number 6.1 – Full Application – Erection of 43. no Dwellings and Associated Works at Ffordd Eldon, Soughton (054548), be deferred.

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

136. RENEWAL OF OUTLINE PLANNING PERMISSION REF: 046545 FOR RESIDENTIAL DEVELOPMENT AT HILLCREST, MOUNT PLEASANT ROAD, BUCKLEY (055936)

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. Councillors Ellis, Peers and Phillips, having earlier declared personal

and prejudicial interests in the application, left the meeting prior to its discussion.

The officer explained that this was a renewal of outline planning permission for residential development to the rear of Hillcrest, Mount Pleasant Road/Drury Lane, Buckley. It needed to be established whether there were any new material considerations since the previous grant of planning permission with the main considerations being the impact of the development on the adjacent Deeside and Buckley Newt Special Area of Conservation (SAC) and the mining history of the site.

In order to try to bring development forward on the site, a 2 year outline permission was proposed with a 12 month time limit to submit the reserved matters. Issues relating to land contamination could be dealt with by condition. Details of the required bat mitigation needed to be provided at reserved matters stage and could also be secured by a condition. The impact on the SAC would be met through the mitigation land secured through the S106 agreement.

The officer added that condition 5 in the report should read 'Mount Pleasant Road' and not Lower Mountain Road.

Councillor Richard Jones moved the officer recommendation for approval which was duly seconded. He commented that it was an application for renewal with a 2 year permission which he supported.

In response to comments from Councillors Bithell and Butler, the officer explained that the permission was outline at this stage and the total number of dwellings would be detailed in the application for reserved matters when submitted. The numbers shown in this report were indicative only with all matters reserved.

RESOLVED:

That planning permission be granted subject to the following:

Prior completion of a S106 agreement to provide for:

- Open space provision - £1,100 per dwelling to enhance toddler play provision at the existing children's play area on Mount Pleasant Road, Buckley
- Education provision - £12,257 per primary school pupil generated towards Mountain Lane Primary School
- Mitigation land to overcome indirect impacts on SAC through provision of informal recreational space and provision of ecological mitigation including long term management for both areas

And subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) which included an amendment to paragraph 4.0 of the report as detailed in the late observations.

After the vote had been taken, Councillors Ellis, Peers and Phillips returned to the meeting and were advised of the decision.

137. FULL APPLICATION – ERECTION OF A SINGLE STOREY EXTENSION TO PROVIDE CHILDREN’S NURSERY FACILITIES AT 10 AUGHTON WAY, BROUGHTON (056279)

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. 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 gave an overview of the application and explained that the proposals were for the extension and alteration of the existing garage to provide accommodation to run a children’s day nursery. She outlined the reasons for recommending approval, subject to conditions controlling the scale of the development and making it personal to the applicant.

Mr. S. Sutton spoke against the application on the following grounds: the detrimental impact of increased levels of traffic in a quiet residential area; increased noise levels for residents; limited access to the property; the lack of available parking at the property; concerns around flooding near the property which occurred during prolonged periods of bad weather which could worsen with the proposed extension.

Councillor Mullin proposed refusal of the application on the grounds of parking concerns and impact on residential amenity, against officer recommendation, which was duly seconded. Councillor Mullin reiterated the concerns raised by Mr. S. Sutton and commented that no assurances had been given by the applicant that children would be picked up and returned to their homes at the end of the day.

Councillor Butler commented that the property was in an area that was prone to flooding and raised concerns around the proposed parking at the property which he felt was unsuitable.

Councillor Richard Jones questioned the brief comment made by the Highways Department and raised concerns around the proposed increased number of vehicles which would undermine safety in a cul-de sac.

Councillor Peers said that he had attended the site visit and shared the concerns of Councillor Mullin. He questioned whether 5 vehicles would fit onto the proposed parking area and raised concern with the increased number of vehicles for neighbouring residents and the impact on the amenity with the increased noise levels. He also commented on the report, which outlined that if the use of the extension ceased, the building could be used as a residential annex or other ancillary accommodation, and asked if this would require further planning permission.

Councillor Thomas commented on the demand for nursery facilities and spoke in support of the application on the grounds that the proposal was for a small scale extension. He also said that he did not envisage all parents arriving to pick up their children or drop off their children at the same time. Councillors Bithell and Roberts also spoke in support of the application and said that there were no planning grounds for refusing the application.

The officers responded to the concerns raised and explained that the parking standards set out a maximum parking provision and the application met that standard. Any residential property could run a child-minding business from the property without requiring planning permission provided they care for no more than 6 children without the authority having control over the opening hours and parking provision. Therefore, the only material change was 2 additional children.

The Development Manager advised the Committee that the reasons given for refusal on parking concerns and the impact on residential amenity were technical matters. Officers had explained that the highway/parking reason met the requirements set out in the SPG guidance and there had been no adverse comments from the Public Protection Manager on increased noise levels, and therefore there was no technical evidence on the impact of noise.

On being put to the vote, the proposal to refuse planning permission against officer recommendation, was carried.

RESOLVED:

That the application be refused on the grounds of insufficient parking and impact on residential amenity.

138. FULL APPLICATION – SWAP OUT AND RELOCATION OF THE EXISTING 10M HIGH MONOPOLE FOR A 12.0M HIGH ALPHA MONOPOLE, INSTALLATION OF 3 NO. EQUIPMENT CABINETS AND ASSOCIATED DEVELOPMENT AT LAND OPPOSITE FAIR HAVEN, RUTHIN ROAD, GWERNYMYNYDD (056287)

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

The officer explained that this was a full application for the replacement and relocation of the existing 10m high monopole with a 12.0m high alpha monopole, installation of 3 no. equipment cabinets and associated development. The proposal was to improve the level of coverage in the vicinity.

Due to the increased height and design of the new mast it would be more prominent than the one it replaced. However the additional impact was such that the development would not have a significantly greater or detrimental impact upon the street scene and surrounding townscape. Views of the mast

were largely obscured by buildings and mature vegetation. Dwellings to the north of the site were over 35 metres away and the dwelling to the south was 75 metres away from the site.

Some concerns had been raised on potential public health concerns which were detailed in the report.

Mr K. Hughes spoke against the application on behalf of Gwernymynydd Community Council on the following grounds: siting of the mast; economic benefit should not outweigh health concerns of the community; radiation splay at the same level as the bedrooms of the dwelling opposite; non-ionising radiation; height of the mast; inconclusive evidence on health issues from the effect of mobile phone masts but there was evidence of cancer clusters that had been found around phone masts; and other health problems.

Councillor Wisinger moved the officer recommendation for approval which was duly seconded. He commented on the health concerns that had been raised and said there was no proof of any health hazards. He also commented on the benefit to the local community that the monopole would bring.

Councillors Bithell and Butler also said there was no medical evidence on the health concerns raised, as was outlined in the report. At the site visit, Councillor Butler noted there were a large number of street lights in close proximity and therefore felt the monopole would not be out of keeping in the area.

Councillor Matthews said she had looked at monopoles throughout the country and they were not usually so close to dwellings. On non-ionising radiation, she said the radiation from a monopole was constant so she felt there would be damage to human cells. The radiation emitted would be level with the first floor of the property adjacent to the monopole.

She said the International Commission on Non-Ionising Protection issued guidelines which were adhered to by applications for any monopole but that the most recent published research was from 2008. It claimed the radiation diminished in strength as the distances increased but she felt this was a flawed view. There had been no further published papers as there was not enough evidence due to the significant use of mobile phones only being over the last 10 years. She referred to a recent French telecommunications company who had been required to remove a mast completely and some other countries now exercising caution in the siting of new masts. The World Health Organisation also recommended caution. Public Health Wales adhered to the International Commission on Non-Ionising Radiation Protection and said the evidence was inconclusive. In conclusion, she said the residents of Gwernymynydd recognised the need for a monopole but requested that an alternative site be found. This was an opportunity for the Planning Committee to express concerns on the siting of monopoles with possible health effects of non-ionising radiation.

Councillor Thomas expressed his concerns on public health and felt an alternative site should be found.

Councillor Richard Jones felt if the evidence was inconclusive on the health effects then the Committee should proceed with caution. He also said the perception of local people needed to be considered and felt an alternative site for the monopole should be found.

Councillor Roberts said the visual impact would not be effected due to the mature vegetation and buildings in the locality. He said that if the application was refused and the applicant went to appeal, Inspectors took notice of evidence based information which was not available in this instance. He referred to a similar application in Devon where an appeal had been lost.

Councillor Bateman asked how far back the monopole would need to be before it reached the nearby dwellings.

The officer explained that the Flintshire County Council Unitary Development Plan (UDP) cited that any new telecommunication facilities in areas such as the A.O.N.B were subject to a feasibility study which would assess if suitable alternatives were available. As this was an upgrade to an existing site that policy did not apply and it was considered the most appropriate place for the monopole.

On health concerns, Technical Advice Note (TAN) 19 set out what Welsh Government (WG) considered to be material and non-material. TAN 19 stated that where transmissions from a proposed base station met the ICNRP guidelines it was unnecessary for a Local Planning Authority to consider further the health concerns when considering such an application. There was no demonstrable harm to public health arising from the development.

The plan showed a 19.6m exclusion zone around the mast. The closet property was 35m away and therefore well outside of the exclusion zone.

The Development Manager added that when the Guidelines were drawn up, they were done so with a precautionary approach given that mobile phones had not been in use for a relatively high number of years. Members could therefore be assured that the guidance was already given on a precautionary basis to protect residents, schools etc.

In summing up, Councillor Wisinger said the current equipment had been in situ for 10 years and no evidence had been provided on any health problems. The only difference was a height increase of 2 metres.

RESOLVED:

That Planning Permission be granted subject to the conditions outlined in the report of Chief Officer (Planning and Environment).

139. FULL APPLICATION – ERECTION OF EXTENSION TO DWELLING AND FORMATION OF NEW ACCESS AT COED ISSA COTTAGE, LLANFYNYDD (056109)

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

The application was for a single storey extension to the existing two storey dwelling and the formation of a new vehicular access with parking and turning area at Coed Issa Cottage, Llanfynydd.

Mrs A. Beesom spoke against the application on the following grounds: inaccurate plans that did not display Coed Issa Farm and Coed Issa Cottage were linked together; proposed rear door egressed into Coed Issa Farm utility building, not an open area; internal door served as rear door to Farm; rear door used as thoroughfare for the two properties when it was under single ownership but had not been used in many years; the septic tank was located 1 metre into her boundary and there was no current arrangement for dispersal of overflow water; no mention of sewage disposal in the report; retaining wall of the outbuilding should remain untouched as if removed it would undermine her land; the road was 40mph, not 30mph as stated in the report; there were two natural water courses that flowed through the site which fed the farm outbuildings.

Councillor Wisinger proposed the officer recommendation for approval which was duly seconded. He commented that it was clear from the site visit that the current dwelling would benefit from the proposed extension.

Councillor Thomas said the application was within the policy guidelines of a 50% guide for approving an extension.

Councillor Richard Jones queried whether the application should be deferred pending clarification on the speed limit of the road which he felt was a key factor to the application.

Councillor Butler commented that the report did not include any information on access and egress, overflow of water or a septic tank and queried whether they would be dealt with via conditions.

Councillor Roberts said there was a highway gain if the application was approved as there would be a provision for off road parking.

The officer explained that the application was for an extension to the right hand side of the dwelling which met the requirements of the relevant policy. All other issues would be dealt with by conditions. He clarified it was for an extra bedroom and bathroom facility.

The highways officer explained that visibility splays did not meet the guidance set for a 30mph limit and did not meet them for a 40mph limit either. However, the highways authority was keen to encourage parking within the site and was satisfied that an access could be created which was sufficient to protect the safety of highway users.

In summing up, Councillor Wisinger concurred that any parking on the site as opposed to the highway could only be of benefit.

RESOLVED:

That Planning Permission be granted subject to the conditions outlined in the report of Chief Officer (Planning and Environment).

140. FULL APPLICATION – ERECTION OF WASTE TRANSFER BUILDING AND STORAGE BAYS, FORMATION OF ADDITIONAL HARD STANDING AND RETENTION OF BOUNDARY FENCING AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE (055411)

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. 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, which included the conditions also detailed in the late observations.

The proposal was for the erection of a waste transfer building on an existing waste management site within an established industrial estate. The proposal would comprise the erection of a waste transfer building, construction of concrete push walls and the retention of fencing. The proposal would not result in any change to the nature and tonnage of waste types which could be managed at the site.

The proposal would see significant improvements to the operation of the site, reducing the impact of the current operation on local amenity by bringing the management of residual household black bag waste within a fully enclosed building.

The site was located well away from residential properties and whilst distant views of the site would be possible from residential properties along Liverpool Road and Smithy Lane, any impact was not considered sufficient to cause significant harm to residential amenity and the proposed hours of operation would help to minimise the impact of the proposed development on residential amenity.

The use of the building to accommodate the processing of waste and using machinery would help minimise noise from activities within the site.

The activities undertaken at the site had the potential to generate odour and dust and the management of wastes within the proposed building would help the operator control dust and minimise odour. The building itself would also act as a barrier to dust leaving the site.

Mr N. Foxhall spoke in support of the application on the following grounds: the company had operated the facility for a number of years and improved and enlarged the site to process waste; fully enclosed building with roller shutter doors; delivery via existing access and no increase to waste delivered to site; improvement to current facility based on enclosed building which would reduce noise, dust and vermin and a hard standing concrete area which would reduce debris from the site; and no objections from statutory consultees.

Councillor Butler proposed the officer recommendation for approval which was duly seconded. He commented on the conditions outlined in the report, particularly in relation to the wheel washing. Those were also outlined in the comments received from Welsh Government (WG) as outlined in the late observations which he welcomed.

Councillor Wisinger added the proposal would benefit the site as it would be undercover and a good barrier against noise and smell.

Councillor Ellis explained that the complaints about the site had been well documented. She commented in particular on the mud on the roads, which had been particularly bad over recent weeks, and welcomed the condition on wheel washing for the safety of all road users. There had also been issues with seagulls and litter escaping from the site and also light pollution; Councillor Ellis suggested that a condition on light pollution could be included. On odour, she understood Natural Resources Wales (NRW) were responsible for controlling it and she had reported a problem to them the previous day. She was advised that deodorising equipment should be in operation on site at the moment and asked that this be addressed. She asked for clarification on hours of operation.

Councillor Peers said the site visit had been beneficial as it demonstrated the odour problem at the site. On proposed condition number 14 and the provision of wheel wash facilities, he asked when they would be installed as it was clear there was a problem at the moment.

The officer explained that part of the site that was not concreted generated mud in poor weather conditions which was then tracked out by vehicles. There were current wheel wash facilities on site and that was contained in the current conditions relating to the site in that it should be used by all vehicles leaving the site. She believed they were not necessarily in the right place on the site at the moment and the operator was contacted on each occasion when a complaint was received and those complaints were acted upon. It was her view that the best option for this site was to secure a hard standing concrete area. A condition on wheel washing would be attached to this application should it be approved.

On seagulls and litter, complaints were received in relation to both and this application was the proposed solution to deal with those issues. It was currently an open building and not fit for purpose in that it did not keep the black bag waste inside hence attracting seagulls and litter escaping. There was a proposed lighting condition which was outlined in the report as was also the case with proposed hours of operation. The extended hours of operation which had been secured for the site through application 054536, which was granted on appeal, allowed working between the hours of 06:00 and 19:00 Monday to Saturdays and 10:00 and 17:00 on Sundays for a period of 6 months. Irrespective of the outcome of the appeal, because the application before Members had been submitted and assessed on the basis of the proposed hours of operation of 07:00 – 18:00 Monday to Saturday with no working Sundays or Christmas Day, except for repair, maintenance and testing which would be carried out between 09:00 – 17:00, it was being recommended that those hours be conditioned.

On the odour experienced at the site visit, the officer explained that she had contacted the applicant and had been advised that the operation on that day had not been a usual operating scenario as the outlet for black bag waste had been unavailable resulting in waste being stored for longer than usual, as well as it being a particularly warm day. There was an odour condition as outlined in the late observations.

In response to a question from Councillor Thomas, the officer clarified that the wheel wash facilities would be moved to near the exit. The current wheel wash facility was out of the sight of Members on the site visit.

In summing up, Councillor Butler said this was an opportunity to make improvements on the site and to ensure hard standing concrete on the site and improved wheel washing facilities by re-siting them to overcome current problems on the highway.

RESOLVED:

That Planning Permission be granted subject to the conditions outlined in the report of Chief Officer (Planning and Environment) including those detailed in the late observations.

141. DEVELOPMENT OF AN INTEGRATED WASTE MANAGEMENT FACILITY COMPRISING A MIXED WASTE TREATMENT FACILITY, A CONSTRUCTION WASTE MATERIALS RECYCLING FACILITY, AND A CONTAMINATED SOILS TREATMENT FACILITY AT STONEYBEACH QUARRY, PINFOLD LAND, ALLTAMI (052364)

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 following deferral at the last meeting. 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 proposed Integrated Waste Management Facility (IWMF) comprised: a commercial and industrial waste materials recycling facility, a construction waste recycling facility, and a contaminated soils treatment facility.

All of the issues raised at the last meeting which formed the basis of a deferral were addressed in the report. The officer made particular comments on the concerns that had been raised on the impact of the development on the Public Right of Way (PROW) by the Ramblers Association at the last meeting. The PROW ran along the private estate road which would serve the development, and which also served a number of different industrial uses including Pinfold Lane Quarry which was owned by the applicant. The road was already used by Heavy Goods Vehicles (HGVs) and would have accommodated quarry traffic in addition to industrial traffic whilst Stoneybeach quarry was operational. The Public Rights of Way (PROW) officer had not objected to the proposal on the basis of the impact of the PROW and advised, in particular, that it was common for a PROW to be used by vehicles where a right to do so existed. Due to the width of the road it was considered that the development would have no greater impact on users of the PROW than existing users. The applicant proposed to install a weighbridge and office facilities along the private road which could impact on the PROW and may necessitate a temporary closure whilst construction works were being undertaken.

Mr H. White spoke against the application on the following grounds: public rights of way (PROW) users would be affected by the quantity of lorry traffic; applicant failed to consider the issue in the environmental statement originally submitted and was not proposing any mitigating actions; impact of lorry traffic was unacceptable on the path; up to 12 lorries per hour on the path; modern policies supported PROW; 400m access track was recorded as a public path which was the width of former track and been progressively widened over time; constructive meeting with officers on site and clarified site history, definitive path line and how it had altered over the years by the developer. Also he had drafted a condition should Members wish to have sight of it.

Councillor Butler proposed the officer recommendation for approval which was duly seconded. He said whilst he supported the application he did have some concerns on the weighbridge and agreed with the mitigation measures as outlined in the report.

Councillor Ellis also agreed with the areas of mitigation in relation to the weighbridge and suggested a barrier to protect to the public from vehicles turning. On the highway improvement works which would be undertaken at Parry's Quarry, there was concern from residents on air quality in the area and said there were no monitoring devices nearby. They also felt the source of the waste should be local and had concerns on contaminated waste; residents wanted to know what it was contaminated with. She also asked whether there was a need for another facility which would also produce noise, dust and light pollution. On restriction of vehicle movements, the CMRIF facility would operate seven days a week and there was a fear this would generate more noise. It was reported that the majority of the work would take place inside and

she queried how that would be policed. On the ecology report, a recommendation of an addendum to the report was advised. There was also reference in the report to the harm to the great crested newts.

Councillor Peers commented on the 24 hours of operation which would take place within the building saying at some time during that 24 hour period there would be a need to open those doors and he agreed with Councillor Ellis that it would be difficult to monitor the operation. He also commented on potential noise from vehicles reversing with the audible beeping sound. A discussion took place on the site visit on the integration of the footpath with the moving vehicles and he felt a physical segregation was needed between the highway and the footpath and asked if that could be a condition.

Councillor Richard Jones felt the need had not been proven for the proposed development. He commented on the close proximity of Ewloe Barns and Parry's Quarry adjacent to the site who were undertaking the same processes. Also, the Inspector initially said the landfill was not necessary.

Councillor Thomas commented that the footpath was dangerous with the number of vehicles on the track. On the wheel wash, he said it would not work when the access to the site was a hard core access as it created white dirt and he suggested tarmac or concrete instead. On noise and pollution complaints, he said it was clear it was not being policed and questioned whether this would continue if approved. He concurred with the view of Councillors Ellis and Richard Jones on whether there was a need for another facility in the area.

Councillor Bithell supported the comments made on the PROW. On the hours of operation, he felt it was confusing as some were 7am-7pm with other operations being 24 hours. He felt it should all be 7am-7pm with no operations taking place on a Sunday. The rules for the three different facilities in close proximity were different on each one. He suggested that it should be 7am-7pm for 12 months with an application for an extension if no complaints had been received during that period.

Councillor Lloyd asked if a condition could be put on the application to ensure that the weighbridge was not a public one.

The officer explained that a condition was recommended, following discussions with the PROW officer, to require the marking out of the PROW along the private road and to secure extra signage which would encourage walkers to use the area identified for the different usage. Signage would also help to reduce conflict of use. However, this was a road that was already used for a number of industrial uses and there had been no evidence of any problems. That use would continue irrespective of whether planning permission was granted or not. The industrial use access was on the left hand side of the road with the other side being an active quarry; therefore a physical barrier between the vehicles and the PROW was not feasible. She confirmed that PROW guidance highlighted was a material consideration and was properly considered in that way.

On air quality, a condition was proposed to be included that would secure monitoring of dust from the site. The applicant had been clear on the source of the waste; it was not intended to serve just Flintshire but a much wider area. On contaminated waste, a condition was imposed to ensure material was transported to the site within enclosed vehicles to carry the contaminated soils. The need for a facility was detailed in full in the report which the officer felt had been demonstrated, reiterating that it was not just a facility for Flintshire alone but the wider area and the facilities were not available anywhere else nearby. The Inspector had also detailed the benefits that would be provided by the facility.

Conditions were also recommended to cover dust, noise and lighting concerns with appropriate monitoring.

On 24 hour work and the policing of it, the way in which the condition was written allowed for 24 hour work within the building but in general it did not allow activities to take place outside. There were exceptions such as in an emergency. Noise monitoring would take place and work in parallel with the hours of operation which would pick up any issues and ensure that usual operations were not taking place outside of the usual hours of operation which was 7am-7pm, with any complaints being investigated. On reversing beepers, there was a condition to ensure HGV's did not access the site outside of the hours of 7am-7pm.

The Ecologist had asked for information as an update but the information was not forthcoming. However, she felt she had sufficient information on which to form a decision. On great crested newts, a suitable condition was recommended.

The condition on the weighbridge would restrict the use so it was not available to the public. Improvements to the private road could be secured to address issues of dirt on the road.

Councillor Richard Jones asked a question on Parry's Quarry which had permission for commercial and demolition material but the report said this was not considered. On need, he said Parry's Quarry also had a contaminated soil site. The officer explained that there was a permission at Parry's Quarry to develop as a landfill site and that was in the process of being implemented. If that continued then capacity for construction and demolition waste would not be available. On such waste, a lot of it was due to the availability of space at a particular point in time. On contaminated soils, it was based on permitted facilities which had a permit from NRW. There was no harm in having two sites in close proximity.

In summing up, Councillor Butler asked if the Committee could hear Mr White's proposed condition in respect of the PROW. The Senior Solicitor advised that this was not appropriate as it had not been seen by officers or Members prior to the meeting and full details of the proposed condition had been provided by the officer on mitigating the issues raised in respect of impacts on the PROW. Councillor Butler said he still had some concerns on the PROW

but officers confirmed that the PROW would be marked and provision for maintenance would be included in the condition in order to overcome the concerns outlined and to protect walkers in that area.

RESOLVED:

That Planning Permission be granted subject to the legal agreement and the conditions outlined in the report of Chief Officer (Planning and Environment), including as detailed in the late observations.

142. APPEAL BY MR P. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A DWELLING AS PART OF A SMALL HOLDING DEVELOPMENT AT PENYCEFN ISAF, PEN Y CEFN, CAERWYS - DISMISSED (054929)

Councillor Roberts referred to the reasons for dismissal by the Inspector in that they considered that the proposal would intensify built development in the open countryside to the detriment of its character, regardless of its visibility. He felt this reason could be used to the benefit of the Authority at any future appeals.

The Development Manager responded to say the decision embraced the Authority's policy position.

RESOLVED:

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

143. APPEAL BY MR R. HILL AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE OF VACANT POLICE HOUSE (FORMERLY A DWELLING) INTO A 9 BEDROOM HMO AND ASSOCIATED ACCESS IMPROVEMENTS AT 63 HIGH STREET, SALTNEY – ALLOWED (054929)

Councillor Lloyd expressed his disappointment at the decision of the Inspector to allow this appeal and said his concerns on car parking remained.

RESOLVED:

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

144. APPEAL BY MRS M. GARDNER AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE SITING OF A CARAVAN FOR HOLIDAY LET USE AT THE REAR OF 2 TYN Y MORFA COTTAGES TYN Y MORFA, GWESPYR, HOLYWELL – DISMISSED (055553)

RESOLVED:

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

145. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 32 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00pm and ended at 4.16 pm)

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Chairman

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND MARCH 2017**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 43 NO. DWELLINGS AND ASSOCIATED WORKS AT FFORDD ELDON, SYCHDYN**

APPLICATION NUMBER: **054548**

APPLICANT: **STEWART MILNE HOMES**

SITE: **FFORDD ELDON, SYCHDYN.**

APPLICATION VALID DATE: **12TH FEBRUARY 2016**

LOCAL MEMBERS: **COUNCILLOR M. BATEMAN**

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

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

SITE VISIT: **UNDERTAKEN 20TH FEBRUARY 2017**

Consideration of this application was deferred at the Planning & Development Control meeting on 22nd February 2017, given concerns that adequate notification had not been given to interested parties to enable them to participate in the planning process. This exercise has since been completed and the application is as a result being reported back to Committee for determination.

1.00 SUMMARY

- 1.01 This full application proposes the erection of 43 No. dwellings and associated works on land at Ffordd Eldon, Sychdyn, Mold.
- 1.02 The site the subject of this application is allocated for residential development in the Flintshire Unitary Development Plan by virtue of Policy HSG1 (38). A Development Brief for the site has previously

been produced and adopted as Supplementary Planning Guidance in 2012.

1.03 Amended plans have been received in progression of the application, on which further consultation has been undertaken.

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

2.01 That conditional planning permission be granted subject to the applicant entering in to a Section 106 Obligation:-

- a) Control the provision and occupation of 4 No bungalows within the development which are proposed to be gifted to the Council to meet affordable housing needs.
- b) Ensure the payment of an educational contribution of £24,514 towards school places at Sychdyn Primary School and £129,283 towards improving facilities to increase capacity at Argoed Secondary School.

Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Materials to be submitted and approved.
4. Siting/design of the access to be submitted and approved.
5. No construction to commence on access until detailed design has been approved.
6. Access to be kerbed and completed to carriageway base course layer prior to any other building operations.
7. Details of design, traffic calming, signing, surface water drainage, street lighting to be submitted and approved prior to commencement of other site works.
8. Garages to be set back minimum 5.5 m behind the back of footway or 7.3 m from carriageway if crossing a service margin.
9. Positive means to prevent run-off of surface water onto highway to be submitted and approved.
10. Construction Management Plan to be submitted and approved.
11. Travel Plan to be submitted and approved prior to bringing into use the development.
12. Hard /soft landscaping to be submitted and approved.
13. Implementation of landscaping scheme.
14. Protection of trees/hedgerows during construction.
15. No development to commence until site investigation for land contamination undertaken/approved.
16. Scheme for integrated drainage of the site to be submitted and approved.
17. Details of site/finished floor levels of buildings to be submitted and approved.
18. 25 m exclusion zone along southern boundary to protect sub-surface remains of Wat's Dyke monument to be

provided/retained. No works to be undertaken within the excluded area without further consent.

19. Details of archaeological interpretation board to be submitted and approved with timescale for its provision.
20. Details of specification for equipped childrens play area to be submitted with timescale for its provision.
21. Detail of maintenance/management of open space/play area to be submitted.
22. Public Footpath 33 to be retained.
23. Ecological enhancements to be undertaken in accordance with the recommendations contained within the appraisal approved as part of this permission.

3.00 CONSULTATIONS

3.01 Local Member

Councillor M. Bateman

Requests planning committee determination. Preliminary concerns relate to:-

- Need for compliance with the Development Brief which should be afforded considerable weight as a material planning consideration.
- Bungalows primarily surround the site and should be introduced within the development where the site interfaces with existing development.
- Density of development proposed is high to the detriment of the play area.
- Public Open Space is on the edge of the development and should be more centrally located within the layout.
- Adequacy of access and impact of vehicular movements on Ffordd Eldon which is an adjacent unadopted road in a poor physical condition.

Northop Community Council

Object to the proposed development for the following reasons:-

- The proposed development does not comply with the adopted Development Brief prepared for the site.
- Impact on highway safety and amenity of occupiers of existing Old Age Pensioners bungalows from increased traffic flow and narrow site entrance.
- Density of development proposed would have a detrimental impact on the character and appearance of the area.
- Reduction in affordable housing from 13 No. dwellings to 4 No. bungalows is unacceptable.
- Public Open Space should be more centrally located within the development.
- Adequacy of drainage.

Highway Development Control Manager

Recommend that any permission includes conditions in respect of access, detailed design/layout and the submission of both a Construction Traffic Management and a Travel Plan.

Planning & Environment (Rights of Way)

Public Footpath 33 crosses the site, the surface of which, must not be disturbed without lawful permission and development over its line must not commence until any necessary division or extinguishment has been authorised under the appropriate legislation.

Pollution Control

No objection in principle, but as the development area lies immediately adjacent to a former municipal landfill site, with the potential for the presence of contamination, recommend that any permission be the subject of a condition requiring site investigation to be undertaken.

Clwyd-Powys Archaeological Trust

The 25 m exclusion zone along the southern boundary of the application site will protect the sub-surface remains of the former Wat's Dyke monument. The exclusion zone must be maintained in its current form as a grass field and fenced off during construction works to prevent storage and damage by machinery. Recommend the imposition of a condition to facilitate the preservation of archaeological remains.

Housing Strategy Officer

There is an identified need for affordable housing provision in Sychdyn and supports the proposed on site provision of 4 No. bungalows to be gifted to the Council to meet an identified affordable/social housing need.

Council's Ecologist

The Ecological Approval submitted is acceptable and includes proposals for the retention and enhancement of boundary hedgerows which have important habitat features.

Natural Resources Wales

Following the submission of a Revised Flood Consequences Assessment (FCA) do not raise any objection subject to the composition of a condition to control site and finished floor levels of the proposed dwellings. Confirm that the Ecological Appraisal submitted has been completed to a satisfactory standard. The enhancements outlined in the report should be adhered to, to prevent any damage to protected species.

Dwr Cymru/Welsh Water

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

Capital Projects & Programme

Due to limited capacity at Sychdyn Primary School (confirmed post 10th March 2017) request an educational contribution of £49,028 and an educational contribution of £129,283 will be required to fund improvements to the support capacity at Argoed Secondary School. This contributions are based on supporting capacity for full-time pupils.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

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

- Detrimental impact on the character and appearance of the area.
- Detrimental impact on highway safety.
- Site is outside village boundary and is open countryside.
- Site is not a brownfield site and should not have been allocated for residential development.
- Impact on infrastructure to serve the development
- Scheme should provide affordable shared equity properties to meet the needs of first time buyers not gifted bungalows
- Impact on ecology.

5.00 SITE HISTORY

5.01 **054048**

Erection of 43 No. dwellings and associated works – Withdrawn 15th February 2016.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy GEN1 – General Requirements for New Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy L1 – Landscape Character.

Policy WB1 – Species Protection.

Policy WE6 – Scheduled Ancient Monuments & Other Nationally Important Archaeological Sites.

Policy AC13 – Access & Traffic Impacts.

Policy AC18 – Parking Provision & New Development.
Policy HSG1 (38) – New Housing Development Proposals.
Policy HSG8 – Density of Development.
Policy HSG10 – Affordable Housing Within Settlement Boundaries.
Policy SR5 – Outdoor Playing Space & New Residential Development.
Policy EWP12 – Pollution.
Policy EWP14 – Derelict & Contaminated Land.
Policy EWP17 – Flood Risk.
Policy IMP1 – Planning Conditions & Planning Obligations.

Additional Guidance

Planning Policy Wales (PPW)
Technical Advice Note 5 – Nature Conservation & Planning.
Technical Advice Note 12 – Design.
Technical Advice Note 15 – Development & Flood Risk.
Technical Advice Note 18 – Transport.
Local Planning Guidance Note 2 – Space Around Dwellings.
Local Planning Guidance Note 09 – Affordable Housing.
Local Planning Guidance Note 11 – Parking Standards.
Local Planning Guidance Note 23 – Developer Contributions to Education.

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application proposes the erection of 43 No. dwellings and associated works on an allocated housing site on land at Ffordd Eldon, Sychdyn, Mold. Amended plans have been received in progression of the application on which further consultation has been undertaken.

7.02 Site Description

The site the subject of this application amounts to approximately 1.99 hectares in area and is located on the northern edge of the settlement of Sychdyn. The topography of the site is generally flat and is currently vacant.

7.03 The north east and south-eastern boundaries of the site are defined by mature hedgerows with open fields beyond. The western boundary is defined by the line of Wat's Dyke along which are a number of existing bungalows at Ffordd Eldon. The south-western boundary is defined by the rear of existing properties which front onto Wat's Dyke Way a private unadopted road where adjoining the common site boundary there is a bungalow, dormer bungalow and a 2 storey dwelling. Direct vehicular access into the site is gained from Ffordd Eldon.

7.04 Proposed Development

The amended plans submitted as part of this application propose the erection of a total of 43 No. dwellings which includes 2 pairs of semi-detached bungalows which are intended to meet affordable housing needs.

7.05 For Members information the application is accompanied by:-

- A Design & Access Statement.
- A Flood Consequences Assessment.
- An Archaeological Assessment.
- An Ecological Report.
- A Sustainability Statement.

7.06 The remaining 39 dwellings are two storey, comprising a mix of detached, semi-detached and terrace units which are accessed off the main estate spine road. There is an area of Public Open Space within the development which is proposed adjacent to the sites eastern boundary adjacent to existing agricultural fields.

7.07 Vehicular access to serve the development is proposed from Ffordd Eldon, although it is also possible for access to be obtained from Wat's Dyke Way which is a private unadopted road to the south-east of the application site.

7.08 It is considered that the main planning issues can be summarised as follows:-

- Principle of development having regard to the planning policy framework and Development Brief for the site.
- Proposed scale of development/house types/site layout.
- Adequacy of existing highways and access arrangements to serve the scale of development proposed.
- Adequacy of foul and surface water drainage.
- Ensuring an adequate provision of affordable housing within the development.
- Impact on the privacy/amenity of residents in proximity to the site.
- Open space requirements.
- Impact on Wat's Dyke.
- Educational contributions.
- Impact on ecology.

7.09 Planning Policy Framework

For Members information, the site is allocated for residential purposes in the Flintshire Unitary Development Plan (FUDP) by virtue of Policy HSG1 (38). In addition, a Development Brief for the site has been produced and adopted in 2012 as a guide for its potential development. The principle of residential development on the site is

therefore acceptable subject to the safeguarding of relevant amenity considerations.

- 7.10 Members will be aware that within the parameters of TAN1 the Council is unable to demonstrate a 5 year housing land supply. In such circumstances TAN1 advises that the housing land supply figure should be treated as a material planning consideration in determining planning applications.
- 7.11 Although the Council can no longer carry out a formal Joint Housing Land Availability Study, it is still required to monitor on an annual basis the supply of land, as this will be an important part of the evidence base for the Local Development Plan (LDP). The last published study (2014) set out a number of ways in which housing land supply can be increased and the first of these is that ‘the Council will continue to work with landowners and developers in bringing forward appropriate and sustainable windfall housing sites as well as addressing any difficulties or obstacles preventing the delivery of allocated sites’. In this context the delivery of the site will make an important contribution to the ‘commitments’ element of the LDP housing balance sheet and housing land supply.
- 7.12 The concerns regarding the need for full compliance with the parameters set out in the brief and for development to be prescriptive relative to its content, are noted. Whilst it is acknowledged that the brief should be afforded considerable weight as a material planning consideration in support of the framework of policies in the FUDP, the nature of a brief is to help guide and facilitate development and makes specific reference to “Developers having regard to the brief when preparing a scheme for this site. Any differences must be justified by the developer and agreed with the planning authority”.
- 7.13 Scale/House Types/Site Layout
As an allocated housing site and in accordance with Policy HSG8 of the Flintshire Unitary Development Plan, it is expected to achieve a minimum density of 30 dwellings per hectare which would result on the basis of the site’s gross area an indicative yield of 60 dwellings.
- 7.14 The density proposed is however affected by the constraints of the site taking into account archaeological, drainage and open space requirements. As a result the net developable area amounts to approximately 1.5 hectares, which on the basis of the 43 No. dwellings proposed, results in a density of 28.7 dwellings per hectare.
- 7.15 It is acknowledged that numbers of proposed dwellings are at a slightly higher level than that referenced in the brief (i.e., 4 additional dwellings proposed). The site layout is however well balanced and attractive given this increase in density from 39 – 43 dwellings and considered to satisfy the requirements of Policy HSG8 to achieve the most appropriate density in terms of making the most efficient use of

land in a manner which reflects the character of the site and surroundings. This density of development on the basis of the net developable area is therefore largely in compliance with both the aims of the brief and Policy HSG8. In addition it is also consistent and reflective of the density of existing development at Ffordd Eldon/Wat's Dyke Way which equates to approximately 25 dwellings per hectare. I therefore consider that the density of the scheme would not be harmful to the character and appearance of the area.

- 7.16 The proposed site layout sets out 2 storey dwellings adjacent to the site's western boundary at Ffordd Eldon and bungalows/dwellings in proximity to existing development at Wat's Dyke Way which on the common site boundary comprise a bungalow, dormer bungalow, and a 2 storey dwelling.
- 7.17 The development brief states that it may be appropriate for bungalows to surround the site and that it may be appropriate to use this house type at the southern position of the site where it interfaces with existing development, referencing the possible introduction of the affordable element of the scheme at this location.

The landscape of planning has changed significantly since the brief was adopted in 2012. Planning policy, as shown in revisions to TAN 1 and in consistent appeal decisions have set out the significant weight which should be given to the supply of housing. This is especially significant where the housing land supply is deficient and it is stated that an increase in supply should be given considerable weight provided that the development would otherwise comply with development plan and national planning policy. The development brief is guidance only and does not form either development plan or national planning policy.

- 7.18 As a result of the consultation exercise, objections have been received seeking to ensure the provision of bungalows on the site boundaries where this development interfaces with the existing village.
- 7.19 The site layout adjacent to the western site boundary proposes that 2 storey dwellings front onto the area safeguarded from development by the line of Wat's Dyke, facing which existing bungalows at Ffordd Eldon are located. Whilst these dwellings would be on the boundary of the site it is not considered that 2 storey dwellings would be detrimental to the existing character and the separation distances of 35 m between properties would be acceptable and in excess of that referenced to in the Council's Local Planning Guidance Note 2 – Space About Dwellings. The existing bungalows face onto Ffordd Eldon and Ffordd Celyn and do not have their orientation towards the proposed dwellings. Furthermore this part of the development, adjacent to the western site boundary, faces towards the village to ensure it is an attractive frontage and well integrated with Wat's Dyke

acting as a buffer which delineated the historical pattern between older and current development proposals.

7.20 In line with the brief the development also proposes the introduction of bungalows on the southern boundary at the closest point of the development relative to existing bungalows at the junction of Ffordd Eldon/ Wat's Dyke Way. Along this boundary 2 storey properties are also proposed in relation to those existing properties, comprising a dormer bungalow or 2 storey dwellings, all of which have higher ridge heights. Their impact would therefore be assimilated in to the existing pattern of development at this location.

7.21 Access/Highways

Vehicular access to serve the development is proposed from Ffordd Eldon and in order to achieve an adequate re-alignment of the carriageway at this location into the application site, acquisition of a frontage strip from an existing property (6 Ffordd Eldon) is required with this being included within the application site boundary.

7.22 It is noted that a number of objections have been received to the development on highway grounds, with specific concerns that the development will generate additional movements on Wat's Dyke Way which is unadopted and in a poor physical condition. Consultation on the acceptability of the existing highway network to serve the development and the internal estate road layout has been undertaken with the Highway Development Control Manager who raises no objections (subject to conditions).

7.23 It is acknowledged that the surface of Wat's Dyke Way is in a poor condition and has been for a number of years. For Members information it is a privately maintained unadopted road which Streetscene have no responsibility to upgrade or maintain. Whilst a number of council properties are accessed off this road, full maintenance responsibilities are outside the jurisdiction of the Council. The development will be accessed off the adopted section of Ffordd Eldon; and based on the existing highway situation, the Highway Development Control Manger raises no objection to the development as proposed and does not require works to be undertaken to improve the condition of Wat's Dyke Way in order to facilitate the proposed development.

7.24 Adequacy of Foul/Surface Water Drainage

The adequacy of the drainage system to serve the scale of development proposed has been the subject of consultation with Natural Resources Wales (NRW) Cymru/Welsh Water, and the Council's Drainage Engineer.

7.25 Given the site's location within Flood Zone A, a Flood Consequences Assessment (FCA) has been submitted and considered by NRW in order to ensure that the impact of development from flooding can be

acceptably managed. As a result NRW have advised that they raise no objection to the development subject to the imposition of a condition to control the site and finished floor levels of the buildings proposed.

7.26 In addition consultations have been undertaken with Dwr Cymru/Welsh Water who raise no objections to the development subject to the imposition of conditions to ensure the separation of foul and surface water discharges from the site. The Council's Drainage Engineer has also advised that on the basis of the details submitted regarding capacity for surface water storage, that the drainage scheme proposed is acceptable.

7.27 Affordable Housing Requirements

For Members information, the plans initially submitted as part of the application, proposed 13 No. units within the site to be targeted to meet affordable housing need by way of sale though shared equity.

7.28 Following local representation/concerns that there is greater pressure and limited opportunity within Sychdyn for those persons wishing to downsize from existing properties, the applicants have proposed that 4 No. bungalows be gifted to the Council in order to meet this identified need.

7.29 Whilst it is noted that objections have been raised to the approach to secure 4 No. bungalows to be gifted to the Council, which sees a reduction in numerical terms in the level of provision, in financial terms it is equitable to that of the initial proposal of 13 No units for shared equity. The approach has been considered by the Council's Housing Strategy Officer who supports this proposal. This increases the availability of Council Housing stock within the locality to meet a specific need and enables greater control over its occupation to be exercised by the Council.

7.30 Impact on Privacy/Amenity

Of particular importance in consideration of this application is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those adjacent to the site are safeguarded as part of the development.

7.31 The amended layout takes into account the relationship of the site to existing development, particularly at Wat's Dyke Way where these dwellings are closest to the application site, and ensures that the separation distances between properties would be acceptable to avoid overlooking having regard to Local Planning Guidance Note 2 – Space About Dwellings.

7.32 The applicant in recognising that there is elderly persons accommodation along Ffordd Eldon have advised that whilst this would offer the most direct access to site, they are willing (should the

opportunity be available) to access the site during construction works from an alternative direction using the road at the junction with the A5119 to the east of the application site.

7.33 The access arrangements can be controlled/addressed through the imposition of a condition requiring the submission of a Construction Traffic Management Plan should Members be mindful to grant planning permission.

7.34 Open Space Provision

The layout provides for an open space within the development of approximately 2,485 m², which is proposed to be sited adjacent to existing agricultural land on the site's eastern boundary.

7.35 Consultation on this aspect of the development has been undertaken with the Public Open Spaces Manager who has raised no objections to the location, layout or to the level of open space, subject to the imposition of a condition to ensure the submission for a specification for boundary treatment and play equipment provision.

7.36 It is acknowledged that the development brief for the site provides an indicative plan suggesting that the Public Open Space could be provided centrally within the layout and objections have been received on the basis that the layout should reflect this. Again, it is important to note the development brief is a guidance document only and not prescriptive policy. The siting of the open space area does not prejudice the overall aims of the brief and its location is in my view equally acceptable and would be secured through the introduction of boundary enclosure to prevent access into the adjacent field.

7.37 In addition the site layout affords the opportunity for surveillance from a number of dwellings and upon completion, its future maintenance would be transferred to a Management Company.

7.38 Impact on Wat's Dyke

The western boundary of the site is affected by the sub-surface remains of the former line of Wat's Dyke. Whilst these remains are not a part of the Scheduled Ancient Monument, it is proposed that it be protected during/after development by the inclusion of a 25 m exclusion zone to prevent any possible damage.

7.39 Consultation on the details submitted to safeguard the remains of the Dyke has been undertaken with Clwyd-Powys Archaeological Trust (CPAT). No objections to the extent of the 25 m exclusion zone have been received from CPAT subject to the imposition of a condition to prevent access onto this part of the site during construction works and that its current form as a grass field remains unaltered. This, together with the introduction of an interpretation panel showing the origins of the Dyke, can be covered by the imposition of conditions if members are mindful to grant planning permission for the development.

7.40 Educational Contributions

Given the scale of development proposed consultations were initially undertaken following submission of the application with the Council's Capital Projects and Planning, to establish the level of financial contribution required for the accommodation of additional primary and secondary school age pupils from the development, in order to ensure adequate education provision.

7.41 At the time of initial consultation it was confirmed that the existing capacity with Sychdyn Primary School did not require a financial contribution for this school to be made. Given the time period that has elapsed however, since submission of the application, further consultation has been undertaken. It has been confirmed that on the basis of the most recently publically available Pupil Level Annual School Census information (which considers the capacity of full time pupils only), that there is now less than 5% surplus capacity and a contribution of £24,514 is required to fund improvements associated with the increased capacity for pupils. In addition Argoed Secondary School also has less than 5% surplus spaces and therefore a formal contribution of £129,283 will be required to fund improvements associated with the increased capacity for 7 pupils generated by the proposed development.

7.42 Impact on Ecology

Consultation on the Ecological Appraisal submitted as part of the application has been undertaken with Natural Resources Wales (NRW) and the Council's Ecologist who confirm that it has been completed to a satisfactory standard. NRW do not consider that the proposed development will be detrimental to the maintenance of the favourable conservation status of any population.

7.43 It is recommended that the enhancements outlined in the report include

- Retaining and enhancing the hedges along the north and east boundaries.
- Creation of new hedges along the southern boundary.
- Enhancing any retained grassland with wildflowers.

are adhered to and if Members are mindful to grant permission, this can be covered by condition.

8.00 CONCLUSION

8.01 In conclusion the proposal offers 4 gifted bungalows and the fully required education contribution. It is my view that the scale/form of the development proposed would be sympathetic to the character of the site and surroundings. The density of development proposed is in accordance with that contained within the Development Brief

proposed for the site and although the layout has been modified from the indicative plans produced at that time, in my view the development remains consistent with the general aims that this sought to achieve when it was produced in 2012.

8.02 There is no objection to the development from the Highway Development Control Manager, or drainage bodies and the impact on Wat's Dyke sub-surface archaeological remains has been safeguarded. I therefore recommend approval.

8.03 **Other Considerations**

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

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

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

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

LIST OF BACKGROUND DOCUMENTS

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

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 22ND MARCH 2017**

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

SUBJECT: **FULL APPLICATION - DEMOLITION AND RELOCATION OF EXISTING CRICKET PAVILLION WITH ASSOCIATED PARKING AND ERECTION OF 91 NO. DWELLINGS, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT NORTHOP CRICKET CLUB, FLINT ROAD, NORTHOP.**

APPLICATION NUMBER: **055807**

APPLICANT: **SWN DWR (NORTHOP) LTD & ANWYL CONSTRUCTION**

SITE: **NORTHOP CRICKET CLUB, FLINT ROAD, NORTHOP**

APPLICATION VALID DATE: **15TH AUGUST 2016**

LOCAL MEMBERS: **COUNCILLOR M. BATEMAN**

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

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application proposes the repositioning of the existing cricket pitch and erection of new pavilion at Northop Cricket Club with associated parking, and erection of 91 No. dwellings with associated infrastructure and landscaping. The site which amounts to approximately 6.6 hectares in area is located to the south of the A55, outside the settlement boundary of Northop, but within a Green Barrier as defined in the Flintshire Unitary Development Plan.

1.02 Although there are a number of responses from Statutory Consultees awaited following the submission of additional information as part of the application, the applicants have lodged an appeal on the grounds of non-determination. In these circumstances the Local Planning Authority is prescribed a period of a further 4 weeks in which to determine the application.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 The site is located outside the settlement boundary of Northop within a Green Barrier where development would conflict with the adopted Development Plan. The weight to be attached to increasing housing land supply is not considered to outweigh the harm that would arise from inappropriate development which would harm the open character and appearance of the Green Barrier. The scale of development would also be harmful to the character and setting of Northop and its Conservation Area. This it is considered to be contrary to Planning Policy Wales (PPW) Technical Advice Note 1, and Policies STR1, GEN1, GEN3, GEN4, D1, D2, L1, HE1, HE2, HE7, HSG3 and HSG8 of the Flintshire Unitary Development Plan.

2.02 The application does not accord with the principles of sustainable development and the creation of cohesive communities, set out in section 4 of Planning Policy Wales. This development is contrary to the need to take a long term perspective to safeguard the interests of future generations, and specifically the creation of an attractive, legible, viable, safe and well-connected local community.

2.03 Consideration of the acceptability of the Surface Water drainage details, Flood Consequences Assessment (FCA) and Odour Assessment submitted as part of this application is still being undertaken. As a result it is not possible to confirm that the impact of development on surface water management, flooding or the living conditions of neighbouring occupiers with particular regard to odour can be satisfactorily addressed. This is therefore considered to be contrary to Policies GEN1, EWP13 and EWP17 of the Flintshire Unitary Development Plan.

2.04 The impact of development on the A55 trunk road has not been fully assessed. The proposal is therefore contrary to criterion A of Policy GEN1, and AC13 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member
Councillor M. Bateman
No response received at time of preparing report.

Northop Community Council

Object to the proposed development for the following reasons:-

- It is contrary to the Flintshire Unitary Development Plan Policy GEN4.
- The development would impact on the character and appearance of the village resulting in the loss of, and unacceptable harm, to the openness of the green barrier, and to the character of the village.
- The development would constitute an unacceptable increase in the number of dwellings in the village, totally out of proportion with its present size and adjacent to a Conservation Area.
- The development would place a substantial strain on local infrastructure and services.
- It would increase the volume of traffic impacting on residential amenity and road safety and would put an additional strain on the adjacent A55 junction.

Welsh Government Transport

Awaiting Response.

Welsh Government Land Use Planning Unit

Confirm that the site survey undertaken as part of the application fairly reflects the agricultural land quality across the site which is of Grades 3a/3b/4*.

Highway Development Control Manager

Recommend that any permission includes conditions in respect of access, visibility and submission of Construction Traffic Management/Travel Plans.

Head of Pollution Control

Recommend that any permission includes conditions in respect of (a) the introduction of enhanced acoustic glazing in properties in close proximity to the A55 and (b) the construction of an acoustic barrier at the eastern boundary of the site with the A55.

Public Open Spaces Manager

In addition to the proposal for the new cricket club facilities, development should also provide for 5,000 sq.m. of enclosed recreational space set out as an informal games area with equipped play area.

Dwr Cymru/Welsh Water

Request clarification of surface water drainage details and the submission of an Odour Assessment given the site's proximity to the Northop Waste Water Treatment Works and the need to assess impact on occupiers of proposed development.

Natural Resources Wales

Request the submission of a Revised Flood Consequences Assessment in order to assess whether the consequences of flooding can be acceptably managed. Request that any permission includes conditions in respect of land contamination.

Housing Strategy Manager

The proposal to provide 22 affordable units on site comprising mix of 14 shared equity and 8 No. gifted units for intermediate rental is considered acceptable based on the identified need in the Northop area.

Capital Projects & Planning

Due to limited surplus places at Northop Ysgol Owen Jones Primary School request an educational contribution of £171,598 and an educational contribution of £443,256 to fund the accommodation of additional pupils at Flint High School.

Conservation Officer

Consider that the proposals will have an unacceptable detrimental impact on the setting of the Conservation Area and listed buildings at this location.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The application has been advertised as a departure from the development plan:-

38 letters of objection received which can be summarised as follows:-

- Site is located outside the settlement boundary of Northop and development would therefore be contrary to planning policy.
- Detrimental impact on Green Barrier/Conservation Area.
- Proposal represents overdevelopment of the site.
- Increased traffic generation.
- Application is justified on the essential need for a new cricket pavilion, but the existing pavilion contributes to the character of the village.
- Inadequacies of infrastructure to serve any increase in development on the scale proposed.
- Adequacy of drainage facilities.

3 letters of support which welcome:-

- Investment for Northop Cricket Club which is important for social reasons.
- Opportunities for affordable housing to be provided.

5.00 SITE HISTORY

5.01 None relevant.

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

EWP13 – Nuisance

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 (PPW) Edition 9 November 2016

Technical Advice Note 1 Joint Housing Availability Studies
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

The compliance with the above policies is assessed in detail below.

7.00 PLANNING APPRAISAL

7.01 This full application proposes the repositioning of the cricket pitch and erection of new pavilion at Northop Cricket Club together with the erection of 91 dwellings with associated infrastructure and landscaping at Flint Road, Northop.

7.02 Site Description

The site which is the subject of this application amounts to approximately 6.6 hectares in area. It is situated to the north-east of Northop and is bounded by the A55 and a waste water treatment works to the north-east and, the A5119 with existing properties at St. Peter's Park, Northop Road to the west. The site lies outside but to the north of the Conservation Area of the village which has a number of listed buildings, the most prominent being the Grade I Listed Church of St. Eurgain and St. Peter. To the north of the conservation Area and close to the Church is the Grade II* Grammar School. The character of the site is defined by the existing Northop Cricket Club and open fields to the north between it and the route of the A55. It comprises a mix of Grades 3a/3b/4 agricultural land, of which approximately 15% forms Grade 3a.

7.03 Proposed Development

The plans submitted as part of this application propose:-

- a. Re-location and re-orientation of existing Northop Cricket pitch (north-south) together with the demolition, relocation and erection of a new clubhouse with associated facilities.
- b. The erection of 91 No. dwellings, comprising 54 4 No. bed detached houses, 12 three bed semi-detached/mews houses, and 3 three bed detached houses for open market sale. In addition 16 three bed semi-detached/mews and 6 two bed semi-detached/mews dwellings are proposed to meet affordable housing needs.
- c. A scheme of hard/soft landscaping and a landscape buffer on the site's eastern boundary.

7.04 The application is accompanied by:-

- A Design & Access Statement.

- Landscape & Visual Impact Assessment.
- Northop Cricket Club Supporting Statement.
- Transport Statement.
- Ecological Survey.
- Soils and Agricultural Use Quality.
- Air Quality Assessment.
- House Assessment.
- Flood Consequences Assessment.

7.05 Vehicular access to serve the development is proposed from a relocated junction point onto Northop Road, with a ghost island facility to enable a right turn into the development site.

7.06 In support of the application the applicants have advised that in their opinion that there are exceptional circumstances in which to support the scheme submitted in that:-

- i. The existing cricket club and facilities are substandard and there is no grant funding available to significantly upgrade the facilities.
- ii. The housing proposals would contribute to the Council's housing land supply and act as enabling development.
- iii. The development is sustainable.

7.07 Main Planning Issues

It is considered that the main planning issues can be summarised as follows:-

- Principle of development having regard to the national and local planning policy framework.
- The inability to demonstrate a 5 year land supply and the weight to attach to this.
- Impact of development on Green Barrier and wider landscape setting of Northop.
- Impact on setting of Conservation Area and Listed Buildings.
- Adequacy of existing highways and access arrangements to serve the scale of development.
- Adequacy of foul and surface water drainage.
- Provision of affordable housing.
- Impact on residential amenity.

7.08 Principle of Development

The site is located outside the settlement boundary for Northop within the Flintshire Unitary Development Plan (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 21%. 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 1st April 2015 for the purposes of applying this policy. However, given the past recent level of growth in Northop, it is appropriate to assess the additional impact that this development will have on the settlement, on community cohesion, and on sustainability in general.

- 7.09 In terms of the policies in the 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. The proposal is also in direct conflict with UDP policy GEN4 Green Barriers, and with section 4.8 of PPW, as it does not fall within the definition of appropriate development within a green wedge/barrier. This is dealt with in more detail below.
- 7.10 Given that the proposal is for 91 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.
- 7.11 Housing Land Supply
Planning Policy Wales & Technical Advice Note 1 requires each local planning authority to maintain a 5 year supply of housing land. The Council acknowledges that it currently falls below this requirement when using the residual method of calculation. Also the TAN prevents the Council from formally assessing its land supply until such time as the LDP is adopted.
- 7.12 Welsh Government Technical Advice Note 1 (TAN1 para. 6.2) 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 development plan and national planning policies.**”*[The Council’s emphasis in bold]
- 7.13 Planning Policy Wales Edition 9 November 2016 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.”*

- 7.14 In paragraph 4.2.4 it also 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 or*
 - *The relevant development plan policies are considered outdated or superseded or*
 - *Where there are no relevant policies*

There is a presumption in favour of proposals 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.”

- 7.15 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 sustainability. In such case the local planning authority must clearly state the reasons for the decision.”*

- 7.16 Recent appeal decisions however have advised 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.”*

- 7.17 It is therefore key in making the planning balance therefore to consider the sustainable development *‘key principle’* (see 4.3) and *‘key policy objectives’* (see 4.4) set out in PPW.

- 7.18 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. This is not new policy as some developers have argued, rather it is simply designed to *‘sign-post’* developers proposing speculative sites to provide appropriate information to justify their un-planned proposals, in line with the requirements of adopted local and national policy and the principles of sustainable development and Well-Being. The key objective of achieving sustainable development is examined in more detail below and notwithstanding the current position in respect of housing land supply, whether weight should attach to this depends on whether the proposed development would otherwise comply with development plan and national policies.

- 7.20 This site is outside the settlement boundary for Northop and in a green barrier, and there are a number of site specific factors to take into account such as the role and function of the green barrier, how the site actually relates to the settlement and, its connectivity to facilities and infrastructure.
- 7.21 Impact on Green Barrier and setting of Northop
The site is within Green Barrier in the Flintshire Unitary Development plan. The issue of green barrier was discussed as part of the consideration of the omission sites during the UDP inquiry and the Inspector commented “*Although the site is well contained by existing development, the A55 and the A5119, it is an area of countryside which contributes to the rural setting of Northop. Moreover because of its open nature it is designated as part of the green barrier in order to protect a major road junction from visually intrusive development.*”
- 7.24 PPW provides guidance on green wedges or barriers and Policy GEN4 of the UDP is generally in conformity with that advice. There is one slight difference in that the GEN4 does not specifically use the term inappropriate development. Nevertheless the UDP Inspector approved the present wording of GEN4 and when read alongside the guidance in PPW, provides a clear position in respect of green barriers. Housing development, in the form proposed, does not form one of the types of development that can be permitted in a green barrier and therefore, by definition, the development being proposed here must be treated as ‘inappropriate development’. Paragraph 4.8.15 of PPW states that inappropriate development should not be granted planning permission except in exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Barrier.
- 7.25 The applicant has sought to justify such a large scale of development relative to this community and location on the basis of:
- It will enable the cricket club to be relocated as its facilities are sub-standard and there is no grant funding;
 - There is a lack of housing land supply;
 - The proposed development is sustainable.
- 7.26 In relation to the first of these, essential facilities for outdoor sport and recreation that maintain the openness of the green barrier can be appropriate. That said, the application seeks to relocate an existing and well established facility and in those terms the essential need has already been met. It is also unclear as to what it is that makes the existing facilities so ‘sub-standard’ to warrant consideration of this ‘enabling’ argument, as this has not been sufficiently explained by the applicant. For example the very short supporting statement states that “if the adjacent residential development opportunity was to take place, discussion have taken

place to redevelop some of the facilities at Northop Cricket Club to enable the club to enhance its position in the cricketing community. The exact shape of the development of cricket facilities has not been tied down yet, as discussions are only very preliminary with the club and the ECB...”.

- 7.27 This is with respect a somewhat tenuous link and not one that is in any way persuasive in terms of justifying development as an exception to policy, particularly green barrier, on the basis of an enabling argument. One would expect for example a more detailed assessment of what is required, as well as then enabling development of a scale that is sufficient to meet the identified need, and no more. In the case of this proposal, it is clearly a speculative housing-led proposal that may, or may not at this stage, have benefits for the cricket club. Equally, whilst there is limited planning weight that can be placed on the generic lack of grant funding, there is again a lack of information before the Council to understand the processes that the Club have gone through itself to explore various sources of funding as clearly, the redevelopment of the facilities in its own right might well be acceptable in a green barrier location.
- 7.28 In terms of the second reason put forward by the applicant, a lack of housing land supply on its own should not necessarily be given significant weight unless, in line with advice in TAN1 (para. 6.2), “the development would otherwise comply with development plan and national planning policies”, and also represents sustainable development.
- 7.29 In relation to local and national policy compliance, the proposal is in direct conflict with UDP policy GEN4 Green Barriers and section 4.8 of PPW, and against both sets of guidance comprises inappropriate development in a green wedge/barrier. In these circumstances, the above test set out in TAN1 is not met, and as such the weight to attach to a lack of land supply is very limited, as it is not the purpose of the TAN to make otherwise unsuitable sites, suitable.
- 7.30 This is clearly the case here. The purpose of the green barrier here is to protect the open countryside around the junction of the A55 and A5119 and to protect against encroachment of development into the open countryside.
- 7.31 An independent assessment of the submitted Landscape and Visual Assessment was commissioned by the Council to examine the impact of this proposed development on the green barrier and also the setting of Northop, given the specific reference of this by the UDP Inspector, and the ongoing concerns of the Council and Community. The Council’s landscape architect has concluded that **“the development will result in significant adverse landscape and visual impacts on a permanent and irreversible basis that will be experienced by a range of sensitive receptors. In my**

opinion, the landscape and visual impacts will be unacceptable and will result in the permanent loss of open countryside that helps to define the compact nature of the Northop settlement and prevent urban encroachment within a rural setting. Mitigation proposals do not sufficiently address the likely real impacts to alleviate concerns”.

- 7.32 Impact on Northop Conservation Area/Listed Buildings
In addition to the above assessment, part of the cricket ground at its southern edge is located within the Conservation Area of Northop which has a number of listed buildings, the most prominent being the Grade I Church of St. Eurgain and St. Peter. To the north of the conservation area and close to the character is the Grade II* Grammar School.
- 7.33 The Church is clearly visible from all entrances into the village and for some distance around. Arrival into the village from the north is framed by the traditional style cricket pitch and pavilion and the boundary of the churchyard behind which is the perpendicular style church tower.
- 7.34 The Design & Access Statement submitted as part of the application makes no mention of the heritage of the village and makes no other reference other than to say that the development does not affect the setting of any Listed Buildings or Conservation Area.
- 7.35 Development on 6.6 hectares of land is considered to be a significant scale of development on the edge of the village and the open character of the site provides an attractive frame to the listed Church, other listed buildings and the Conservation Area.
- 7.36 Consultation on the application has been undertaken with the Council's Conservation Officer who considers that the setting of the Conservation Area is important, as are views into and out of the conservation area itself. It is considered that the new pavilion is out of character and scale with its location and the proposed housing would have a detrimental impact on the setting of the important historic assets.
- 7.37 Sustainability & Connectivity
In terms of the applicant's third reason, that the development is sustainable, the applicant has provided little substantive evidence or assessment to show how the development of 91 homes in Northop is a sustainable proposition.
- 7.38 In very broad terms, Northop can be considered to be a sustainable location for development, as referenced as part of the emerging LDP, and the approach to categorising settlements outlined in the Key Messages document consulted on in 2016. 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 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, although clearly the green barrier objection would still apply.

- 7.39 However, at the scale of development proposed (21.9 % growth), and in addition to that which occurred during the UDP (21%, so cumulatively 42.9%), this is likely to have a major and significant impact on the settlement in terms of local economic, social, and environmental infrastructure. Taken together, the best way to express such harm, in addition to the policy harm outlined above, is in terms of the negative impact such a scale of development would have on the cohesiveness of this community, the consideration of which is a legal requirement on the Council from the Well-Being of Future Generations Act. No consideration has been given to this by the applicant, as to how such a significant scale of development and change in the community, could be successfully integrated. This is housing for housing's sake and is not driven in any sense by a desire to meet the local community needs for "sufficient, good quality housing, including affordable housing for local needs", as set out in PPW (page 60 'A Wales of More Cohesive Communities'). It is rather a speculative opportunity to create a demand to live in this attractive location. In this sense, Northop simply becomes the means to promote new housing to the wider market on a scale that is significantly in excess of anything that might either be needed locally, or that may successfully integrate into this community. Such an impact can dilute the existing character and identity of this settlement.
- 7.40 This was recently reinforced by Lesley Griffiths AM, Cabinet Secretary for Environment and Rural Affairs who, in clarifying to heads of Planning in Wales the Welsh Government's position on housing land supply, stated "**the principles of sustainable development and the creation of cohesive communities, which forms the basis of Welsh Government planning policies, remains and should not be undermined by the need to increase housing land supply**" [Council emphasis in bold].
- 7.41 It is also considered that the development area would create an unacceptable change to the historic built environment and sense of place and will result in an inappropriate urbanising of the historic settlement, as it will be visually intrusive and compromise the open character and appearance of the area, as well as compromising the

attractive rural setting of the historic settlement.

- 7.42 Having regard to the above and notwithstanding the requirements of TAN1 which advise that the housing land supply figure should be treated as a material consideration in determining applications, this is based on the proviso that the need to increase supply would otherwise comply with the development plan and national planning policies.
- 7.43 From the foregoing assessment of the context relating to the principle of this development, and in particular the impact on the Green Barrier/Conservation Area/Listed Buildings within Northop, the development would be harmful to the character and setting of the village and openness of the green barrier. Equally, given the significant concerns about the negative impact of such a scale of development on the cohesiveness of the community, this proposal does not represent a sustainable proposition. In these circumstances it is not considered that material weight can be attached to a lack of housing land supply, sufficient to outweigh the clear harm from this proposal identified above.
- 7.44 Adequacy of Access
Consultation on the details submitted as part of this application has been undertaken with Welsh Government Transport and the Council's Highway Development Control Manager.
- 7.45 A formal response to the application is still awaited from Welsh Government given the proximity of the proposed development to the A55 Trunk Road, although no objections to the development have been received from the Highway Development Control Manager subject to the imposition of conditions. Whilst the response from Welsh Government is still awaited it cannot be confirmed that there will be no impact on the A55 and therefore at this stage, it is considered that this should form a reason for refusal. In the event that Welsh Government respond before Planning Committee, Members will be advised accordingly.
- 7.46 Foul/Surface Water Drainage
The site is located within a Flood Zone A as referred to under Technical Advice Note 15 – Development & Flood Risk. A revised Flood Consequences Assessment (FCA) has been submitted and has been referred to Natural Resources Wales (NRW) for formal assessment. The acceptability or otherwise of the FCA has not been received at the time of preparing this report, and the applicants have decided to appeal on the grounds of non-determination before the conclusions of this exercise have been received.
- 7.47 In these circumstances and as the issue has not been satisfactorily addressed to date, the Local Planning Authority cannot be satisfied that the impact from flooding can be acceptably managed and

therefore this it is considered should form a reason for refusal in these circumstances. Should NRW confirm acceptability to the Revised FCA in advance Planning Committee. Members will be advised accordingly.

7.48 Provision of Affordable Housing

Consultation on the proposal to provide 22 units on site comprising a mix of 14 shared equity and 8 gifted units for intermediate rental has been undertaken with the Housing Strategy Manager.

7.49 It has been confirmed that this mix of provision will meet the identified level of affordable housing need registered within Northop and is supported.

7.50 Impact on Privacy/Amenity

Of particular importance in consideration of this application is ensuring that the privacy/amenity of the occupiers of existing/proposed dwellings are safeguarded.

7.51 The proposed site layout would ensure that separation distances between properties would be acceptable to avoid overlooking having regard to Local Planning Guidance Note 2 – Space About Dwellings.

7.52 As the proposed development site is in close proximity to the Northop Waste Water Works, an Odour Assessment has been requested by Dwr Cymru/Welsh Water, in order to ensure that the potential impact on occupiers of existing development can be addressed.

7.53 For Members information an odour assessment has subsequently been received on which further consultation has been undertaken. The acceptability or otherwise of this assessment is currently awaited. In these circumstances and as an appeal has been lodged on non-determination, until this issue can be satisfactorily addressed, it is considered that this should also form the basis for a refusal on the application.

8.00 CONCLUSION

8.01 In conclusion, it is acknowledged in accordance with TAN1, that the Council is not able to demonstrate a 5 year housing land supply. Also in accordance with TAN1, significant weight can only attach to this if the proposed development is otherwise compliant with local and national policies. This is not the case with this application, particularly where it is considered that development will have an adverse and detrimental impact on the open character of the Green Barrier and setting of Northop, including the Conservation Area/Listed Buildings.

8.02 In these circumstances the contribution that this development could make towards the supply of housing land is not sufficient to outweigh the harm identified above. In conclusion therefore the development represents inappropriate development in the Green Barrier and also has an unacceptable impact on the setting of the settlement, including the character of the Conservation Area/Listed Buildings in proximity to the site. Exceptional circumstances do not exist to clearly outweigh this harm, to warrant development at this location. I therefore recommend accordingly.

8.03 Other Considerations

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

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

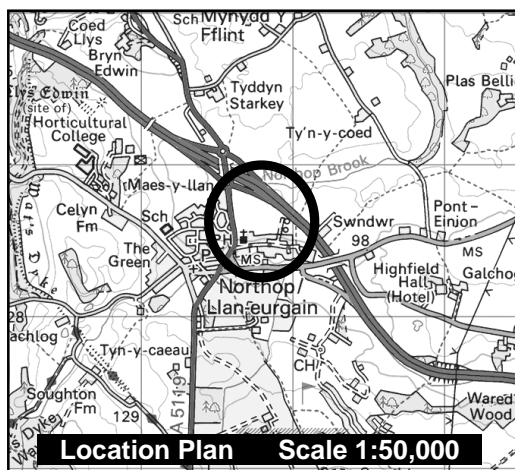
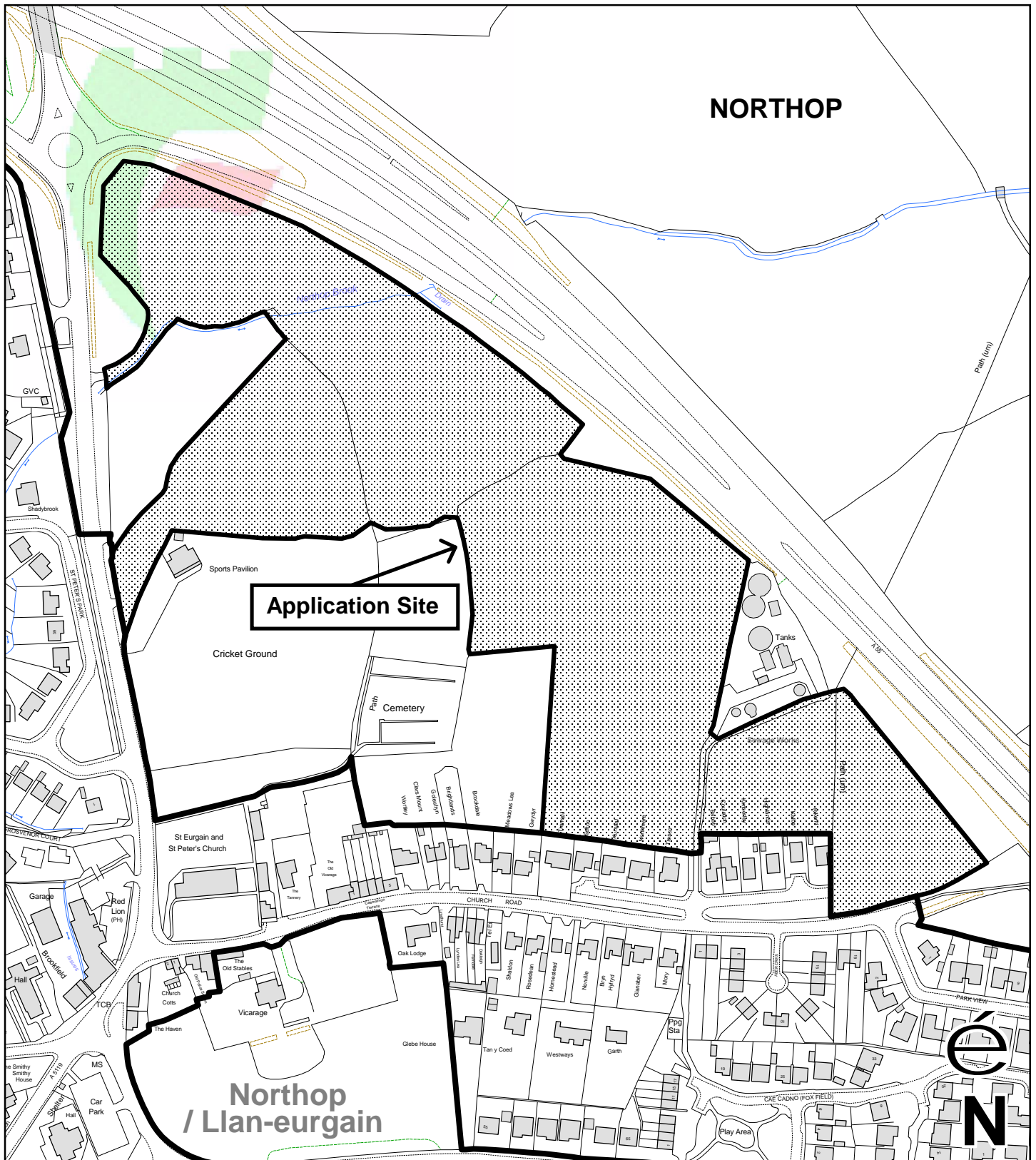
The Council has had due regard to its public sector equality duty under the Equality Act 2010.


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

LIST OF BACKGROUND DOCUMENTS

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

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





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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Flintshire County Council, 2016.

Map Scale	1:3000
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Planning Application	55807

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22 MARCH 2017**

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

SUBJECT: **FULL APPLICATION – CONSTRUCTION AND OPERATION OF A HOUSEHOLD RECYCLING CENTRE AT LAND OFF CHESTER ROAD, OAKENHOLT.**

APPLICATION NUMBER: **056547**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL, STREETSCENE**

SITE: **LAND OFF CHESTER ROAD, OAKENHOLT.**

APPLICATION VALID DATE: **14 FEBRUARY 2017**

LOCAL MEMBERS: **COUNCILLOR RITA JOHNSON**

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

REASON FOR COMMITTEE: **DEPARTURE**

SITE VISIT: **YES - MEMBER REQUEST**

1.00 SUMMARY

1.01 Flintshire County Council's Streetscene Department have applied for full planning permission for the construction and operation of a Household Recycling Centre (HRC) to the east of the existing 'Dependable Concrete' batching facility, on land off Chester Road (A548), in Oakenholt. The facility would replace existing HRC's currently located in Flint and Connah's Quay.

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

2.01

1. Commencement.
2. Approved Plans.
3. Retention of plans on site.
4. Site layout – as per General Arrangement Plan in relation to site road layout, boundary fencing and security/access gates.
5. Permitted Construction hours (07.30 – 18.00 hours Mon-Sat).
6. Hours of operation; (08.00 – 20.00 daily).
7. Highways; Permanent closure of existing Dependable Concrete access.
8. Highways; The access and off-site works in accordance with approved plans.
9. Highways; The construction of the access shall not commence until the details have been approved.
10. Highways; The access and off-site highways works shall be completed to the satisfaction of the County Council prior to the importation of waste.
11. Highways; site gates shall open inwards and positioned a minimum distance of 10 metres from the edge of the carriageway.
12. Highways; provision for parking, turning, loading and unloading of vehicles.
13. Highways; submission of a construction management plan.
14. Noise mitigation measures.
15. Revised landscaping scheme to include revised planting mix maintenance and enhancement, details of temporary screening details and timescales of construction.
16. Standard aftercare.
17. Construction works outside of the Bird Breeding season.
18. Lighting scheme.
19. Land contamination assessment.
20. Validation/verification report of land remediation works.
21. Intrusive site investigations of the mine shaft.
22. Revised surface water drainage scheme.
23. No surface and/or land drainage to connect directly, or indirectly with the public sewerage network.
24. Sheeting/covering of skips.
25. Dust management.
26. Bird Hazard Management plan for aerodrome safeguarding.
27. Protection of railway resources; no damage to the operational railway land.
28. Any new surface and foul waters to drain away from the Chester – Holyhead railway.
29. Erection of 1.8 metre high fencing to protect the railway.
30. Scaffolding specification in relation to the railway.
31. Risk and method statement in relation to piling/vibro-compacting machinery.
32. Risk assessment and method statement for work within 10 metres of the operational railway land.
33. Details of boundary kerbing.

3.00 CONSULTATIONS

3.01 *Local Member: Councillor R Johnson*

I wish it to be recorded that I did tell Stephen Jones (Chief Officer; Streetscene) and the cabinet member for Waste Strategy; Councillor Kevin Jones about the problems with the A548. It is a very busy, and at times congested road, and this should be taken into consideration before any work is undertaken on this site. Whenever there are problems on the A55, which happens frequently, the traffic is diverted down to A548.

3.02 Ever since I was elected 8 years ago, I have said that we need a proper bypass but nothing ever changed. I still believe that a bypass is the way to go before anything else is added that will cause further congestion.

3.03 *Town/Community Council: Flint Town Council*

The volume of material submitted with the application was formidable and whilst Members could identify concerns they felt unable to arrive at an informed decision. It was felt that the town Council needed to have advice from the County Highways Officers to assess the traffic management issues. Resolved that an urgent meeting is sought with the Highway Authority and the matter be deferred until a meeting could take place. Recognising the timetable for your deliberations on the 22nd of this month the Committee further resolved that the Town Clerk be given powers to act in consultation with the Town Mayor, and/or the Chair of the Committee if it proved possible to submit the Councils comments to you before the 22nd. A meeting has been arranged with the Highway Authority for this on Thursday at 6.00pm, and if the Highway Authority are able to address the Members Concerns I shall be happy to write to you on Friday 17th March. In the meantime the comments made to the pre-application consultation remain the Councils substantive response.

3.04 Note: The comments made to the pre-application consultation were issued to the agent preparing the application and for clarity, the pre-application consultation report submitted with the application identifies Flint Town Council's response to have raised concerns relating to the following: Highway impact requesting a full traffic study and traffic management be provided given the nature and use of the dual carriageway; consideration of impact on the RSPB site; protection of the visual amenity; and assurances be provided for means proposed to eliminate any noxious odours.

3.05 *Neighbouring Ward Local Members:*

Councillor P Shotton agreed that the application could be determined under delegated powers.

3.06 *Councillor A Dunbobbin*; at the time of writing the report, no comments had been received.

- 3.07 **Neighbouring Town Council: Connah's Quay Town Council;** at the time of writing the report, no comments had been received.
- 3.08 **Head of Assets and Transportation:** No objection subject to conditions. In addition to the drawings and Transport Assessment submitted with the planning application, I have been provided with additional detail related to proposed road markings and signage in the form of "gateway" features proposed in association with the signalised junction which would be agreed under a section 278 agreement of the Highways Act.
- 3.09 I am satisfied that the proposed revisions to the speed limit, incorporation of road markings and textured/coloured road surface, in combination with the introduction of gateway features, would enable safe operation of the proposed junction, and that the operation of the HRC would cause no significant impact on the use of the highway.
- 3.10 **Head of Public Protection; Environmental Health Officer:** I agree with the findings of the noise impact assessment which concludes that noise from the proposed facility would not affect the amenity of the nearest potential receptors. There are similar recycling facilities located throughout Flintshire that are located much closer to residential properties where amenity has not been affected. Therefore, I can support the application.
- 3.11 **Head of Public Protection; Contaminated Land Officer** has no objection in principle, subject to conditions to secure a land contamination assessment (including the location, survey and inspection of the mine shaft) and the submission of any information required, and the implementation of any remediation works which may be required. Also, a condition would be required to state; "prior to the importation of waste, the validation/verification works of the remediation works undertaken shall be submitted to the Local Planning Authority".
- 3.12 **Flintshire County Council Drainage:** The rate of discharge of 5 litres per second has been agreed. Following additional investigation works, the applicant now proposes to discharge to a final outfall on the existing highways drainage system which flows towards the north of the site travelling under the railway, as opposed to the submitted design which would flow in a southerly direction towards the highway. Subject to the approval of the details of the changes in the design, I have no objections. A condition would be required to provide details of the amendment to the proposed surface water drainage system.
- 3.13 **Natural Resources Wales/Cyfoeth Naturiol Cymru:** Does not object to the proposal. It is considered that the proposal is not likely to adversely affect any of their interests in relation to flood risk or the adjacent Dee Estuary. They have provided guidance information in

relation to waste and permitting, pollution prevention and contaminated land which would be added to the notes to applicant on the decision notice, should planning permission be granted.

- 3.14 **Dŵr Cymru Welsh Water:** As the submitted surface water drainage scheme does not connect to the public sewer, Dŵr Cymru Welsh Water does not wish to comment on this aspect of the scheme. Dŵr Cymru Welsh Water have requested that, should planning permission be granted that a condition and an advisory note be added to a consent to ensure no detriment to existing residents or the environment, or to Dŵr Cymru Welsh Water's assets.
- 3.15 **Airbus:** No objection, subject to the submission of a Bird Hazard Management Plan prior to the importation of waste.
- 3.16 **Clwyd-Powys Archaeological Trust:** There are no archaeological implications for the proposed development at this location. There is only one recorded site of archaeological interest lying immediately adjacent to the development area. The PRN 39733 Oakenholt Shaft lies just beyond the eastern boundary of the site. The site would not be impacted by the proposed development, and is of low archaeological value having been destroyed at ground level. A well is located in the north western corner of the site, but is of low archaeological value and is not visible at ground level.
- 3.17 A former shaft to the north is just within the northern part of the site. However, this area has been greatly altered with previous waste deposits and the laying of hard-standing for the adjacent concrete batching facility. The shaft site and any associated former buildings would have been comprehensively destroyed and then backfilled at the original ground level, which may now be 1-2 metres below present ground level. As there would only be surface works in the northern area of the site to create an access road the impact is considered to be negligible. Therefore, there are no archaeological concerns relating to this development site.
- 3.18 **Network Rail:** Have not objected to the proposal but have suggested a number of conditions and informatives which would be included on the decision notice should planning permission be granted, which concern the protection of the Chester-Holyhead railway and operational railway land.
- 3.19 **The Coal Authority:** The site falls within the defined 'Development High Risk Area'. The Coal Authority records indicated the presence of a recorded mine entry (shaft) within the application boundary. The Coal Authority has no precise details as to the location of the shaft or its condition.
- 3.20 In considering the relatively minimal load bearing nature of the development, and provided that the shaft is stabilised to the relevant

industry standard, The Coal Authority raises no objection to this planning application, subject to the imposition of a planning condition in relation to further site investigation works to establish the location and condition of the mine shaft.

- 3.21 In the event that the site investigations confirm the need for remedial works to treat the mine entry to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigations are undertaken.
- 3.22 The Coal Authority considers that the content and conclusions of the submitted Phase 1 Site Investigation Report are sufficient for the purposes of planning in demonstrating that the application is, or can be made safe and stable for the proposed development.
- 3.23 **RSPB Cymru:** at the time of writing the report, no comments had been received.
- 3.24 **ENI (formerly BHP Petroleum):** at the time of writing the report, no comments had been received. However, during the pre-application consultation, the applicant recorded that ENI had no objection and confirmed that the development would have no impact on pipelines.
- 3.25 **Sustrans:** at the time of writing the report, no comments had been received.

4.00 PUBLICITY

- 4.01 This application was advertised by press notice on 17 February 2017. On 15 February 2017 a site notice was erected in a public place adjacent to the site. On 15 February 2017 neighbour notification letters (56) were dispatched to residential receptors. The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).
- 4.02 In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Amendment Order 2016, (DMPO 2016) the applicant has undertaken the necessary consultation procedures prior to submitting a major application. This commenced on 6 January 2017. The Applicant's Pre-application Consultation Report provides further details.
- 4.03 During the consideration of this application 8 letters of representation have been received in response to the consultation of the application; 1 letter of support and 7 letters of objection. The main planning based representations that are material to the determination of this application include:
- The proposal is not an appropriate use of land;

- The land should be a conservation area due to the black poplar trees which adjoin the site to the east;
- This site was a green field site which has been concreted before planning permission has been granted;
- Impact on the open countryside, there will be no green fields left and Flint and Connah's Quay will be linked by industry and housing and this site would further destroy part of the countryside;
- The proposal including the increased traffic will cause even more congestion than exists at present;
- Traffic travelling from Connah's Quay travelling at 70 mph along the dual carriageway will be faced with stationary traffic which will cause more accidents and it will be dangerous;
- The proposed signalised junction will add to the existing congestion;
- If approved the speed limited should be reduced to 50 mph from Connah's Quay;
- The proposal presents a dangerous access;
- Oakenholt is a residential areas and the proposal would impact on residential amenity from odours, noise, flies and increased traffic;
- Impact on agricultural animals and birds from noise;
- Impact on the nearby cemetery from noise;
- Impact on the coastal footpath and cycle route; this should be a green and attractive route and not industrial and unattractive;
- Conflict with the setting of Oakenholt Hall and Plas Belin Hall Conservation areas:
- Potential for Papermill Lane, which is narrow and unsuitable for increased traffic, to be used for traffic for the Household Waste site and the proposed Crematorium;
- Innumerable accidents at the junction of Papermill Lane and along the dual carriageway;
- Flintshire has rejected numerous planning applications for development along Chester Road, for multiple reasons, such as highway safety, protection of wildlife and undeveloped land, and to be consistent this applications should be refused;
- The proposal will be an unsightly eyesore as it is visible to the local residents when the other sites are out of sight;
- The proposal is premature; the decision should be postponed until a decision has been made on the A55 relief road;
- The existing recycling sites are ideally located and locating a new recycling centre in this site is a bad idea;
- The proposal is a waste of tax payer's money when there are two recycling centres within 5 miles of each other.

5.00 SITE HISTORY

5.01 On 28 October 2015, planning permission

(APP/A6835/A/15/3033648) was granted on appeal for the erection of a concrete batching plant on existing industrial land immediately to the west of the application site.

- 5.02 The permitted concrete batching plant referred to above has recently encroached onto the application site effectively extending their operations laterally without the benefit of planning consent. Prior to this encroachment, the application site has been largely covered in hard-core (since 2011). However, neither the extension of the neighbouring business, nor the hard-cored area benefits from planning permission. The land has no formal planning history.

6.00 PLANNING POLICIES

6.01 LOCAL PLANNING POLICY

Flintshire Unitary Development Plan (Adopted September 2011)

- Policy STR1 - New Development
- Policy STR2 - Transport and Communications
- Policy STR7 - Natural Environment
- Policy STR10 - Natural Resources
- Policy GEN1 - General Requirements for Development
- Policy GEN3 - Development in the Open Countryside
- Policy D1 - Design Quality, Location and Layout
- Policy D3 - Landscaping
- Policy D4 - Outdoor Lighting
- Policy TWH1 - Development affecting Trees and Woodland
- Policy WB2 - Sites of International Importance
- Policy WB3 - Statutory Sites of National Importance
- Policy WB5 - Undesignated habitats, flora and fauna
- Policy WB6 - Enhancement of Nature Conservation Interests
- Policy AC12 - Airport Safeguarding
- Policy AC13 - Access and Traffic Impact
- Policy EM1 - General Employment Land Allocations
- Policy EM3 - Development Zones & Principal Employment Areas
- Policy EM4 - Location of other employment development
- Policy EM7 - Bad Neighbour Industry
- Policy MIN8 - Protection of Mineral Interests
- Policy EWP6 - Areas of Search for Waste Management Facilities
- Policy EWP7 - Managing Waste Sustainability
- Policy EWP8 - Control of Waste and Operations
- Policy EWP12 - Pollution
- Policy EWP13 - Nuisance
- Policy EWP14 - Derelict and Contaminated Land
- Policy EWP16 - Water Resources
- Policy EWP 17 – Flood Risk

6.02 GOVERNMENT GUIDANCE

Planning Policy and Guidance

Planning Policy Wales 9th Edition (2016)

Technical Advice Note 5 – Nature Conservation and Planning

(2009)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2009)

Technical Advice Note 15 – Development and flood risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 21 – Waste (2014)

6.03 Waste Strategy Policy and Guidance

Towards Zero Waste: The overarching Waste Strategy Document for Wales, June 2010

Collections, Infrastructure and Markets Sector Plan, 2012

Construction and Demolition Sector Plan, 2012

6.04 The main policies to be considered in the determination of this application are the policies of the Flintshire Unitary Development Plan (FUDP) particularly policies relating to development in the Open Countryside, waste management, highways and highways safety, nature conservation and statutory sites, contaminated land, Flood risk and drainage, landscape and visual impact and amenity with regards to noise. The materiality of the above policies are discussed in the following planning appraisal.

7.00 **PLANNING APPRAISAL**

7.01 Introduction

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

Details of Proposed Development

7.02 Flintshire County Council's Streetscene Department have applied for full planning permission for the construction and operation of a Household Recycling Centre (HRC) to the east of the existing 'Dependable Concrete' batching facility, on land off Chester Road (A548), in Oakenholt. The facility would serve to replace existing HRCs currently located in Flint and Connah's Quay.

7.03 The proposed HRC development would comprise:

- A new access from the highway which would be shared with Dependable Concrete;
- A perimeter road system;
- Junction improvements to Chester Road in the form of a signalised junction, gateway features and road markings/textured surface to warn drivers of the reduction in speed limit and the signalised junction (secured by section 278 agreement);
- The permanent closure of the existing 'Dependable Concrete' access;
- A hardstanding area for locating recycling containers
- A concrete lower level skip area with 8 individual skip bays

- accessed from upper level drop off area and walkways;
- A site cabin;
- Staff parking for 4 vehicles;
- A shed for waste furniture to be re-used;
- Boundary fencing (1.8 metre high steel security palisade fencing coloured Holly Green) and;
- Lockable metal gates.

- 7.04 The types of waste that would likely to be accepted on site include:-
- Green waste;
 - textiles;
 - plastics;
 - timber;
 - glass;
 - cans;
 - paper and cardboard;
 - waste electrical and electronic equipment
 - LPG cylinders;
 - ferrous and non-ferrous metal;
 - DIY rubble;
 - waste oil;
 - batteries;
 - bulky household waste; and
 - residual waste.
- 7.05 Two hydraulic refuse compactors would be used on the site to compact waste, ensuring optimisation of skip space.
- 7.06 A modular site cabin would be provided which would include a kitchen, canteen area and toilet. A furniture shed would ensure that bulky, potentially re-usable items of furniture would be kept under cover pending their removal from the site.
- 7.07 Public vehicles would enter the site from Chester Road to the south of the site and travel north along an internal spine road, (which would also serve the 'Dependable Concrete' facility), and travel around a perimeter road in a clockwise direction to a higher level drop off area to the south of the site. From the upper level, metal walkways would be provided at the raised ground level to give good pedestrian access to all the 'drop off' bays. Walkways would enable users to deposit their materials into the skips, located within the low level skip area. Public access to the low-level skip area would be prohibited. Signage would be used to direct householders to use the correct skip, which makes the process of recycling easier and minimises the potential for contamination.
- 7.08 Refuse collection vehicles would enter the site in the same access point from Chester Road but not use the perimeter road, they would enter the low level to remove skips, thus maintaining separately between service and public vehicles, and eliminating conflict with

service and public vehicles.

- 7.09 The site perimeter would be secured on all sides by a 1.8m high, powder coated (coloured Holly Green), steel security fence. Access to the HRC would be secured during non-operational hours by lockable, metal gates. An existing hedgerow to the site frontage would be retained, with the exception of a short section which would be removed to create the new access. New hedgerow planting would be provided to the northern and eastern site boundaries, along with supplemental planting to the south to 'gap-up' the existing hedge.
- 7.10 The site would be open to the public 7 days per week between 09:00 and 19:00 hours (April to September) and 09:00 to 17:00 hours (October to March). The site would be open for the delivery and removal of skips one hour before and one hour after the public opening hours. The site would be open to the public every day except Christmas Day. Permitted construction hours would be restricted to 07.30 – 18.00 Monday to Saturday with no construction taking place on Sundays or public holidays.
- 7.11 The HRC would be placed under the supervision of a Site Manager and would typically employ 6 full-time employees, split between two separate shifts. During peak times additional staff may be employed to cope with additional demand.
- 7.12 The anticipated maximum waste and recyclables throughput would be approximately 6,000 tonnes per annum (based on current inputs of 5,200 tonnes per annum to the existing Connah's Quay and Flint HRCs).

Site Description and Location

- 7.13 The proposed site is located on land off Chester Road (A548), in Oakenholt. The site is relatively flat and sits immediately to the east of the 'Dependable Concrete' batching facility. Dependable Concrete have laterally extended their site to the east on land included in this application site. This is unauthorised as they do not have planning permission in this location. Prior to this, the majority of the site has been hard surfaced since 2011. However, the site is located within the Open Countryside and unallocated within the Flintshire Unitary Development Plan.
- 7.14 The proposed access to the site would be via a new access, adjacent to the existing access to Dependable Concrete off Chester Road, which is dual carriageway and connects Flint towards the northwest and Connah's Quay to the south east.
- 7.15 Should planning permission be granted, the existing site access point which serves Dependable Concrete would be removed and Dependable Concrete would then use the proposed new signalised junction.

Relevant Planning Constraints/Considerations

- 7.16 Whilst the site has been developed by Dependable Concrete, this is unauthorised and the site is not allocated within the Flintshire Unitary Development Plan. The site is located within the Open Countryside and Policy GEN3 applies.
- 7.17 The Dee Estuary, a designated SSSI/SAC/SPA/Ramsar site, is located approximately 110 metres to the north west of the site, beyond the Chester to Holyhead railway line.
- 7.18 The Chester to Holyhead railway line tracks are located 30 metres from the application boundary, with the distance between the operational railway/Network Rail boundary and the application site being 20 metres.
- 7.19 The nearest residential property is located south east of the site at a distance of approximately 140m off Chester Road.
- 7.20 The site is primarily situated in Flood Zone A which is considered to be low to very low flood risk according to the TAN 15 Development Advice Flood Map. There is small a area noted as being located within Flood Zone B across the Site. Furthermore, northern extents of the site border upon areas classified as Zone C1 which is an area classified as being protected by significant infrastructure including flood defences. A Flood Consequences Assessment has been provided as the further justification test is required as the proposed change of use would be considered to be a 'highly vulnerable' site in accordance with Planning Policy Wales due to the nature of the change of use.
- 7.21 Whilst there is no formal planning history associated with the site, there is evidence on historical maps and records that the site was formerly part of a landfill for the adjacent power station. Two coal shafts are also recorded on the site on historical maps, as is a coal pit which was located to the east of the site. The south west boundary of the site was occupied as a garage/filling station shown on the 1959 County Series maps, and it was alleged to be removed in the late 1980s/early 1990s, and it does not appear on the 2002 Raster Series Map.

Issues
Need

- 7.22 Under the requirements of the Environmental Protection Act 1990, Flintshire County Council as the Waste Disposal Authority for Flintshire, are required to provide suitable places where residents may deposit their household waste (i.e. a Household Recycling Centre). There are other requirements of the Environmental Protection Act 1990 which relate to the Waste Disposal Authority providing HRC's in a place within the area of the authority which

would be reasonably accessible to the population of that authority.

- 7.23 Flintshire County Council is acutely aware that in order to achieve the required levels of recycling and targets set within the Flintshire County Council Waste Management Strategy, improvements to the existing HRCs are inevitably required and needed. In reviewing the provision of HRCs in Flintshire, Flintshire County Council's Streetscene Services have identified that the existing Connah's Quay and Flint HRCs are out dated and underperforming. The Welsh Government's review of Flintshire's HRC concluded that both these HRCs should close. However, Flintshire County Council have made the decision to construct one HRC to serve the residents of both conurbations.
- 7.24 The existing facilities located in Flint and Connah's Quay have limited space to offer recycling facilities for all waste streams and they are not convenient for the general public to access. They are reaching the end of their operational life and are no longer fit for purpose. Both existing HRCs are constrained by height restrictions as the access for these sites are beneath the Chester-Holyhead Railway line. This restricts the type and size of service vehicles accessing the site to remove the waste, which dictates the size of the skips which can be used on site. Also, the existing sites are too small to accommodate recycling material storage and equipment which would optimise efficiencies of scale in the future.
- 7.25 This site would enable a split level site for a raised drop off area which would provide an improved customer experience and improve health and safety performance and would decrease the average visit duration this providing improved efficiencies.
- 7.26 Streetscene have also identified that, in order to be more efficient and to help achieve the required recycling targets set by "Towards Zero Waste", the National Waste Strategy, and the Flintshire County Council Waste Management Strategy, the operation of one HRC to serve the combined Connah's Quay and Flint settlements would have distinct advantages. These include; reduction in costs by operating one single HRC rather than two, operational efficiencies, ease of public access and less disruption to the local highway network in the vicinity of the existing HRCs.
- 7.27 The Waste and Resources Action Programme (WRAP) provides advice on the maximum distance and journey times to HRC provision. There is a demonstrable need for improving the HRC provision in the Flint and Connah's Quay area and it has been recognised that a combined HRC to serve the residents of Flint and Connah's Quay would have a number of advantages.
- 7.28 It is considered that a combined HRC to serve the residents of Connah's Quay and Flint would improve recycling rates for Flintshire.

The proposal would accord with the principles of the Waste Hierarchy, as it would effectively provide provision for segregation of waste and subsequent re-use or recycling which would effectively move Flintshire's waste up the waste hierarchy. The proposal therefore accords with the National Waste Strategy, TAN21, and is in accordance with the Waste Hierarchy as it would contribute towards reducing waste disposal and increase re-use and recycling rates for Flintshire.

- 7.29 The Collections, Infrastructure and Markets Sector (CIMS), looks to create conditions to enable as much waste as possible to be managed in Wales. It seeks to create a sustainable approach to resource management by ensuring that a high volume of clean, recyclable material is separated at source, and collected and delivered to re-processors. It is considered that the proposal would contribute towards the provisions of Towards Zero Waste and the CIMS plan by delivering improvements and efficiencies in the collection of re-usable and recyclable material and by providing an accessible, modern local facility for the residents of Flint and Connahs' Quay. TAN21 and the CIMS plan have effectively superseded the Regional Waste Plan. Therefore, when assessing compliance with UDP Policy EWP7 we have to look to TAN21 and CIMS which the proposal accords.

Principle of Development – development in the Open Countryside

- 7.30 The site is located in the open countryside outside any defined settlement boundary in the adopted Flintshire Unitary Development Plan. The site is not located within a designated area of search for new waste management sites (Policy EWP6), it is not an employment allocation under Policy EM1, nor does it lie within a designated development zone or principal employment area under policy EM3 of the adopted Flintshire Unitary Development Plan. This means that the site is technically classed as open countryside, and therefore, because the current hard-standing/concreted area does not have the benefit of planning permission, and the site has not previously been developed for an authorised use, the site would be classified as 'greenfield' in planning terms.
- 7.31 Accordingly, the applicant has undertaken a sequential test site appraisal to identify and appraise potential locations that are brownfield and/or fall within the parameters of Policies EM1, EM3 and EWP6 of the adopted Flintshire Unitary Development Plan, to establish if there would be an alternative appropriate site available for the required HRC.
- 7.32 The submitted Site Appraisal Report revealed that the brownfield sites between Connah's Quay and Flint are sparse, with the majority currently in use or inappropriate for a HRC. The analysis of sites

identified, using planning policy allocations, has similarly shown that many brownfield sites are unsuitable for a HRC or unavailable. The report concludes that none of the 12 sites that were appraised were considered to offer better operational credentials than the application site, or would be better located in relation to the catchment area which the proposed new HRC is intended to serve. It could also be argued that the application site offers good road access and connectivity.

- 7.33 The comprehensive, methodological and detailed site search fulfils the requirements of a sequential test. It effectively demonstrates, that that the proposed application site has emerged as the most favourable site for a new HRC facility to serve the communities of Flint and Connah's Quay. The site is located equidistant between Flint and Connah's Quay, therefore is ideally positioned in relation to its intended catchment and would be in line with the WRAP guidelines. It is also considered to meet a number of operational requirements.
- 7.34 Whilst the site is located in the open countryside, outside any defined settlement boundary in the adopted Unitary Development Plan, and that technically, development such as proposed should not be permitted, it is clear from aerial imagery that the site had been developed with fixed surface infrastructure without the benefit of planning permission since 2011. Enforcement records held by Flintshire County Council confirm this. The site is located adjacent to an operational industrial site. The skyline immediately to the east is dominated by the cooling towers of the nearby Connah's Quay power station. To the north, the site is bound by the Chester – Holyhead railway line which effectively creates a physical and visual barrier between the site and the open land extending to the Dee Estuary. As such, whilst the site does not benefit from planning permission, and is not allocated in the adopted Unitary Development Plan, it does exhibit the characteristics of a brownfield site.
- 7.35 Furthermore, the proposal would not compromise the 'openness' of the countryside. There would be no large buildings, only low level demountable/portacabin style buildings, and the levels of the site would only be raised by around 1 metre in height. Therefore, the proposal would not add to the perceived industrialisation of the area, and it would not compromise its openness.
- 7.36 Policy EM4 of the adopted Unitary Development Plan indicates the circumstances in which employment development may be permitted in locations outside settlement boundaries or allocated sites which can include 'the redevelopment of suitable brownfield, underused or vacant land' provided that certain defined criteria are met. The technical definition of greenfield implies the site is vacant, when in fact the brownfield character of the application site highlights the site's potential to be brought into an acceptable, authorised use, in keeping with the immediate surrounding area.

- 7.37 Policy EM4 of the UDP relates to the location of employment development in, amongst other locations, the open countryside. It specifically identifies that the re-use of brownfield land outside of settlement boundaries or allocated sites will be considered acceptable provided that it satisfies the identified criteria. The criteria to be satisfied are:
- i. The scale and design of the development is in keeping with its immediate surroundings;
 - ii. The proposed use is appropriate to the location and causes no detriment to residential amenity or areas and features of landscape, nature conservations and historic importance;
 - iii. The proposal provides satisfactory on-site parking, servicing and manoeuvring space and that the highway network (including access and egress) is adequate to safely cater for the type and volume of traffic generated by the proposals;
 - iv. Outside storage areas are screened from public view.
- 7.38 Given the characteristics of the site and the adjacent concrete batching facility, it is considered that the proposal is in keeping with its surroundings and appropriate to the location. Consideration of points ii-iv will be examined within the appraisal below.
- 7.39 On the basis of the comprehensive analysis, and sequential test taken to identify and appraise potential locations that are brownfield and/or fall within the parameters of Policies EM1, EM3, EM4 and EWP6, it is considered that there is valid evidence to justify the proposed location of a new HRC at Oakenholt, as a departure from Policy GEN3 of the adopted Flintshire Unitary Development Plan.

Highways, Traffic, Transportation and Access

- 7.40 The proposed development would be accessed from the A548 Chester Road via a new proposed access which is immediately adjacent to an existing priority controlled 'left-in/left-out' junction which serves 'Dependable Concrete'. It is proposed to upgrade this existing junction to an all directional movement signal controlled junction as part of the development proposals. New pedestrian footways would be provided into the site, linking to the footways on Chester Road. The new access would be positioned to the east of the existing 'Dependable Concrete' access and should planning permission be granted, it would be conditioned to close the existing access that serves 'Dependable Concrete'.
- 7.41 The proposed signal controlled site junction includes the relocation of the existing change in speed limit signs (from 40mph to national speed limit and vice versa in both directions) which are currently located approximately 40m of the site access. The signs are proposed to be relocated approximately 150m from the site access to ensure that the junction is located within a 40mph speed limit.
- 7.42 It is considered that, the relocation of the speed limit would enhance

safety at the junction and will be in keeping with the new local environment which will become more urban in nature due to this, and other developments being built in the area.

- 7.43 Work has been undertaken on the proposed signal controlled access junction and for the site's internal layout which show that the vehicles can safely manoeuvre in and out, and within the site safely. A Stage 2 Safety Audit has been undertaken on the proposed signal controlled site access junction by independent auditors. The design work undertaken to date, and presented in the submitted Transport Assessment demonstrates that adequate vehicle access can be provided to the facility. The detailed highway works do not form part of this planning application and would be confirmed at the detailed design stage. The works would be required prior to the use of the facility, delivered pursuant to agreement under the Highways Act.
- 7.44 Traffic management features have been proposed which have been agreed and include; the reduction of the speed limit with 'gateway' warning signs, road markings; textured and coloured surfacing to warn drivers of the stop junction, thick white lines for speed reduction warning and some central reserves being closed.
- 7.45 The proposal for an all directional movement signal controlled junction would effectively re-open the gap in the central reservation which was required to be closed as part of appeal decision APP/A6835/A/15/3033648 for the Dependable Concrete site. The central reservation was required to be closed for safety reasons due to the conflict with slow moving traffic turning in and out of the site onto a derestricted dual carriageway. However, this proposal would involve the reduction of the speed limit to ensure that the proposed signalised junction would be located within a 40mph speed limit thus addressing the concerns associated with the neighbouring development.
- 7.46 It is considered that the proposal provides satisfactory on-site parking, servicing and manoeuvring space and that the highway network (including access and egress) is adequate to safely cater for the type and volume of traffic that would be generated by the proposals, which would satisfy criteria (iii) of Policy EM4 of the Flintshire Unitary Development Plan.
- 7.47 With the imposition of conditions in relation to the site access, reduction in speed limit and the signalised junction, the Head of Assets and Transportation is satisfied that the proposed revisions to the speed limit, incorporation of the traffic management features which include road markings and textured/coloured road surface, in combination with the introduction of gateway features, would enable safe operation of the proposed junction, and that the operation of the HRC would cause no significant impact on the use of the highway. As such, it is considered that the proposal accords with Policies STR2,

AC13, EM4 and MIN3 of the adopted Flintshire Unitary Development Plan.

Residential Amenity; Noise

- 7.48 The proposed HRC could give rise to noise given the nature of the activities that would be carried out on site during the construction period and the operational period of the development. Two hydraulic refuse compactors would be used on the site to compact waste, which could give rise to noise. Other sources of noise during operations would be from vehicle movements, offloading and loading of waste, and from the collection of waste containers.
- 7.49 A noise impact assessment has been carried out to determine whether noise levels would meet appropriate guidance standards. It concluded that noise levels are unlikely to be significant at the nearest residential receptors when considering the context of the existing acoustic environment and mitigation proposed. Taking into account the proposed operational times of the HRC activities, proposed layout, measured noise levels and the relative position of the nearest residential properties to proposed noise sources, it can be concluded that the resultant noise levels would fall within appropriate guidance and standards to protect residential amenity.
- 7.50 The noise impact assessment provides a number of site control measures that, if employed on site would provide additional noise control. These are not necessary to meet reasonable and relevant noise criteria. However, the applicant has confirmed that, whilst noise mitigation would not be not required to meet noise criteria, the following mitigation measures would help to minimise noise from the site and demonstrate best practise. Should planning permission be granted, these would be conditioned.
- For any mobile plant on site, where practicable, the plant should be fitted with attenuated broad band noise reverse alarms (e.g. avoid tonal ‘beeper’ type alarms).
 - HGV engines are switched off when not manoeuvring.
 - Ensure skip lorries do not have chains unsecured that could impact against the vehicle when moving (as appropriate).
 - Always unload in the designated delivery area, unless instructed by the site management to do otherwise.
- 7.51 The Council’s Environmental Protection Officer supports the proposal and agrees with the findings of the noise impact assessment which concludes that noise from the proposed facility would not affect the amenity of the nearest potential receptors. There are similar recycling facilities located throughout Flintshire that are located much closer to residential properties where amenity has not been affected.
- 7.52 It is considered that the proposed use is appropriate to the location and would cause no detriment to residential amenity which would satisfy criteria (ii) of Policy EM4 of the Flintshire Unitary Development

Plan.

- 7.53 Having considered the data presented in the noise impact assessment and its conclusions, it is considered that the proposal accords with the provisions set out in MTAN1 and Policies GEN1, EM4, EWP6, EWP7, EWP8, and EWP13 of the adopted Flintshire Unitary Development Plan.

Ecology and Nature Conservation

- 7.54 An Extended Phase 1 Habitat Survey and ecological appraisal has been undertaken in relation to the proposed HRC. A habitat survey was undertaken in December 2016.

- 7.55 The application site does not form part of any statutory designated site for nature conservation. The application site lies 110 metres to the south west of the Dee Estuary Ramsar/ SAC/ SPA/ SSSI which is designated for the wintering and migratory bird population and the estuarine habitats present. It should be also noted that whilst the boundary of the designated site in this area is irregular and is some distance from the majority of the application site, the migratory and wintering birds also roost on adjacent fields closer to the application site. However, it is considered that the application site does not support any habitat that is functionally linked to the designated site. It is considered that the site lacks any habitat that would be used by mobile species that are qualifying features of these designated sites (in particular wading birds which have very specific requirements). The site is also separated from the Dee Estuary by the Chester-Holyhead railway line. However, this only provides a limited screen to the application site due to the topography in this location

- 7.56 A test of likely significant effect has been undertaken by the Council's Nature Conservation officer to consider any likely effects on the adjacent European site. The layout of the application site has been designed so the skips would be located further away from the designated site. However, long term screening would be required whilst the proposed boundary hedge becomes established. The proposed boundary hedge planting mix should be also revised to include gorse to provide additional screening in winter.

- 7.57 There is potential for indirect effects on the designated sites through the contamination of surface and ground water. Providing this can be controlled during construction and ground works by appropriate conditions then there would be no effect on the surrounding flora and fauna.

- 7.58 The site would operate under an environmental permit from Natural Resources Wales, and surface water would be controlled in accordance with an approved drainage scheme, with an attenuation tank, which would drain to an existing highways drain with interceptor to prevent contamination of the adjacent habitats.

- 7.59 The noise assessment accompanying the application concludes that the construction and operational noise would not be significant compared to existing background noise. Best practice site management measures would be employed on site to minimise noise.
- 7.60 The test of likely significant effect concludes that, with mitigation measures, no direct or indirect ecological effects are predicted upon the adjacent European designated site, either alone or in combination.
- 7.61 In consideration of habitats on sites, there are no habitats of biodiversity importance within the application site, and no protected or notable plant species were recorded during the Extended Phase 1 habitat survey. No impacts upon such habitats or species would be expected to occur. A revised landscaping scheme would be required to include the maintenance and enhancement of the existing and proposed hedgerow.
- 7.62 Adjacent habitats of greater biodiversity value at a local level would not be directly affected by the proposed development, and indirect effects can be avoided through the implementation of standard pollution control measures to prevent pollution and run-off occurring during the construction phase, in line with NRW's guidelines.
- 7.63 In relation to protection of birds, a small section of the boundary hedge would be removed to create the new access. If the removal of the section of boundary hedge is unavoidable during the breeding season, potential nesting areas should be inspected by a suitably experienced ecologist prior to works commencing. This would be conditioned.
- 7.64 The proposed development has no potential to impact upon bats as a result of direct or indirect habitat loss. However, depending on the positioning of lighting units, habitats around the periphery of the site could be affected by light spill and therefore affect foraging behaviour and commuting routes, albeit at a very local level. The locality is already subject to lighting from roads, nearby industrial facilities, and any new lighting associated with the proposed development would make a negligible contribution to overall levels.
- 7.65 Any lighting would be directed into the application site, focused on operational areas, and light spill into adjoining habitat will be minimised as far as practicable within the design. Should planning permission be granted, a condition would be imposed to require the submission and approval of details of lighting prior to their installation. The development is therefore not considered likely to affect the favourable conservation status of any bat species.
- 7.66 It is considered that the proposed use is appropriate to the location

and with mitigation proposed, the proposed use would cause no detriment to nature conservation, thus satisfying criteria (ii) of Policy EM4 of the Flintshire Unitary Development Plan.

- 7.66 Natural Resources Wales and the County Council's Nature Conservation Officer does not object to the proposal subject to conditions. With the mitigation measures proposed, it is considered that the proposal would not affect the favourable conservation status of any protected species or cause a significant effect directly or indirectly on any designations of international or national importance. The proposal would not result in any damage to habitats of greater biodiversity value at a local level on site, or on land adjacent to the application site. As such it is considered that the proposal would accord with the provisions of Policies EM4, WB1, WB3, WB4, WB5 and WB6 of the Flintshire Unitary Development Plan.

Landscape and visual impact

- 7.67 The application site is not subject to any statutory or non-statutory landscape designations. There are no nearby residential properties or notable routes or vantage points from which clear views of the application site are available at close range. The site is well screened and not very visible from the nearest residential properties. The listed buildings and conservation areas of Plas Bellin Hall which is located over 1km distant and Oakenholt Hall which is located in excess of 0.5km distant. Due to the extent of existing development along the coastal road and intervening land, and the distance from the proposed development, it is considered that there is no impact on the settings of either of these designated halls. The closest residential premises are 120 metres to the north west and south east of the site on Chester Road and the closest properties on Papermill Lane are over 200 metres distant to the southwest.
- 7.68 The proposed development would require the removal of a short length of the existing hawthorn hedge along the southern boundary of the application site in order to accommodate the new access, and loss of the improved grassland along the eastern boundary. Views of the HRC would be available from adjacent stretches of the Chester – Holyhead railway to the north, and the A548/ National Cycle Route 5 to the south, but in both cases these would be considered in the context of existing operations at the adjacent concrete batching facility which includes various items of plant, vehicles and hard surfacing, and the distant views of the nearby power station.
- 7.69 New hedgerow planting to the northern and eastern boundaries of the application site would be planted in the next available planting season, with supplementary planting in the existing hedge to the south which would effectively screen the site. The existing hawthorn hedge adjacent to the roadside provides a useful screen to the site and would be retained outside of the proposed access. A condition for the submission of landscaping details would be required, and a

standard aftercare condition would be imposed. In the context of the site, it is considered that the additional presence of the proposed skips, fencing and vehicle movements associated with the proposed HRC would be insignificant. The effects upon the character of the surrounding landscape and upon views would be small scale and would not be material to the determination of the planning application.

- 7.70 It is considered that the proposed use is appropriate to the location and would cause no detriment to areas and features of landscape, and would be screened adequately from public view by the proposed hedge planting on the northern, eastern and southern boundaries which would satisfy criteria (ii) and (iv) of Policy EM4 and Policies EWP8, L1 and L2 of the Flintshire Unitary Development Plan.

Trees

- 7.72 Concerns have been raised by a local resident on the proposal and the potential impact on Native Black Poplars. Native Black Poplars are Britain's rarest timber tree and are regarded as a priority species for protection at a local level. There are two Native Black Poplar Trees in the field to the east of the site. The two trees are recorded on the Cofnod database held by the North Wales Environmental Information Service. The Native Black Poplars are not subject to a Tree Preservation Order.

- 7.73 The nearest Native Black Poplar is located 22 metres from the centre stem of the tree, to the east of the application site boundary. This distance is sufficient to readily meet the requirements of the British Standard: Trees in relation to design, demolition and construction – Recommendations BS5837:2012 which would require a distance of 15m. The additional distance should also safeguard the tree's setting in the landscape.

- 7.74 It would be desirable to have a requirement to safeguard the tree although it is outside of the application boundary. A note would be added to the decision notice to protect the trees. It is considered that trees would not be affected as a result of the proposed development. It is considered that the proposal would accord with Policy TWH1 of the Flintshire Unitary Development Plan.

Ground Conditions and Contaminated land

- 7.75 A preliminary site investigation had been completed to provide information on ground conditions at the site. The results of the risk assessments indicate that there are sources of contaminants present at, or in the immediate vicinity of the site. Depending on the organic content of the made ground and tidal flat deposits at the site, landfill type ground gases may also present an issue. Anecdotal evidence has indicated that made ground of ash underlies the site; a former petrol station was located adjacent to the southwest corner of the application site, located in the area now occupied by the concrete works aggregate bays, this may have potentially leaked and migrated

onto land within the application site. Therefore, the site has the potential to be affected by land contamination. The development of the site could introduce receptors that could be affected by land contamination as a result of the development.

- 7.76 The majority of the site is currently not fully covered in hard standing, although the south western boundary is covered in concrete and the southern portion of the site is covered by crushed stone. A layer of made ground is expected directly below the surface of the site and is expected to be predominantly ash material. This is likely to be overlying either glacial till or tidal flat deposits. It is anticipated that minor earthworks may be required to modify ground levels and create new foundations for the structures and infrastructure for the HRC.
- 7.77 It is considered that the preliminary site investigation undertaken by the applicant is thorough, and the recommendations that it makes for further intrusive works to assess contamination suspected to be present at the site are considered to be reasonable.
- 7.78 In relation to the proposed buildings, the report describes the building, as temporary. However, it is understood that they wouldn't be sited temporarily with respect to time, but they are described as 'temporary' as they would be a portacabin style structure, rather than a building with traditional foundations.
- 7.79 Taking this into account, subsequent stages of the ground investigation assessment should take the siting of buildings, and the provision of services and drainage to the development into consideration. A mine shaft is present on site which may; like many old mine shafts, have been used to dispose wastes into. This should be taken into account in the assessment. Furthermore, as the precise location of the mine shaft, and its condition is not known, further intrusive ground investigation works would be required prior to the commencement of development, in order to establish the exact situation regarding coal mining legacy issues on site.
- 7.80 Although there are anecdotal recollections of the removal of fuel storage tanks from the former petrol filling station, no documentary evidence has been provided to show how the tanks were decommissioned, removed and the works validated. Hydrocarbon migration from the site in the past and which may be taking place at present is a potential risk to the development of the site during construction and operation. Therefore, care should be taken to investigate the potential issues associated with the migration and presence of hydrocarbons at both the former petrol filling station and the proposed development site.
- 7.81 The findings of the assessment would affect the way in which the development and buildings proposed within the site are constructed. The assessment needs to be completed before an informed decision

as to whether or not remediation measures to address any unacceptable risks attributable to the presence of land contamination are required. This may include measures which are required in the floor construction of structures/buildings (temporary or otherwise), foundations of structures, service and drainage provision. The potential risks to off-site receptors as a result of the development of the site also need to be understood.

- 7.82 Therefore, should planning permission be granted a condition would be imposed to ensure the land contamination assessment takes into account the siting of buildings, provision of drainage and services, and include the location details of the mine shaft, and a survey and inspection of the mine shaft with any remediation works taking place as recommended. The land contamination assessment shall also confirm if surface and ground water contamination of flora and fauna is likely to occur with details of any prevention measures. A condition would also be required to ensure that prior to the occupation of the development or its first use, the validation/verification works of the remediation works undertaken shall be submitted.
- 7.83 Natural Resources Wales considers that the controlled waters at this site are not of highest environmental sensitivity, therefore they have not provided detailed site-specific advice or comments with regards to land contamination issues for this site.
- 7.84 It is considered that, with the proposed conditions as outlined above, it is considered that the proposal would accord with Policies GEN1 and EWP14 of the Flintshire Unitary Development Plan.

Drainage, Hydrology/water resource

- 7.85 Surface water runoff flows from the development would be intercepted by a roadway network of gullies, which would in turn discharge to a surface water highways culvert located to the north of the site. Surface water attenuation would be provided either by the construction of a central control tank or cellular storage structure, which would then discharge via a hydro-brake vortex control under gravity flow to the existing highway surface water drainage network sewerage located to the north of the application site, beyond the railway.
- 7.86 The indicative system designed would be able to attenuate surface water run-off for all rainfall events up to the 1 in 100 year + 40% Climate Change to the rate of 5 litres per seconds, which corresponds to the minimum permissible discharge rate from surface water systems as specified within the Flintshire County Council Supplementary Planning Guidance LPGN 29 - Management of Surface Water for New Development. Additional details of the surface water management system would be required by condition.
- 7.87 To prevent damage to the drainage features, and to potential

downstream surface water discharge locations, erosion and sediment control for both the construction and operation phases would be incorporated within the design and may include:

- Sedimentation units/ Silt traps and oil separators;
- Sediment retention sumps in gully installations.

7.88 In relation to Flood risk, the application site lies predominantly within Zone A, with a small area of Zone B, as defined in TAN 15 Development & Flood Risk (2004) and shown on Welsh Government's Development Advice Map. Natural Resources Wales' floodmap confirms that the site is outside the modelled 0.1% AEP (1 in 1000 annual chance) fluvial and tidal event outlines.

7.89 The proposed development would not increase flood risk to the site or the surrounding properties provided that the suggested mitigation measures and the provision of appropriately designed surface water drainage controls.

7.90 Based on the submitted flood consequences assessment, NRW have no objection to the proposed development. However, prior to any planning permission being granted, they have advised that the Council's Drainage team (who fulfil the role of Lead Local Flood Authority) is consulted with regard to surface water management at the site.

7.91 The Council's Drainage officer has been consulted and the rate of discharge of 5 litres per second has been agreed. Following additional investigation works, the applicant now proposes to discharge to a final outfall on the existing highways drainage system which flows towards the north travelling under the railway, as opposed to the submitted design which would flow in a southerly direction. Subject to the approval of the details of the changes in the design, the Council's Drainage Officer has no objections. A condition would be required to provide details of the amendment to the proposed surface water drainage system.

7.92 Dŵr Cymru Welsh Water have requested that, should planning permission be granted that a condition and an advisory note be added to a consent to ensure no detriment to existing residents or the environment, or to Dŵr Cymru Welsh Water's assets.

7.93 Dŵr Cymru Welsh Water, Natural Resources Wales, and the Council's Drainage Officer do not object to the proposal. It is considered that subject to the approval of a drainage scheme, the proposal would accord with Policies EWP8, EWP16 and EWP17 of the Flintshire Unitary Development Plan.

Amenity Impacts; Odour, vermin, litter and dust.

7.94 Potential malodorous wastes could be imported to the site which would include mixed and green waste, plus a relatively small amount

of domestic chemicals and paints. Waste would be removed on a regular basis, thus reducing the potential for bio-degradation and for odour, flies and vermin. The volumes of waste held on site would be low and frequently removed. They rarely comprise of putrescible wastes and therefore the potential for malodorous wastes would be low.

- 7.95 Service vehicles transporting waste material would be securely sheeted ensuring that no litter problems would occur. Suitable containers would be utilised for recyclable materials. Furthermore, the proposed 1.8 metre high boundary fence would contain any windblown litter or debris should it occur.
- 7.96 During periods of warm weather, the hardstandings would be dampened to avoid the generation of dust as appropriate. Given the nature operations and distance to sensitive receptors, there would be no unacceptable risk of impacts associated with dust.
- 7.97 Streetscene operate a number of HRCs in the county and the Local Planning Authority have not received complaints in relation to odour, vermin, litter or dust at these sites. The operation of the site would also be regulated by Natural Resources Wales under an Environmental Permit.
- 7.98 It is considered that the proposed use is appropriate to the location and would cause no detriment to residential amenity which would satisfy criteria (ii) of Policy EM4 of the Flintshire Unitary Development Plan.
- 7.99 As such, subject to conditions to ensure that dust is minimised and controlled, and sheeting of service vehicles, it is considered that the proposal is in compliance with the provisions set out in Policies EM4, GEN1, EWP8 and EWP12 of the adopted Flintshire Unitary Development Plan

Lighting

- 7.100 Lighting for the site would be provided to function only during operational hours, when natural illumination falls below safe working levels. The lighting would comprise high-pressure sodium, flat glass lanterns or similar approved. All lighting would be angled downwards and designed not to spill light materially beyond the site boundary. Should planning permission be granted, details of lighting would be required to be submitted and approved in writing by the Local Planning Authority prior to any installation.
- 7.101 The submission and compliance with a lighting scheme required by condition would ensure that the proposal would accord with the provisions of Policies GEN1, D4, EM4, EWP8 and EWP13 of the adopted Flintshire Unitary Development Plan.

Bird Management

- 7.102 The proposal has the potential to increase Gull numbers in the Dee Estuary. Due to the proposed site location in relation to the Gull roost in the Dee Estuary, and the established Gull flight lines over the immediate vicinity of the site, it is likely that any weakness in the containment of putrescible waste would be exploited by Gulls very quickly. This would then have the potential of the site to lead to a net increase in the carrying capacity of the Dee Estuary and surrounding areas for breeding and wintering gulls. Therefore, it has been identified that the proposed development could conflict with aerodrome safeguarding criteria and Airbus would object to the planning permission being granted unless a Bird Hazard Management Plan is submitted to the Local Planning Authority and approved prior to the importation of waste.
- 7.103 Subject to the a condition requiring the submission and written approval of a Bird Hazard Management Plan it is considered that the proposal would accord with Policy AC12 of the Flintshire Unitary Development Plan.

Impact on the Railway

- 7.104 Network Rail is concerned that the proposal could result in surface water being drained in the direction of the railway or increase the amount of surface water in the adjacent surface water ditch, which could result in flooding, pollution and soil slippage on the existing operational railway.
- 7.105 A condition would be attached to any permission which would state that all new surface waters and foul waters must drain in a direction away from the railway. Any soakaways on site must be located at least 20m from the operational railway boundary. Any attenuation features would need to be agreed with Network Rail.
- 7.106 The submitted Conceptual Surface Water Management Plan shows that the surface water would drain in a south westerly direction towards Chester Road, where it would enter the highway surface water drain. However, this is proposed to be revised to flow into an existing highway drain which would drain in a northerly direction, towards the railway. However, this is an existing drain and no new drains would be proposed. Details of the revised drainage system would be required by condition, and Network Rail would be consulted.
- 7.107 Within their consultation response, Network Rail have raised a number of issues which would be communicated to the applicant via an informative within the 'Notes to Applicant', should planning permission be granted.
- 7.108 The applicant and operator of the site must ensure that their proposal, both during construction, and operation, does not affect the safety, operation or integrity of the operational railway / Network Rail land

and their infrastructure. The construction and operation of the development, and subsequent maintenance must not undermine or damage or adversely impact any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and boundary treatments. Any future maintenance must be conducted solely within the applicant's land ownership. This would be conditioned.

- 7.109 Network Rail have also requested that to protect the railway resource from trespass and/or damage that a trespass proof steel palisade fence of a minimum height of 1.8 metres should be erected along the railway boundary. The site would be fully enclosed with a 1.8 metre high palisade fence which would be erected at least 20 metres away from Network Rail land.
- 7.110 As the proposal includes hard standing areas, a turning area and an internal access road which is adjacent and runs parallel to the boundary of the operational railway, a condition would be included in a decision notice to require the details and installation of kerbing to prevent any vehicle incursion from private land impacting on the safe operation of the railway.

8.00 CONCLUSION

- 8.01 Flintshire County Council has identified that the two existing HRCs in Connah's Quay and Flint are no longer fit for purpose. The sites are small and are reaching the end of their operational life. The existing HRCs are also difficult and inconvenient to access and poorly signed. The development of a single HRC to serve the communities of both Connah's Quay and Flint would offer a number of advantages, primarily relating to accessibility, space and associated operational efficiencies.
- 8.02 Whilst the proposal does not accord with Policy GEN3 of the adopted unitary development plan as the application site lies in the Open Countryside, having regard to all considerations which weigh in favour of the proposal, on balance, it is considered that the proposed HRC represents sustainable development for which planning permission should be granted. It is considered that there is valid evidence to justify the proposed location of a new HRC at Oakenholt, as a departure from Policy GEN3.
- 8.03 With the imposition of conditions in relation to the site access, reduction in speed limit and the signalised junction and proposed gateway features, it is considered that the proposed mitigation measures would enable safe operation of the proposed junction, and that the operation of the HRC would cause no significant impact on the use of the highway.

- 8.04 Noise levels would be unlikely to be significant and the proposal would not cause detriment to residential amenity. However, best practice operational measures are proposed to minimise noise from the site.
- 8.05 With the mitigation measures proposed, it is considered that the proposal would not affect the favourable conservation status of any protected species or cause a significant effect, directly or indirectly on any designations of international or national importance. The proposal would not result in any damage to habitats of greater biodiversity value at a local level on site, or on land adjacent to the application site.
- 8.06 The proposed use is considered to be appropriate to the location and would cause no detriment to areas and features of landscape, and would be screened adequately from public view by the proposed hedge planting on the northern, eastern and southern boundaries.
- 8.07 Further intrusive site investigations would be required by condition, along with the requirements of any remedial works and the submission of a verification report detail any remediation works undertaken.
- 8.08 The proposal would not impact on hydrology and water resources. The proposed development would not increase flood risk to the site or the surrounding properties provided that the suggested mitigation measures and the provision of appropriately designed surface water drainage controls.
- 8.09 The proposal would not give rise to unacceptable levels of odour, litter, dust and lighting would be controlled by condition. Therefore, the proposed use is considered to be appropriate to the location and would cause no detriment to residential amenity.
- 8.10 With the conditions and mitigation measures proposed, it is considered that the proposal would not have an impact on Network Rail or aerodrome safeguarding.
- 8.11 The proposal would accord with the principles of the Waste Hierarchy, as it would effectively provide provision for segregation of waste and subsequent re-use or recycling which would effectively move Flintshire's waste up the waste hierarchy. The proposal therefore accords with the National Waste Strategy, TAN21, and is in accordance with the Waste Hierarchy as it would contribute towards reducing waste disposal and increase re-use and recycling rates for Flintshire.
- 8.12 In considering this application the Council has taken into account all the environmental information and matters that are material to the determination of this application, as set out in the Application,

Supporting Statement, and technical appendices which considered and assessed the impacts on the highway, noise, ecology, landscape and visual impact, ground conditions, surface water and flood risk, amenity and bird management. It is considered that with mitigation measures proposed, there would be no material planning reason for refusal and planning permission should be granted.

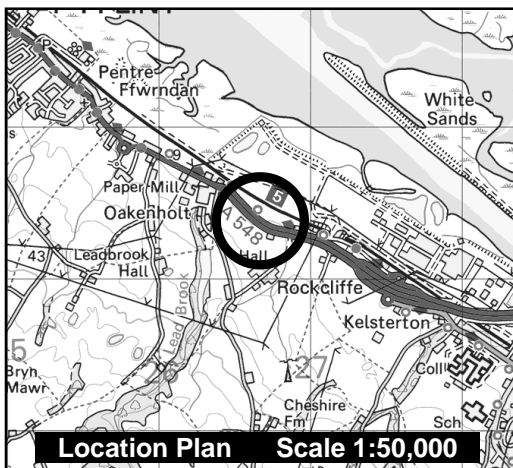
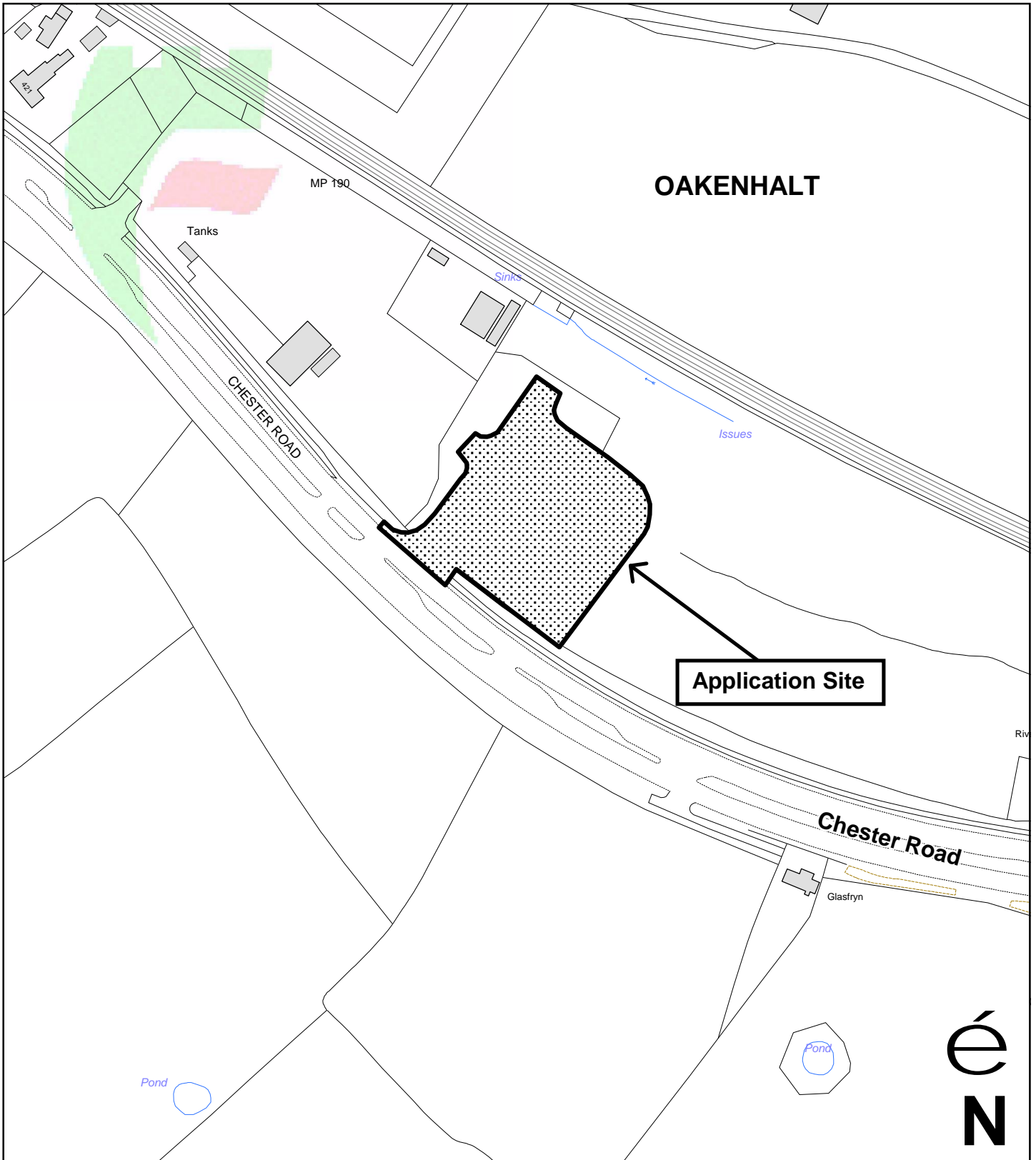
9.00 Other Considerations

- 9.01 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.
- 9.02 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.
- 9.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 9.04 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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Email: hannah.parish@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 2671

Planning Application **56547**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND MARCH 2017**

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

SUBJECT: **FULL APPLICATION - ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSION TO REAR OF DWELLING AT 5 CHURCH COTTAGES, OLD SEALAND ROAD, SEALAND.**

APPLICATION NUMBER: **056436**

APPLICANT: **MR. P. WISINGER**

SITE: **5 CHURCH COTTAGES, OLD SEALAND ROAD, SEALAND.**

APPLICATION VALID DATE: **10TH JANUARY 2017**

LOCAL MEMBERS: **CLLR CHRISTINE JONES**

TOWN/COMMUNITY COUNCIL: **SEALAND COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **APPLICANT IS RELATED TO AN ELECTED MEMBER**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the erection of a single and two storey extension to the rear of 5 Church Cottages, Old Sealand Road, Sealand. The main issues to consider are the impact on residential amenity and the visual appearance of the proposal.

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

- 2.01 The proposal is recommended for approval subject to the following conditions:

Conditions

1. Time Limit.
2. In accordance with plans.

3.00 CONSULTATIONS

3.01 Local Member

Cllr Christine Jones

No objection to the application being determined under delegated powers.

Sealand Community Council

No objection.

Head of Assets and Transportation

No objection.

Head of Public Protection

No objection.

SP Energy Networks

No response at time of writing.

4.00 PUBLICITY

4.01 Neighbour Notification

No response at time of writing.

5.00 SITE HISTORY

- 5.01 There is no relevant planning history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN 1 – General Requirements for Developments

GEN 3 – Development in the Open Countryside

D1 – Design Quality, Location and Layout

D2 – Design

HSG12 – House Extensions and Alterations

7.00 PLANNING APPRAISAL

- 7.01 The application is for the erection of a single and two storey extension to the rear of 5 Church Cottages, Old Sealand Road, Sealand. The application site is located within a small cluster of dwelling outside of the defined settlement of Sealand as defined in the Flintshire Unitary

Development plan.

7.02 The property consists of a two story end of terrace finished in red brick under a slate gable end style roof. The property is a fairly modest dwelling with a kitchen and lounge on the ground floor with two bedrooms and a bathroom on the first floor.

7.03 Principle

Extensions to dwellings are dealt with in Flintshire Unitary Development Plan under Planning Policy HSG 12. Generally extensions to dwellings are considered acceptable providing they are of an appropriate design to ensure that it is not overdevelopment and it does not have an adverse impact on the visual or residential amenity in the area.

7.04 Design

The proposed extension will protrude approximately 4.3 metres from the rear elevation and extend the entire length of the dwelling. The proposed extension will consist of both single storey and two storey elements. The element adjacent to the adjoining property will be single storey to reduce the impact of the proposal on the light entering the windows on the adjoining property. The extension then increases to two stories 2.25 meters from the common boundary of the adjoining terrace property.

7.05 The application proposes the use of matching brick and slate tiles to ensure that the proposed extension is in keeping with the existing row of terraced properties. In light of the above design, the proposal does not have an adverse impact on the on the joining property or the visual amenity of the area therefore complies with policy HSG12

7.06 Highways

The proposed dwelling will increase from a two bedroom property to a three bedroomed property. The highways department has raised no objection to the proposal on highways grounds.

8.00 CONCLUSION

8.01 It is considered that the proposal is in accordance with the relevant planning policies. The extension to the rear of the dwelling meets both Local and National Planning Policy, and would not have an adverse impact on the residential amenity of adjoining dwellings.

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.

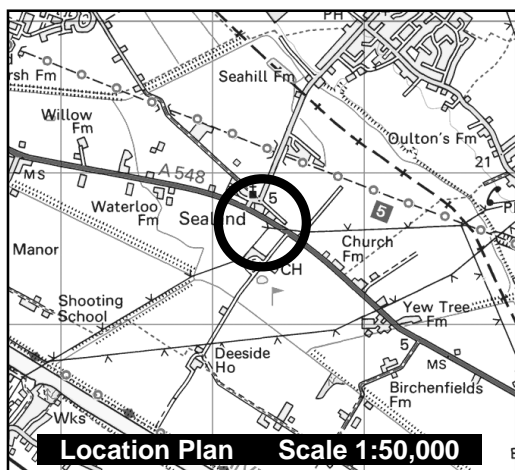
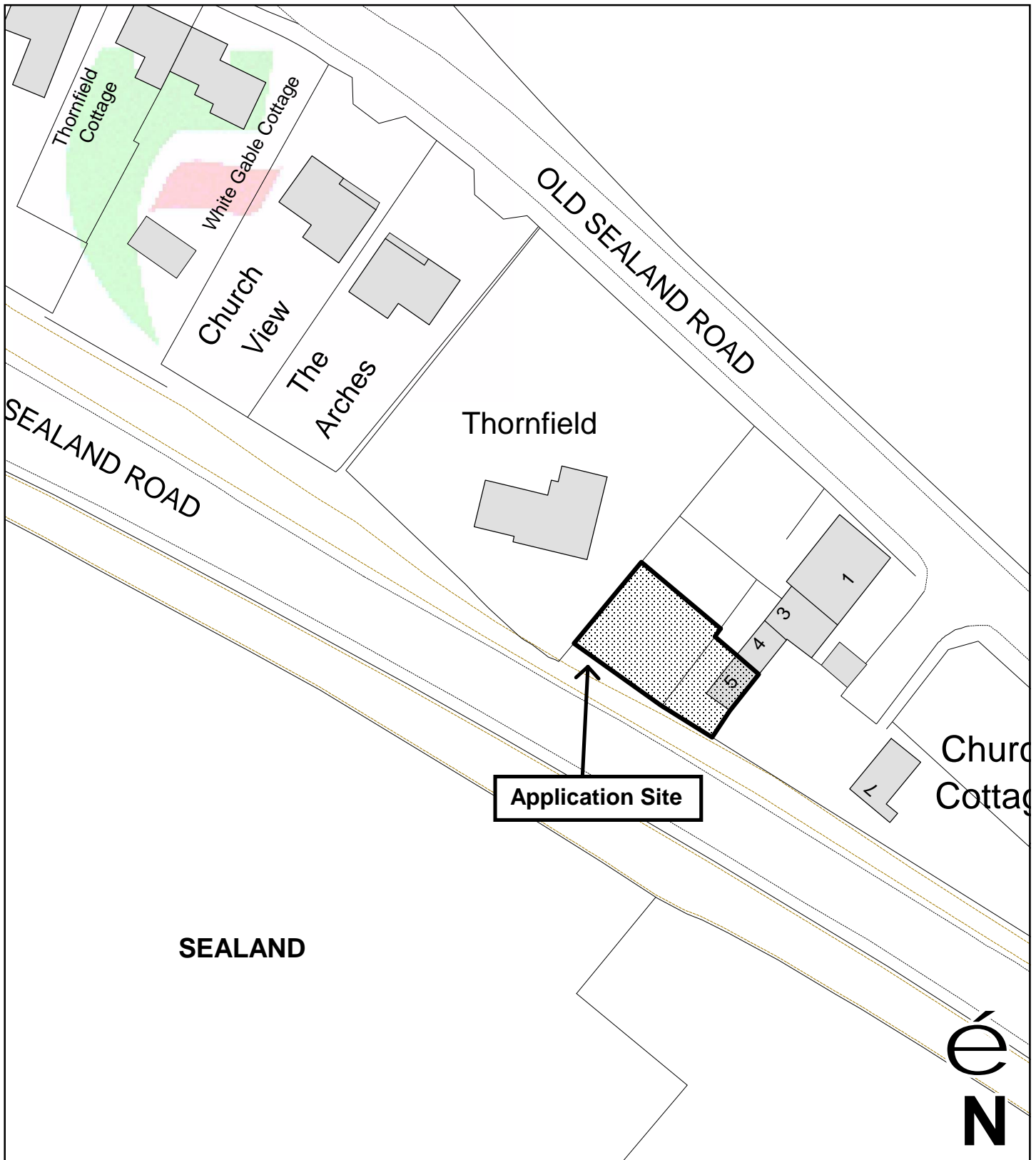
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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: Mr Daniel McVey
Telephone: 01352 703266
Email: daniel.mcvey@flintshire.gov.uk



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:750

OS Map ref SJ 3568

Planning Application **56436**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND MARCH 2017**

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

SUBJECT: **FULL APPLICATION – CHANGE OF USE AND CONVERSION OF AN EXISTING CHAPEL TO FORM A SINGLE DWELLING AT CYSEGR CHAPEL, RHEWL MOSTYN, HOLYWELL.**

APPLICATION NUMBER: **056319**

APPLICANT: **MS LOUISE JOHNSON**

SITE: **CYSEGR CHAPEL, RHEWL MOSTYN, HOLYWELL**

APPLICATION VALID DATE: **4TH JANUARY 2017**

LOCAL MEMBERS: **COUNCILLOR DAVID RONEY**

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

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This planning application is submitted for the change of use and conversion of the existing chapel to form a single dwelling. It is proposed to utilise the area to the side of the chapel for the parking of vehicles and to set back the existing front wall and railings by 1m.
- 1.02 It is considered that the proposed change of use and conversion of the chapel to a dwelling is in accordance with Policies GEN1, GEN2, WB1 and HSG3. The proposed vehicular access and parking provision to the side of the chapel are acceptable in highways terms.

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

- 2.01
1. 5 year commencement
 2. In accordance with approved plans
 3. Footpath to be created to frontage in the intervening land created by the set back of the wall/railings, in accordance with standard details.
 4. Prior to commencement of works a level 1 photographic survey is to be carried out

Note to Applicant

All bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981, as amended. Please be advised that if bats are discovered all works should stop immediately and Natural Resources Wales or the County Ecologist should be contacted for advice before continuing.

All British birds, their nests and eggs (with certain limited exceptions) are protected by law by the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Please be advised that no demolition/ building works or clearance of vegetation should be undertaken while nesting birds are present

3.00 CONSULTATIONS

3.01 Local Member
Councillor D. Roney

Requests Committee determination and site visit, as his preliminary view is that the proposal is unrealistic, the taking down of the wall / railings will result in these touching the front of the Chapel. Application states that proposal is not solely residential, an element of commercial involvement. Considers that there is no way that three vehicles would reverse down the side of the Chapel

Mostyn Community Council

The Community Council has continued concerns about the lack of parking in the area, the taking down of the wall/railings and reversing difficulties from the site.

Head of Assets and Transportation

Have no objection to the proposal. Would advise that the intervening section of land created by setting back the wall/railings shall be constructed as a footway in accordance with standard details. Necessary supervision and subsequent adoption under Section 228 of the Highway Act 1980 will be required. The existing traffic sign will require relocation to the rear of the footway in consultation with the

Street Scene Section,

Head of Public Protection

Confirm that they have no adverse comments to make regarding this proposal.

Welsh Water/Dwr Cymru

No response received at time of writing this report.

Natural Resources Wales

Have identified that bats may be present and recommend that the site be screened for the reasonable likelihood of bats being present and to ascertain the need for a bat survey. The County ecologist has confirmed that a bat survey is not required, but has recommended that any planning consent has a Note to Applicant attached with regard to protection of any bats that may be found during the course of works carried out.

Ecology

As a result of the comments of Natural Resources Wales, the county ecologist has visited the site and has advised that whilst there is evidence of historic use of the building by bats. The building has the benefit of planning permission and had been made secure to prevent pigeons from nesting.

During the County ecologists visit to site recently to inspect the building for signs of bats, there is little evidence of recent use and there is no evidence of nesting birds. It is noted that the attic area will be retained as a cold space, with insulation placed within the ceiling, as such this will offer the potential for bats once the building has been renovated.

Although there was no evidence of a bat roost; this does not preclude a bats from the site and to this end I would recommend a Note to Applicant advising on the protection of bats under the relevant legislation and that the applicant be advised that if any bats are found works must cease and appropriate advice be sought before continuing works.

At the recent site visit the applicant was recommended that the vegetation adjacent to and on the outside of the building be cut/ removed as soon as possible, (to avoid attracting nesting birds, prior to the start of the development). In light of the potential for nesting birds it is recommended that the applicant be advised by a Note to Applicant that all British birds, their nests and eggs (with certain limited exceptions) are protected by legislation, no works including vegetation clearance should be undertaken while nesting birds are present.

Coal Authority

When considering this particular proposal the planning application is primarily for a change of use of an existing building. With only limited groundwork's proposed to reinstate the boundary treatment. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

Capel

In their capacity as an interest group for Chapel buildings have supported the application.

Clwyd Powys Archaeological Trust

Information held within the Regional Historic Environmental Record indicates that although the development appears to have limited sub surface archaeological implications the proposal will affect a traditional 19th C chapel. The building retains much of its original fabric, features and layout and is of local importance, it would be unfortunate if this building was now altered without a record of its present form being retained.

Therefore a Level 1 photographic survey is required to be carried out before any works commence, in order to preserve a record of the building.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

No response received as a result of the above publicity.

5.00 SITE HISTORY

5.01 **051199**

Change of use and conversion of existing chapel to form a single dwelling – Approved 28/5/2014.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries]

HSG3 - Housing on Unallocated Sites Within Settlement Boundary

CF1 - Retention of Existing Facilities

AC13 - Access and Traffic Impact

WB1 - Species Protection

7.00 PLANNING APPRAISAL

7.01 Introduction

This planning application seeks consent for change of use and conversion of the existing chapel to a single dwelling and the formation of access and parking provision for three vehicles to the side of existing Cysegr Chapel, Rhewl Mostyn.

7.02 Site Description

The application site is a former chapel of local character set within the settlement boundary of the village of Rhewl Mostyn. The site is set within a residential area comprising of a variety of property designs, scale and varying plot sizes reflecting the piece meal development of the village over time.

7.03 The chapel building is a large two storey property of character (however it is not listed or a building of local interest), fronted by a low brick wall and railings, as part of the scheme it is proposed to set these back by 1 metre from its original position, to secure visibility for the parking area to be provided to the side of the existing chapel. There is small amenity area to the rear of the chapel. Hedges and existing boundary walls enclose the site from the neighbouring residential properties.

7.04 Site History

The site was subject to a previous planning application under reference 051199 for the change of use and conversion of the chapel to a dwelling with parking provision to be supplied on land opposite the chapel. Following the grant of planning consent under this reference, the land forming the proposed parking area, was no longer available for this use to the applicants. As such the applicant entered in to pre application discussions in which the alternative parking provision was discussed and considered. A result of this was it was considered that the provision for parking to the side of the chapel was a viable option, with visibility secured by the moving back of the frontage wall/railings and removal of one of the existing gate posts that is currently in situ. As part of these discussions it was also recommended that the wall/railings were rebuilt and set back, as they also form part of the character of the building, the applicant was in full agreement to these recommendations.

7.05 Proposed Development

The existing chapel is no longer used as a Chapel and Capel, the body that seek to protect chapel buildings, have raised no objection to its proposed change of use and conversion to form a single dwelling. The existing internal configuration of the floors in the building are such that they are able to be utilised as part of the conversion scheme and will not lead to cutting through windows when viewed externally as often happen in such schemes, to the detriment of visual amenity of such conversions. The proposed external appearance of the building is proposed to be little changed and the main elevation is

not changed in terms of design and fenestration as such the proposal retains the character and integrity of the existing building.

7.06 The conversion will enable the creation of one dwelling over two habitable floors, with the main living accommodation being provided on the ground floor with the living room to the front of the building and the kitchen /utility room to the rear. The first floor is to comprise of bedroom and bath room facilities, with an open landing and study area utilising the existing open atrium area of the former chapel.

7.07 Concerns have been raised that the scheme proposes a commercial element, but there is no reference to this in the documentation supporting the application and the application description clearly states, proposed change of use and conversion of an existing chapel to form a single dwelling.

7.08 Protected Species

Due to Natural Resources Wales identifying the potential for bats in the building, the County Ecologist has recently meet the applicant and agent on site and has inspected the building. As the building has the benefit of planning permission previously the building had been secured to prevent pigeons nesting. During the site visit the building was inspected for evidence of bats and while there was some evidence of historic use, there was no evidence of recent use. However this would not preclude bats from visiting the site and it is recommended that any permission has a note to applicant advising that should bats be found during development, that works cease and advice be sought from Natural Resources Wales or the County Ecologist, before continuing with works. At the site visit it was recommended that the vegetation adjacent to and on the building be cut/removed as soon as possible to avoid attracting nesting birds, as these as well as their nests are protected by law. In view of this it is recommended that a note to applicant be attached to any planning consent with regard to the protection of nesting birds and that no works including vegetation clearance should be undertaken while nesting birds are present.

7.09 Street Scene

The building makes a significant contribution to the existing street scene and utilises an existing building, which would otherwise be likely to remain vacant and deteriorate over time. This scheme of conversion is sensitive to the existing character and historic nature of the building. The proposed change of use utilises the existing openings of the building in the form of windows and doors and will not lead to adverse impact upon adjoining occupiers or a loss of the building existing historic character and appearance.

7.10 Access and Parking

Access and parking provision for the change of use to a single dwelling are to be created to the side of the existing Chapel building. The creation of the point of access will involve the removal of one of the existing gate posts and the removal of part of the side boundary wall, as well as the taking down and reinstatement of the front wall and railings a further 1m set back from their original position. By moving the wall and railing back on site it will secure visibility to and from the created access point. Whilst it is noted that concerns have been raised with regards to the creation and use of the parking provision proposed, highway officers have assessed the application and have raised no objection to the proposal. As part of the assessment of the application highways officers have recommended that the intervening land created by the setting back of the frontage wall, shall be constructed as a footway, In addition they recommend that the existing traffic sign will be required to be relocated to the rear of the footway in conjunction with the advice of the Street Scenes Officer.

8.00 CONCLUSION

8.01 It is considered that the scheme proposed for the change of use and conversion of the existing former chapel building to a single dwelling is a scheme of merit that retains the integrity of the existing historic and characteristic building.

8.02 The proposal therefore complies with Policies GEN1, GEN2, HSG3, CF1, WB1 and AC13 of the adopted Flintshire Unitary Development Plan.

8.03 Other Considerations

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

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

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

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

LIST OF BACKGROUND DOCUMENTS

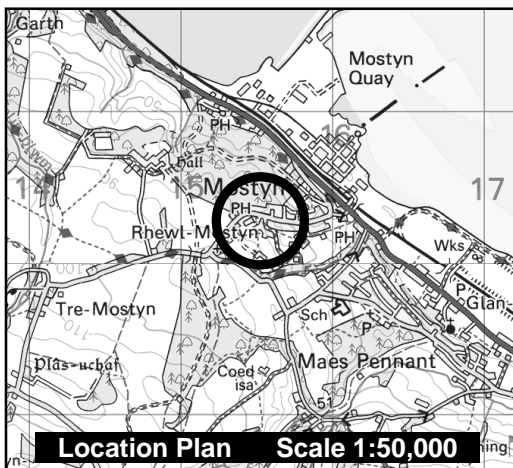
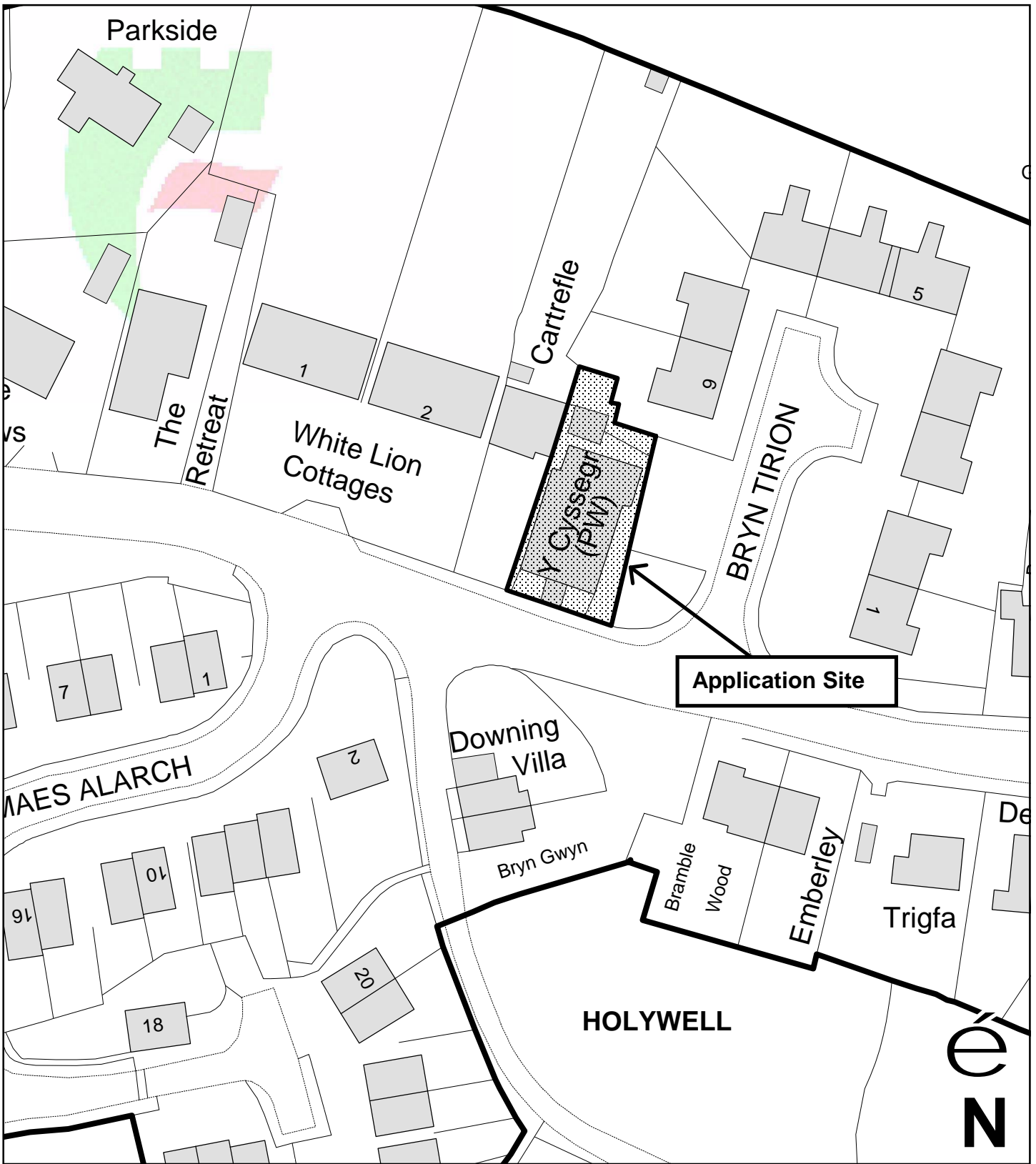
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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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 **56319**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND MARCH 2017**

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

SUBJECT: **APPEAL BY ELAN HOMES LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 56 NO. DWELLINGS WITH ASSOCIATED ACCESS, OPEN SPACE AND INFRASTRUCTURE AT KINNERTON LANE, HIGHER KINNERTON – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 054770

2.00 APPLICANT

2.01 ELAN HOMES LTD

3.00 SITE

3.01 Land south of Kinnerton Lane,
Higher Kinnerton,
Flintshire,
CH4 9BG

4.00 APPLICATION VALID DATE

4.01 5th January 2016

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the refusal to grant planning permission for the erection of 56No. dwellings, creation of access, open space and provision of associated infrastructure on land south of Kinnerton Lane, Higher Kinnerton, by the Local Planning Authority.

The decision to refuse planning permission was made by Members

at the Planning and Development Control Committee held on 20th July 2016.

The appointed Planning Inspector was Mr. A. Thickett.

The appeal was determined following an exchange of written representations and was **ALLOWED**.

6.00 REPORT

6.01 The Main Issue

The Inspector noted that the application had been refused for a solitary reason alleging that insufficient information had been provided to demonstrate that the proposals would not give rise to increased risk of flooding. Accordingly he highlighted this as the main issue for consideration via the appeal.

6.02 Flood Risk

The Inspector noted that Higher Kinnerton Community Council had raised concerns in relation to the Appellants' FCA and also noted that NRW had raised a few questions in respect of the same. He considered the detailed response from the Appellant provided in respect of these issues was satisfactory. He also noted the views of nearby residents in respect of their perception of the impact of the proposals upon their property.

6.03 The Inspector noted that neither NRW nor Dwr Cymru raised any objection to the proposal and both suggested that conditions be imposed in relation to surface water run off rates and the need to agree and implement an agreed drainage scheme respectively.

6.04 He concluded that there was no technical evidence to substantiate the reason for refusal. He concluded that there was no basis to question either the views or NRW and DWR Cymru nor question the advice of professional officers in this respect.

6.05 He therefore concluded that, subject to a condition relating to surface water drainage schemes being submitted and agreed, the proposal would not give rise to an increased risk of flooding and was therefore compliant with policies STR1 and GEN1 of the Flintshire Unitary Development Plan.

6.06 Other matters

Housing Land Supply

The Inspector noted the lack of a 5 year housing land supply and attributed weight to the advice contained within TAN1 in this regard. He noted that the site is located outside the settlement boundary and was therefore not compliant with the relevant UDP policies in respect of the location of development. However, he agreed that there were other material considerations which outweighed this conflict.

6.07 He noted that Higher Kinnerton has a range of facilities and services,

capable of accommodating further development in a sustainable manner. He also noted that the overall increase in the housing supply would also assist in meeting the identified need for affordable housing. He agreed that the development would assimilate comfortably into the existing settlement.

6.08 He concluded upon this matter that in the absence of any imminent plan led solution to the lack of housing supply, the need to increase supply combined with the lack of harm and sustainable location outweighed the conflict with Policies STR1(a) and GEN3.

6.09 *Highway issues*

The Inspector noted the highway improvements contained within the proposal and the absence of an objection form the Highway Authority. The absence of any technical evidence to the contrary he concluded there was no basis for him to question the Highway Authority's position.

6.10 *Listed Buildings*

The Inspector noted the proximity of 2 Grade II listed buildings within the vicinity of the site (Kinnerton Lodge and Compton Hall Farm). He considered that the fields to the south of the site and the intervening housing estate in each case respectively were such that the impact upon these buildings was negligible and therefore concluded that the setting of each building would be preserved.

6.11 Conditions

The Inspector considered the suggested conditions set out in the committee report and the guidance in Welsh Government Circular 016/2014. A three year commencement condition was deemed necessary because this planning permission is being granted to meet a pressing need and therefore the development should be delivered quickly. Other conditions are imposed requiring an archaeological assessment of part of the site; traffic calming; footway and footpath improvements and other highway improvements; provision of access visibility splays; the agreement of surface water drainage proposals; agreement of materials; provision of parking facilities; provision of tree protection measures; and the implementation of the approved landscaping scheme.

6.12 The Inspector also noted other suggested conditions. In relation to the request for a construction traffic management plan, he concluded that such a condition did not have a planning purpose and therefore failed the requisite tests in relation to the imposition of conditions as the requirements of the same replicate powers held by the Highway Authority.

6.13 He also noted the requests for conditions in relation to the agreement of the proposed foul drainage system and the undertaking of land contamination assessment. He concluded that the suggested foul

drainage condition failed the tests as it replicated provisions within Building Regulations. In respect of the land contamination investigation requested, he concluded that insufficient technical evidence had been provided to counter the conclusions of the submitted ground investigation report in this regard. Accordingly he declined to impose such conditions.

6.14 Unilateral Undertaking

The Inspector noted that the provision of affordable housing and contributions towards public open space and education is addressed via a unilateral undertaking submitted by the appellant with the appeal. The Inspector was content that the provisions of the undertaking were necessary and compliant with the requirements of The Community Infrastructure Levy Regulations 2010.

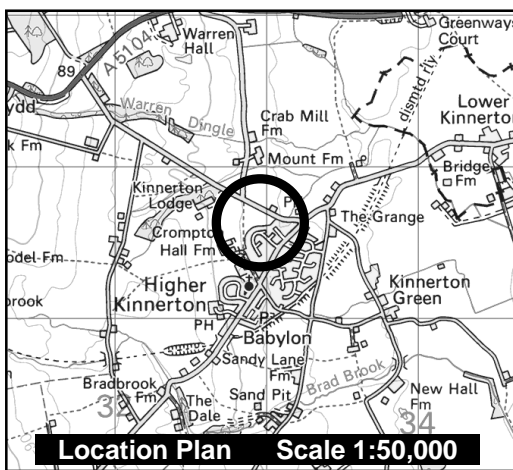
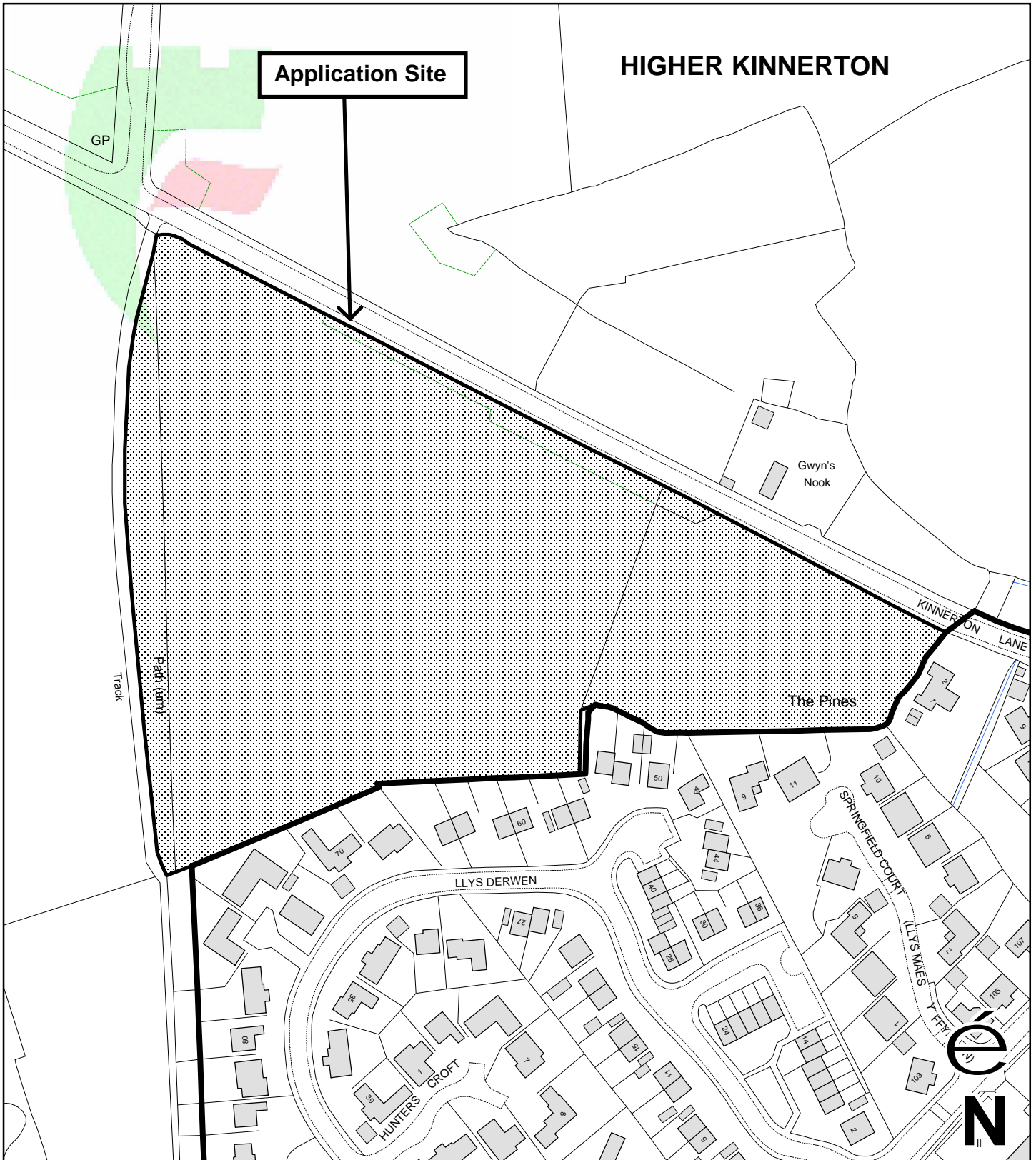
7.00 **CONCLUSION**

7.01 For the reasons given above, the Inspector concluded that the appeal should be **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS



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

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Email: david.glyn.jones@flintshire.gov.uk



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

Legend

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

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OS Map ref	SJ 3261
Planning Application	54770

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