

Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

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

5 October 2016

Nicola Gittins 01352 702345
nicola.gittins@flintshire.gov.uk

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, 12TH OCTOBER, 2016** at **1.00 PM** to consider the following items.

Yours faithfully

Peter Evans
Democracy & Governance Manager

WEBCASTING NOTICE

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

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

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

3 LATE OBSERVATIONS

4 MINUTES (Pages 5 - 16)

To confirm as a correct record the minutes of the meeting held on 7 September 2016.

5 ITEMS TO BE DEFERRED

6 REPORTS OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)

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

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

Item No	File Reference	DESCRIPTION
<u>General Matters</u>		
Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	055310 - A	055310 - Full Application - Erection of 24 No. Dwellings with Associated Garages, Parking Garden Areas and Open Spaces with Demolition of Existing Service Station and Outbuildings at Argoed Service Station, Main Road, New Brighton. (Pages 17 - 34)
6.2	055364 - A	055364 - Removal of Section 106 Agreement at Field House, Platt Lane, Penyffordd. (Pages 35 - 40)
6.3	052119 - A	052119 - Full Application - Proposed Development of a Hospital and Re-ablement Centre for People Disadvantaged by an Autistic Spectrum Disorder and/or Learning Disability Including Proposed Residential Blocks and Independent Living Building (Previously Approved Under Planning Permission 045395) at Alyn Works (Former) Kinsale Golf Course (Part), Mostyn (Pages 41 - 58)
6.4	055631 - A	055631 - Siting of 1 Yurt and 3 Shepherd's Huts and a Shed for Shower, Toilet and Storage Facility for Use as Holiday Accommodation, Including Site Landscaping and Planting at Penyffordd Farm, Ffordd y Felin, Treuddyn (Pages 59 - 70)
6.5	051143 - R	051143 - Full Application - Erection of wind turbine up to 77 m vertical tip height with associated crane pad, substation building, formation of new track and new entrance junction off unclassified road and provision of temporary construction compound at Mount Farm, Ffrith (Pages 71 - 96)
6.6	054523 - A	054523 - Full Application - Erection of 3 No. Two Bed Affordable Houses at Llyn y Mawn Inn, Brynford (Pages 97 - 106)
6.7	055579 - A	055579 - Full Application - Change of Use to House in Multiple Occupation (Retrospective) at 24 The Brackens, Buckley. (Pages 107 - 114)
6.8	055470 - A	055470 - Application for Change of Use to Mixed Use Including Agricultural, Residential and Business and Replenishment of Existing Stone Hard Standing at Brynsannan Cottage, Bryn-Sannan, Brynford (Pages 115 - 124)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.9	053656	053656 - Appeal by White Acre Estates Against the Decision of Flintshire County Council to Refuse Planning Permission for the Outline Application for the Erection of upto 40 Residential Dwellings with Associated Access and All Other Matters Reserved at Rhos Road, Penyffordd - ALLOWED. (Pages 125 - 132)
6.10	054344	054344 - Appeal by Mr. D. Bircham Against the Decision of Flintshire County Council to Refuse Planning Permission for a Triple Garage with Ancillary Accommodation Over at The Old Barn, Padeswood Lake Road, Padeswood - ALLOWED. (Pages 133 - 138)
6.11	054594	054594 - Appeal by Mr. James O'Leary Against the Decision of Flintshire County Council to Refuse Planning Permission for Change of Use from a Guest House to a Small Group Residential Childrens Home at Gerddi Beuno, Whitford Street, Holywell - ALLOWED. (Pages 139 - 144)

This page is intentionally left blank

PLANNING AND DEVELOPMENT CONTROL COMMITTEE **7 SEPTEMBER 2016**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 7 September 2016

PRESENT: Councillor David Wisinger (Chairman)

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

SUBSTITUTIONS:

Councillors: Jim Falshaw for Alison Halford and Brian Lloyd for Ray Hughes

APOLOGY:

Councillor: Derek Butler

ALSO PRESENT:

The following Councillor attended as an observer:

Councillor: Haydn Bateman

IN ATTENDANCE:

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

56. DECLARATIONS OF INTEREST

None were received.

The Chief Officer (Planning and Environment) welcomed the newly appointed Development, Manager Mandy Lewis, who was observing the meeting. He paid tribute to Glyn Jones for all of his work undertaken during his time working at Flintshire County Council. Members gave a round of applause to Glyn Jones and welcomed Mandy Lewis to the Authority.

57. LATE OBSERVATIONS

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

58. MINUTES

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

RESOLVED:

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

59. ITEMS TO BE DEFERRED

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

Agenda item 6.5 – Full Application – Erection of 24 No. Dwellings with Associated Garages, Parking, Garden Areas and Open Spaces with Demolition of Existing Service Station and Outbuildings at Argoed Service Station, Main Road, New Brighton – Deferred due to further information on the need for affordable housing being required for presentation to Members. The Solicitor concurred with the advice of the Chief Officer on the reason for deferral and advised that the item be deferred for this reason.

Councillor Peers queried the reason and said in 2010 a report on this site was presented to Members which stated that there was no further need for affordable housing with it being resolved that affordable housing would be part of the development.

Councillor Richard Jones requested clarity on the reasons for deferral. The Solicitor confirmed that the information on the need for affordable housing needed to be included in the report to Committee.

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

RESOLVED:

That application 053310 be deferred until October 2016.

60. APPLICATION FOR THE VARIATION OF CONDITION NO. 9 FOLLOWING GRANT OF PLANNING PERMISSION 054135 TO ALLOW HOURS OF OPERATION FOR SITE PREPARATORY WORKS BETWEEN 06:00 TO 18:00 MONDAYS TO FRIDAYS AND 06:00 TO 13:00 ON SATURDAYS AT PARRY'S QUARRY, PINFOLD LAND, ALLTAMI (055280)

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

The officer detailed the background to the report and provided details of the hours of operation which were controlled by condition 9 which was attached to the planning consent.

Parry's Quarry secured planning consent to construct and operate a solid waste landfill on appeal in 2009 with conditions being imposed by the Inspector following a public inquiry.

There were a number of sensitive receptors located around the quarry, the closest of which were Parry's Cottages. The Applicant had submitted noise assessments in support of the application and following concerns raised by Officers regarding noise, their original application to vary the operating time from 06:00 Monday to Saturdays was revised and they requested that the Local Planning Authority consider allowing the commencement of site preparatory works from 07:00 Mondays to Saturdays. Other users within the vicinity of the site operated from 0700 with the officer citing Ewloe Barns Industrial Estate as an example.

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

The Local Member, Councillor Carol Ellis, said her preference would be for the hours to remain as originally granted but should the application be approved, she asked if a condition could be imposed that if there were any future requests to change the operation time of the Quarry that it be brought back to Committee. She added that she was aware that a number of the Cottages had been bought by the owner of the Quarry and should they all be purchased at any point then such a condition to bring back any changes to Committee would provide a safeguard for other properties in the area. She also raised concern about the earlier time on a Saturday morning.

In response to the comments made, the officer confirmed that whilst Parry's Cottages were the closest to the site boundary, all nearby receptors had received a noise assessment, all of which were below the recommended level. She assured Councillor Ellis that the protection to Parry's Cottages would continue in place as long as they remained as residential properties with any conditions being retained.

On the earlier time on a Saturday morning, the officer confirmed that the noise assessment undertaken took into account background noise and after 07:00 the noise levels would not exceed the recommended level during Monday to Saturday. Environmental Health officers had been consulted on the application and had not submitted any objections.

Councillor Richard Jones felt that the original condition on operation time should not be changed as it was the only protection the nearby residents had against noise. He added that he also did not consider because other nearby sites had an operation time from 07:00 that this should result in this application receiving the same condition.

The officer explained that the assessment was undertaken on a cumulative impact with other nearby sites. In addition, each application was considered on its own merits.

On being put to the vote permission was granted with the Chair using his casting vote.

RESOLVED:

That Planning Permission be granted subject to a Supplementary S106 agreement to attach the obligations contained in the S106 agreement dated 16 December 2008 in relation to planning permission 042468 to the permission arising out of this application, and subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

61. VARIATION OF CONDITION NO. 4 ATTACHED TO PLANNING PERMISSION REF: 053393 TO ALLOW INCREASE OF THE DURATION OF EXISTING PERMISSION AT PORT OF MOSTYN, COAST ROAD, MOSTYN (055805)

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

The officer detailed the background to the application and explained that on 4 August 2015 planning permission 053393 was granted for the installation and operation of a mobile advanced thermal treatment plant (ATT) and associated operations in existing buildings comprising a 1MW pyrolysis unit and associated gas engine. Condition 4 of the permission required the development to cease 5 years from commencement. The Section 73 planning application was to amend the condition to require that the development shall cease 15 years from commencement. The fundamental reason was cited as the government had altered the funding and subsidy schemes applicable to a range of renewable energy schemes, and the private investment funding sources who would finance the development would require a return and repayment on the investment over a longer time period than the currently consented 5 year period.

The applicant, Mr D. Levis spoke in support of the application. He reiterated the reason for the extension to the time for the repayment of the investment. He confirmed that, following comments at the meeting on 22 June 2016, the plant was not experimental, unproven or for the testing of component parts. It was for demonstrating a commercially working plant on a small scale to potential funders. Since the original application the plant had received an environmental permit which demonstrated that there was no danger to human health or the environment. The equipment would be fully compliant with emissions regulations and the plant would be continually monitored to ensure ongoing compliance. The lease required the site to be left in the same condition as it originally existed or better.

The Local Member, Councillor David Roney, proposed the recommendation for approval which was duly seconded. He said his concerns at the last meeting had been addressed in full in the report before Members today.

Councillor Mike Peers said at the site visit in July 2016 and in the original Committee report Members were advised that the payback period would be over 5 years. He felt that it was a flaw in the business case of the applicant and was not a material condition for Members to consider the variation of condition. Councillor Richard Jones expressed similar concerns, commenting that the finances of a company were not for consideration by Members.

The officer explained that the original timeframe of 5 years was not imposed based on any technical or environmental reasons. If the applicant had applied for a longer payback term in July 2016 then the recommendation for approval would have been the same.

The Planning Strategy Manager added that a similar application had been approved by Members in March 2016 on the payback time for two Solar Farms being changed.

In summing up, Councillor Roney said the reason for the time extension was sound and he was in full support of the application which would also see a small number of jobs created in Mostyn.

RESOLVED:

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

62. CREATION OF OVERBURDEN STORAGE BUND AT PANT Y PWLL DWR QUARRY, PENTRE HALKYN (055218)

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

The officer detailed the background to the report and explained that permission was sought to remove 210,000m³ of clay overburden which was overlaying the remaining permitted limestone reserves within Pant y Pwll Dwr Quarry, and use the material to form a north westerly extension to the existing overburden storage facility, which lay to the north of the west of the quarry void. The proposal would also involve the permanent diversion of a private access road, the diversion of existing public rights of way and the creation of a new permissive path.

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

Councillor Bithell queried whether the Halkyn Graziers and Commoners Association legal rights referred to in the report were a legal matter rather than a matter for the committee. The Solicitor explained that it was not a material consideration for Members in considering the application.

Councillor Richard Jones asked if a compensatory area was to be provided to the Graziers and who was responsible for the maintenance of the Rights of Way.

The officer explained to compensate the Graziers for the loss of grazing land during the construction and restoration of the bund, the quarry could move some existing fencing around their existing bunds. On rights of way, the officer provided background information to explain that the proposal would involve the temporary closure and subsequent diversion of public and private rights of way. An additional permissive footpath had been proposed which would lead to the summit of the bund to provide a look out over the Common and the quarry. On maintenance, she clarified that the private right of way was the responsibility of the land owner and the Public Right of Way being the responsibility of the Local Authority.

Councillor Chris Bithell queried why the Public Right of Way could not be restored as opposed to being permanently diverted. The officer explained that the suggested permanent diversion was based on the appreciation of the land with the diversion providing a flatter route. Rights of Way officers and the Ramblers' Association had not submitted any objections to the proposal.

RESOLVED:

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

63. APPLICATION FOR A LATERAL EXTENSION TO EXISTING QUARRY, EXTENSION OF TIME TO 2023 AND THE ERECTION OF STATIC SCREENING PLANT IN THE QUARRY VOID AT MAES MYNAN QUARRY, AFONWEN (054707)

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

The officer detailed the background to the report and explained that the application involved a lateral extension in an easterly direction, an extension of time from 2018 to 2023, and the continuation of use of static plant on site. The application also proposed a continuation of the importation of inert materials to achieve the permitted and proposed restoration profile. The progressive restoration proposed for the site would return the site to meadow grassland with areas of woodland edge and tree planting, shrub vegetation, and marginal aquatic species located around a waterbody with wetland scrapes for nature conservation purposes and amphibian mitigation.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He sought information on the access and recreation

opportunities for the site whilst providing linkages with the existing public footpath network. The officer explained that two routes had been suggested but unfortunately due to land ownership and conflict with the proposed European protected species mitigation and the proposed nature conservation area, there did not appear to be any viable options for providing opportunities for recreational uses on the site as the linkages would cross over land not within the ownership of the applicant and through the amphibian nature conservation area.

Councillor Jim Falshaw commented on the importance of the Quarry and provided information on the access. He said the surrounding areas and local community should be involved in the restoration of the site.

RESOLVED:

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

64. GENERAL MATTERS – ERECTION OF 56 NO. DWELLINGS WITH ASSOCIATED ACCESS, OPEN SPACE AND INFRASTRUCTURE AT KINNERTON LANE, HIGHER KINNERTON (054770)

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

The officer detailed the background to the report explaining that at the meeting on 20 July 2016 Members resolved to refuse the application for two reasons. The report sought agreement of the wording of the reason which related to flooding and drainage concerns and also sought agreement from Members to withdraw the reason for refusal in respect of agricultural land quality, on the basis as was laid out in the report. The applicant had also provided confirmation that the land was not Best and Most Versatile (BMV) quality.

He commented on the concerns raised at the last meeting on the site springs and proposed storage of water within the confines of the site in underground storage tanks. A summary report had been produced by Betts Hydro which advised that there were no springs arising within the site boundaries. The boggiess of the ground suggested that the site was crossed by spring lines. The report advised that the proposed surface water drainage system was designed to accommodate flows to cater for the 1:100 flood event and allowed an additional 30% storage capacity to allow for climate change. He further added that an appeal had been submitted on this application based on non-determination; the expiration of the four week period in which the Local Authority had to issue a decision ceased on 15 September 2016.

Councillor Richard Jones moved approval of the wording in paragraph 6.04 of the report of the Chief Officer (Planning and Environment) for the reason for refusal of the planning permission which was duly seconded.

Councillor Bithell said he had concerns on the storage capacity of the underground storage tanks, citing examples of problems that had occurred on other developments. The officer explained that the information before Members was the best evidence available and that was based on no springs within the site boundary, storage capacity of the water tanks and climate change.

RESOLVED:

That the reason for refusal be “The Local Planning Authority considers that insufficient information has been provided in respect of the proposed drainage system to demonstrate that the development of this site would not result in an increased risk of flooding arising elsewhere further downstream. Accordingly the Local Planning Authority considers that the proposals are contrary to the provisions of policies STR1, GEN1, GEN3, HSG4 and EWP17 of the Flintshire Unitary Development Plan and fail to satisfy the requirements of Technical Advice Note 15: Development and Flood Risk, and fails to satisfy Paragraph 6.2 of Technical Advice Note 1 – Joint Housing Land Availability Studies.

65. **APPEAL BY MEMORIA LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION OF A NEW CREMATORIUM, ASSOCIATED CAR PARK, ACCESS ROAD AND ANCILLARY WORKS, LANDSCAPING AND GARDENS OF REMEMBRANCE AT KELSTERTON LANE/OAKENHOLT LANE, NEAR NORTHOP - ALLOWED (052334)**

The Chief Officer (Planning and Environment) advised that an additional application had been received for another crematorium in the County.

RESOLVED:

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

66. **APPEAL BY LYONS HOLIDAY PARKS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR USE OF LAND FOR SITING OF 1 NO. STATIC CARAVAN AS ANCILLARY MANAGERS ACCOMMODATION AT ST. MARYS CARAVAN CAMP, MOSTYN ROAD, GRONANT - DISMISSED (052381)**

RESOLVED:

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

67. **APPEAL BY PHB(NW) LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR SITING OF AN ADDITIONAL 4 TOURING CARAVAN PITCHES WITH HARDSTANDING AND PROVISION OF AN ACCESS (RETROSPECTIVE) AT MISTY WATERS CARAVAN PARK, LLOC - ALLOWED (053202)**

The Chief Officer (Planning and Environment) advised that costs had been awarded against the authority and stressed the importance of the attendance of the local Member at a hearing which could help with costs against the authority being avoided.

RESOLVED:

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

68. **APPEAL BY PHB (NW) LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGES TO THE LAYOUT OF 25 NO. TOURING CARAVAN PITCHES (PREVIOUSLY APPROVED UNDER PLANNING PERMISSION REF: 049102) AND TEMPORARY RETENTION OF 2 NO. 'PORTA-CABINS' FOR USE AS A TEMPORARY TOILET/AMENITY BLOCK TO SERVE THE TOURING CARAVAN SITE (RETROSPECTIVE) AT MISTY WATERS CARAVAN PARK, LLOC - ALLOWED (053731)**

The Chief Officer (Planning and Environment) advised that costs had been awarded against the authority and stressed the importance of the attendance of the local Member at a hearing which could help with costs against the authority being avoided.

RESOLVED:

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

69. **APPEAL BY MR. MARTIN ROONEY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A PROPOSED NEW VEHICULAR ACCESS TO SERVE PLOT 5 ONLY OF PREVIOUSLY CONSENTED GYPSY SITE AT EWLOE BARN WOOD, MAGAZINE LANE, EWLOE - ALLOWED (054095)**

RESOLVED:

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

70. **APPEAL BY MR. ROBERT NIXON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR ERECTION OF AN EXTENSION TO PROVIDE ADDITIONAL ACCOMMODATION AT FIRST FLOOR LEVEL AT ARDEN LEA, WHITFORD ROAD, WHITFORD - DISMISSED (054328)**

RESOLVED:

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

71. **APPEAL BY MR. GLYN ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR AN OUTLINE APPLICATION FOR THE ERECTION OF A DETACHED DWELLING AT LOW NOOK, CORWEN ROAD, TREUDDYN - DISMISSED (054540)**

RESOLVED:

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

72. **APPEAL BY MR. & MRS. J. WILKINSON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO GRANT OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A DWELLING AT BRYN Y GWYNT, BABELL ROAD, PANTASAPH - DISMISSED (054592)**

RESOLVED:

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

73. **APPEAL BY MR. & MRS. GLYN GRIFFITHS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 4 NO. DWELLINGS (STARTER HOMES) AT RHYDDYN FARM, BRIDGE END, CAERGWRLE - DISMISSED (054615)**

RESOLVED:

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

74. **APPEAL BY MR. & MRS. S. PARKER AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A REPLACEMENT DWELLING AND ANCILLARY WORKS AT GELLI FARM, GELLI ROAD, PEN YR ALLT, TRELOGAN - ALLOWED (054757)**

RESOLVED:

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

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

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

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

.....

Chairman

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH OCTOBER 2016**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 24NO. DWELLINGS WITH ASSOCIATED GARAGES, PARKING AND OPEN SPACES, TOGETHER WITH THE DEMOLITION OF THE EXISTING FORMER SERVICE STATION AND OUTBUILDINGS AT ARGOED SERVICE STATION, MAIN ROAD, NEW BRIGHTON**

APPLICATION NUMBER: **055310**

APPLICANT: **ELAN HOMES LTD**

SITE: **ARGOED SERVICE STATION, MAIN ROAD, NEW BRIGHTON, MOLD.**

APPLICATION VALID DATE: **20TH APRIL 2016**

LOCAL MEMBERS: **COUNCILLOR S. PARKER**

TOWN/COMMUNITY COUNCIL: **ARGOED COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SCALE OF THE PROPOSAL EXCEEDS THAT FOR WHICH POWERS TO DETERMINE ARE DELEGATED TO THE CHIEF OFFICER**

SITE VISIT: **NO**

Members will recall considering this application at the 20th July 2016 meeting of the Committee and opting to defer a determination pending clarification of certain matters. Members will also recall the deferment of this application at the Committee of 7th September 2016.

As a consequence of the matters raised, the report is amended and those insertions are evident in bold type. My recommendation that planning permission be granted in the terms set out below is unaltered.

1.00 SUMMARY

1.01 This full planning application seeks approval for the development of this 0.94 hectare site for 24No. dwellings together with associated highway and infrastructure works.

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

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

1. Ensure the payment of a commuted sum of £26,400 in lieu of on site play and recreation provisions. Such sum to be paid to be used to enhance existing play facilities at Clwyd Crescent Play Area, New Brighton. Such sum to be paid prior to the occupation of 50% of the approved dwellings.
2. Ensure the payment of commuted sums towards the provision of educational facilities at the nearest primary and secondary schools as follows:
 - a) £61,285 which is required at Mynydd Isa. C.P School; and
 - b) £73,876 which is required at Argoed High School.

Such sums to be payable before the commencement of development.

2.02 Conditions

1. Time limit
2. In accord with approved plans
3. Materials to be submitted and agreed
4. Finished floor and site levels to be submitted and agreed
5. Implementation of landscaping scheme
6. Removal of Permitted Development Rights to Plots 14 – 24inc.
7. Tree protection measures to be implemented prior to any other site works.
8. No lopping topping or felling without prior approval by LPA.
9. Drainage scheme to be submitted and agreed
10. Land contamination investigation prior to any development.
11. Remediation scheme to be submitted and agreed prior to any sites works. Implemented prior to occupation of any dwelling approved.
12. Boundary treatments to be submitted and agreed.
13. Siting layout and design of access to be submitted and agreed. No formation until agreed.

14. Visibility splays of 2.4m x 90m in both directions. No obstructions above 0.6m.
15. Parking facilities to be provided as per approved details.
16. Layout, design, traffic calming, signing, surface water drainage, street lighting and construction of internal estate roads to be submitted and agreed.
17. Gradient of access to be a maximum of 1 in 24 for minimum 10m into site and 1 in 15 thereafter.
18. Scheme to prevent run off of surface water onto highway.
19. Construction traffic management plan to be submitted and agreed.

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

3.00 CONSULTATIONS

3.01 Local Member
Councillor S. Parker
No objection to a delegated determination.

Argoed Community Council
No response at time of writing.

Highways DC
No objections subject to the imposition of conditions.

Advises Footpath 45 abuts the site but is unaffected by the proposals.

Pollution Control Officer
Advises that the recommendations within the acoustic report accompanying the application should form the basis of a condition in respect of enhanced glazing provision, passive acoustic ventilation and acoustic fencing.

Also advises that the site has potential to be contaminated, especially in the area of the former service station. Has raised concerns in respect of the adequacy of the contamination reports but advises the matter can be adequately addressed via a condition requiring the investigation and any remediation proposals to be undertaken, and agreed prior to the commencement of any development.

Education - Capital Projects and Planning Unit (CPPU)
Advises that insufficient capacity exists in the local primary school (Mynydd Isa C.P School) and therefore would be affected by these proposals. Advises that the local Secondary School affected by the proposals would be Argoed High School which is already over capacity.

Public Open Spaces Manager

Advises that an on-site play facility would not be required. Advises that a commuted sum of £1100 per dwelling should be sought to contribute to the provision of recreational facilities within the locality at Clwyd Crescent Play Area, New Brighton.

Housing Strategy Manager

In terms of evidence of for affordable housing, advises:

- **The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units;**
- **The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures;**
- **The SARTH (Social Housing Register) currently has 932 applications across the county. There are a number of people on SARTH who have expressed an interest in living in New Brighton with the biggest demand for 1 and 2 bed flats (32 on the register) and 2 bed houses (19 on the register). (NB people can express an interest to live in a number of areas so these figures do not represent actual need.)**

There is a minimal level of interest for intermediate products (affordable ownership and rent) in New Brighton:

- **Affordable ownership – 1 person registered for a 2 bed house; and**
- **Affordable rent - 1 person registered for a 3 bed house.**

In view of the above, advises that in view of the minimum demand for intermediate products, affordable housing provision through this scheme would not be required.

Natural Resources Wales

No objections to the proposals. Advises of the need for a bat licence should bats be encountered during works.

Notes that the historic use of part of the site give rise to the potential for the site to be the subject of land contamination. Requests the imposition of investigation and remediation conditions.

Notes the ground conditions in the area do not favour infiltration as a

means of surface water disposal. Requests that a condition be imposed requiring the agreement of the proposed drainage system prior to any site development.

Dwr Cymru/Welsh Water

No adverse comments. Requests the imposition of conditions.

Clwyd Powys Archaeological Trust

Confirms there are no archaeological implications arising from the proposals.

AIRBUS

No adverse comments.

Ramblers Cymru

Observes a footpath runs to the south of the site. Considers layout should seek to link into this footpath. Queries whether improvement to the surface could be achieved.

4.00 PUBLICITY

4.01 The application has been publicised by way of the publication of a press notice, display of a site notice and neighbour notification letters. At the time of writing this report, 1No. letter has been received in response raising objections on the following grounds;

- The need for the proposals is not proven;
- Considers the proposed point of access to be dangerous and likely to give rise to vehicular accidents;
- Proposal will increase already high levels of HGV movements in the area to detriment of highway and pedestrian safety; and
- The village does not have the services or infrastructure to accommodate new development.

5.00 SITE HISTORY

5.01 **694/90**

Erection of a forecourt canopy
Permitted 23.8.1990

043678

Outline - Erection of 16 dwellings
Withdrawn 12.11.2007

045048

Erection of 24No. dwellings
Permitted 16.8.2013

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR1 - New Development.
- Policy STR4 - Housing.
- Policy STR7 - Natural Environment.
- Policy STR11 - Sport, Leisure & Recreation
- Policy GEN1 - General Requirements for Development.
- Policy GEN2 - Development Inside Settlement Boundaries.
- Policy D1 - Design Quality, Location and Layout.
- Policy WB1 - Species Protection
- Policy TWH1 - Development Affecting Trees and Woodlands
- Policy TWH2 - Protection of Hedgerows
- Policy AC13 - Access and Traffic Impact.
- Policy HSG1(33) - New Housing Development Proposals.
- Policy HSG8 - Density of development.
- Policy EWP14 - Derelict & Contaminated Land.
- Policy SR5 - Play areas and new housing development.

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site is located within the settlement boundary of New Brighton as defined in the FUDP. It lies on the south side of the Main Road (A5119) on the western edge of the settlement. It comprises an irregular shaped field rising gently and tapering towards its southern end. Access to the site is presently derived via an agricultural gate from the premises of the existing service station. The site has most recently been used for agricultural grazing.

7.02 The site is bounded to the west by a substantial and mature tree lined hedgerow beyond which is agricultural land sloping down to Mold. To the south is residential development on Lindum Close and to the east is residential development along Argoed Avenue. A public right of way runs along the southern edge of the site providing a link between Lindum Close, Argoed Avenue and open countryside to the south west. The northern part of the allocation comprises the dwelling Hilltop and the former petrol station and garage 'Argoed Garage'. The garage is bounded on either side by two individual dwellings, Argoed House and Tristernough, which are set within substantial plots.

7.03 The Proposals

It is proposed to erect 24No. dwellings comprising a mix of 3 and 4 bed accommodation, comprising:

- 8No. 3 bed dwellings, and
- 16No. 4 bed dwellings.

7.04 The houses are proposed to be externally finished in both brick and render beneath grey slate effect or tile roofs, both with detached and integral garages. The site is served in access terms via a central spine

road running north to south, terminating in a turning head with private drive arrangement at the most southerly part of the site. An area of amenity open space adjacent to be site entrance is indicated.

7.05 The Main Issues

The main issues for consideration are:

- The principle of development;
- Access & highway considerations;
- Land contamination and remediation;
- Design and impact upon amenities;
- Affordable housing issues;
- Ecological Issues;
- P.O.S and play provisions; and
- Infrastructure impacts.

7.06 The Principle of Development

The site is allocated for development in the Flintshire Unitary Development Plan for residential development. The principle of development has therefore been accepted. In addition, a resolution to grant planning permission under reference 045048 for residential development of the same scale on this site was made at Planning Committee on 16th March 2011. The principle of residential development has therefore been reinforced through this grant of planning permission.

7.07 Access & highway considerations

The proposals provide for access to the site to be derived via a newly created access across the land presently occupied by the former service station. The access and proposed internal estate road layout has been the subject of consultation with Highways DC who have advised that subject to the imposition of conditions, no objection is raised to the proposals upon highway safety grounds.

7.08 Land contamination and remediation

The concern in respect of land contamination raised by both NRW and the Pollution Control Officer (PCO) relates to the northern part of the site which is occupied by the former petrol filling station (PFS). The subterranean fuel tanks were foam filled in 2006. Land contamination investigations undertaken in connection with historical applications for this site has identified contamination within the area of the PFS.

7.09 The buildings of the former PFS and the tanks themselves will be removed as part of this proposal. Therefore appropriate conditions in respect of the identification of the precise nature of contamination and a scheme of remediation are requested by both NRA and PCO to be imposed upon any subsequent granted of planning permission. I propose to condition accordingly.

7.10 Design and impact upon amenities

An indicative yield of 33 dwellings from this site was envisioned in allocating the site within the UDP. This accords with the aim of the plan to seek to ensure that all allocated housing sites should achieve a minimum of 30dpha (unless there are particular constraints or issues which indicate a lower density is appropriate). Policy HSG8 - Density of Development, advises that, where appropriate, development should seek to make the most efficient use of land whereby the density of development should be optimised, whilst having regard to the characteristics of the site and surroundings and making provision for a high quality living environment in terms of privacy and space.

- 7.11 **The applicant has provided details which indicate that the development of this site for the proposed 24No. dwellings amounts to a development at a density of at least 30.53 d.p.h. This figure is calculated on the basis of the developable area of the site, discounting areas of amenity space, tree protection areas and the route of a sewer easement adjacent to Plot 1.**
- 7.12 **In addition, clarification has been received from the site owner who confirms that the allocated site included the family home and its garden areas. The letter confirms that in the light of a family bereavement since the allocation of the site, the house and its gardens are not available for development and therefore the full allocated 1.1 hectare site is reduced by 0.16 hectares by this omission. The allocated 1.1 hectare site will not therefore be available for development and the residual 0.94 hectares of land is that to which this application applies. Accordingly, I am satisfied that the proposals are being developed in a manner which meets the requirements of policy HSG8 in terms of the best use of land, being a scheme which delivers development at a density compliant with the 30d.p.h expectation upon allocated sites within the UDP.**
- 7.13 **Additionally, I have had regard to the nature of the density of the built form which directly abuts the site at Argoed Avenue and Clos Lindum, and the most recent residential development undertaken in the vicinity of the site upon land to the north of the adjacent A5119 and the findings are set out below for ease of reference:**
- **Argoed Avenue contains 21No. dwellings on a 1.2ha site, equating to density of 17.5 d.p.h.**
 - **Clos Lindum contains 25No. dwellings on a 0.75ha site, equating to a density of 33d.p.h.**
 - **The development presently underway to the north provides for 13No. dwellings on 0.47ha site, equating to a density of 28d.p.h**
- 7.14 **This comparison exercise indicates that the site is proposed to be**

developed not only at a density in compliance with Policy HSG8, but also at a density reflective of the density of nearby and recently approved developments. In addition, I consider that the specific characteristics of the site, namely its edge of settlement and edge of green barrier location, are such that the density proposed represents the best use of this land.

- 7.15 It is the southern field within the site is proposed to be developed for the purposes of the erection of 24No. dwellings. The layout indicates houses arranged around an adoptable road, turning head and private drive. The dwellings adjacent to the tree and hedgerow lined western boundary are set an appropriate distance from these natural features. The dwellings are of a form and scale reflective of the general vernacular in the area and therefore conclude that the form and layout indicated would be acceptable in design terms. The dwellings are of 2 storey form to be constructed of brick and render beneath slate or tile roofs, all of which is consistent with the local vernacular.
- 7.16 The site layout is in line with Council guidance on space about dwellings/overlooking/privacy and is complimentary to the general character of the area which has a mixture of property types and styles. I am satisfied that the proposal makes adequate provision for space about dwellings and I consider that the design and layout of the proposals are such that the potential for adverse residential amenity impacts, such as overlooking, have been suitably addressed. In the interests of ensuring that these standards of residential amenity and separation are maintained and controlled, I propose to impose a planning condition which removes certain of the permitted development rights which residential properties can normally expect to enjoy.
- 7.17 **Concerns have been raised that a direct footpath link between the site and the footpath which runs to the south of the site is not provided for within this scheme. I have considered this option, having regard to the opportunity it would afford to allow access to the children's play area to the south of the site. I have noted that access to the footpath and the play area beyond can also be obtained via the link from the southern end of Argoed Avenue to the east of the site. This link is within easy walking distance of the site and does not involve any need to cross any major roads.**
- 7.18 **In view of the need to maximise the yield from the development of this site, I consider the introduction of a footpath link in the southern part of the site, taking account of the land which would need to be provided in order to provide a properly overlooked and safe route, would result in a further reduction of the dwellings which this site can realistically yield. For both reasons, I do not consider the provision of a footpath link in this position to be essential and have not therefore secured such provision.**

7.19 **Affordable Housing**

7.20 **The Council's Housing Strategy Manager has advised that the demand for intermediate affordable housing is minimal in New Brighton, affordable housing provision should not be sought via this scheme.**

7.21 **Taking account of the above, I have turned then to consider whether the application site constitutes a 'suitable site' within the context of Policy HSG10. I have noted that the site does not meet either the area or quantum threshold identified as being the point at which sites would be expected to provide affordable housing and attribute significant weight to this fact, in addition to the specialist advice provided by the Housing Strategy manager, in concluding that affordable housing should not sought via this application.**

7.22 **Ecological Issues**

I am mindful that the position of the site adjacent to a Green Barrier area. The mature and established trees which exist predominantly along the southern and western boundaries of the site serve to screen the site to views from the Green Barrier and will also contribute to soften the appearance of built form upon the site. Whilst the proposals provide for the retention of these hedgerows and trees, in view of the importance of the function which they serve in landscaping terms, I propose to condition the protection of these important natural features during the course of development and thereafter via the imposition of suitable conditions to this effect. I consider that these conditions will serve to address the concerns raised in respect of these issues. Furthermore, the imposition of a condition requiring the implementation of the submitted landscaping scheme will reinforce the softening of this development and ensure that it relates well to its surroundings term of both hard and soft landscaping.

7.23 I am equally mindful of the potential for the trees to offer nesting and roosting sites for bats and birds. An ecological survey has been provided to accompany the application which establishes that the buildings are not acting as roost sites for bats nor nesting sites for birds. NRW have considered this information and advise that they have no objection upon ecology grounds.

7.24 Development with the potential to affect bats are required to be licenced under the Conservation of habitats and Species Regulations 2010 (as amended). A licence can only be authorised if:

- i. There is no satisfactory alternative; and
- ii. The action authorised will not be detrimental to the maintenance

of the population of the species concerned at a favourable conservation status in its natural range; and

- iii. The development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

7.25 In consideration of these requirements I note that the site lies within the identified settlement boundaries of Mynydd Isa and is an allocated housing site within the FUDP. National Planning Policies seek to direct the majority of new development of this form to existing urban centres upon sites which, by virtue of their location in close proximity to existing infrastructure and services, would also satisfy the sustainability aims of national policy.

7.26 Therefore, the context of this land within the settlement and, therefore subject to presumption in favour of development, has existed for in excess of 15 years. Therefore the development of this site would help to satisfy the demand for housing in an area where the need for more housing has already been identified.

7.27 The application is accompanied by survey data to indicate that the proposals would not adversely affect European Protected Species (EPS). In considering this data, together with Mitigation Measures to be required through the imposition of an appropriately worded condition, the Local Planning Authority are satisfied that there are no adverse effects upon the EPS. It is considered that this proposal will ensure that the species and habitats are brought into favourable conservation status, where, without the development, this would not be the case.

7.28 In view of the above, I propose to condition that no works to any trees or hedgerows are undertaken without first a qualified ecologist having investigated those trees upon which works are to be undertaken to establish that neither nesting birds nor bats are present. No work shall be undertaken until a report confirming the absence of either is submitted and agreed.

7.29 P.O.S and play provisions

The proposals do not provide for on-site public open space intended for formal recreation and play. Consultation with the Public Open Spaces Manager has revealed that rather than formal provision within the site for play, a commuted sum should be sought to be utilised in connection with projects for play and recreation within the community.

7.30 The consultation has established that the sum requested should be used in connection with a project to upgrade existing play facilities at

the nearby Clwyd Crescent Garreg children's play area. In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.

- 7.31 Accordingly and in line with LGPN 13: Open Space Requirements, I recommend that a contribution of £26,400 is sought via a S.106 agreement to satisfy this requirement.
- 7.32 Infrastructure impacts
Consultation has highlighted a lack of capacity within the existing educational infrastructure to accommodate the pupils arising from the proposed development of a further 24No. dwellings.
- 7.33 Members will be aware that applications of this type are the subject of consultation with the Capital Projects and Planning Unit within the Local Education Authority. This consultation has established, having regard to SPG23 : Developer Contributions to Education, the development would give rise to the need for contribution requirements at both Primary and Secondary School level as there is sufficient capacity within the school nearest schools both currently and following this development (if approved).
- 7.34 The nearest primary school is Mynydd Isa C. P School. The current capacity of the school stands at 513. There are presently 486 pupils attending the school. Accordingly the school has a 5.26% surplus of spaces for additional pupils. The proposals would give rise to an additional 6 pupils. This would erode capacity further below the 5% margin which is sought to be protected as set out in SPG23 guidance. Accordingly, upon the application of the guidance, a sum of £61,285 is sought for educational purposes as a consequence of this development.
- 7.35 The nearest secondary school is Argoed High School. The current capacity of the school stands at 580. There are presently 589 pupils attending the school. Accordingly the school is already oversubscribed with no surplus of spaces for additional pupils. The proposals would give rise to an additional 4 pupils. Accordingly, upon the application of the guidance, a sum of £73,876 is sought for educational purposes as a consequence of this development.
- 7.36 Members will recall from recent discussions in respect of this school and the implications of the effects of the CIL Regulations upon the ability of the Local Planning Authority to seek contributions via S.106 Agreements in respect of educational infrastructure in respect of this school.
- 7.37 The infrastructure and monetary contributions that can be required from the a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy

(CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.38 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests;

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development; and
3. be fairly and reasonably related in scale and kind to the development.

7.39 While the Authority does not yet have a charging schedule in place, the CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.

7.40 The Planning Authority has secured 2 obligations towards Mynydd Isa C. P School since April 2010, namely;

Reference No.	Site Address	Contribution Amount
051424	Land to the rear of 'Rock Bank', Main Road, New Brighton	£36,771
053208	Land at 'Issa Farm' Mynydd Isa	£171,598

7.41 The Planning Authority has also secured 2 obligations towards Argoed High School since April 2010, namely;

Reference No.	Site Address	Contribution Amount
051424	Land to the rear of 'Rock Bank', Main Road, New Brighton	£36,938

053208	Land at 'Issa Farm' Mynydd Isa	£184,690

7.42 In view of that fact that not more than 5 obligations in respect of each school have been entered into to date, I am advised that the sums sought will be used as a contribution towards providing additional resources to accommodate the additional pupils generated from the development.

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

8.00 CONCLUSION

8.01 Having regard to the proposals and the above consideration of all relevant matters, I consider that these proposals represent a scheme, the detail of which is acceptable. I recommend that planning permission be granted subject to approximately worded planning conditions and the suggested legal agreement.

8.02 Other Considerations

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

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

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

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

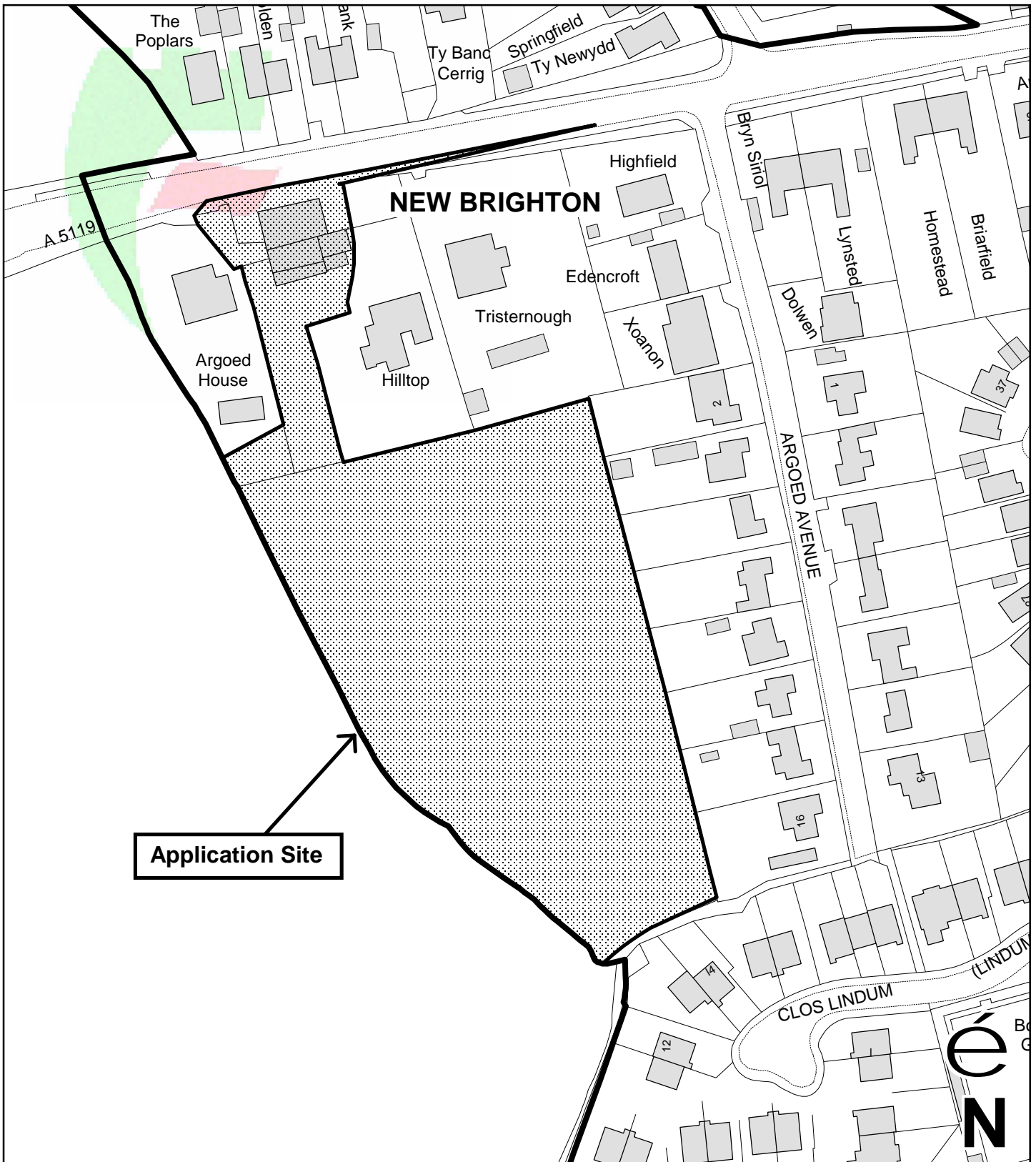
LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy

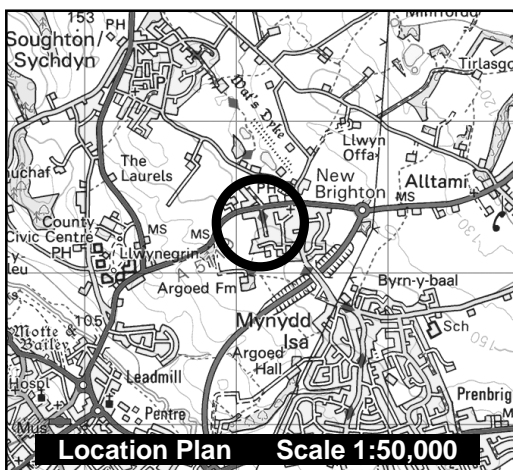
Responses to Consultation
Responses to Publicity

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

This page is intentionally left blank



Application Site



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2016.

Map Scale 1:1250

OS Map ref SJ 2565

Planning Application **55310**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH OCTOBER 2016**

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

SUBJECT: **REMOVAL OF SECTION 106 AGREEMENT AT FIELD HOUSE, PLATT LANE, PENYFFORDD.**

APPLICATION NUMBER: **055364**

APPLICANT: **MRS. J. ADEY**

SITE: **FIELD HOUSE, PLATT LANE, PENYFFORDD.**

APPLICATION VALID DATE: **18TH MAY 2016**

LOCAL MEMBERS: **COUNCILLOR MRS. C. HINDS**
COUNCILLOR D. T. M WILLIAMS

TOWN/COMMUNITY COUNCIL: **PENYFFORDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **THE MODIFICATION OR REMOVAL OF A SECTION 106 AGREEMENT IS NOT A MATTER DELEGATED TO THE CHIEF OFFICER**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This application seeks permission to remove the Section 106 Legal Agreement associated with the 1992 permission for erection of a bungalow and stable block for the care of horses and ponies at land now known as 'Field House' Platt Lane, Penyffordd. The applicant seeks to remove the restriction upon the occupation of the dwelling approved at that time.

2.00 RECOMMENDATION

2.01 It is recommended that the Section 106 Agreement, dated 27th April 1992, be removed to allow unfettered occupation of the dwelling.

3.00 CONSULTATIONS

3.01 Local Member
Councillor Mrs. C. Hinds
No response at time of writing.

Councillor D.T.M Williams
No objection to the determination of the application under delegated powers.

Penyffordd Community Council
No objection to the proposal.

4.00 PUBLICITY

4.01 This application has been publicised via the posting of a site notice and neighbour notification letters. At the time of writing, no responses to publicity have been received.

5.00 SITE HISTORY

5.01 **017131**
Erection of a dwelling and stables in association with shelter for horses
Permitted 31.7.1991

018998
Erection of a bungalow and stable block
Permitted 1.5.1992

040848
Removal of S.106 Agreement
Withdrawn 6.4.2006

041581
Discharge of S.106 Agreement
File closed 15.8.2006

046101
Erection of ancillary accommodation
Withdrawn 16.3.2009

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy GEN1 - General Requirements for Development
Policy GEN3 - Development in the Open Countryside
Policy HSG4 - New Dwellings outside Settlement Boundaries
Policy IMP1 - Planning Conditions & Planning Obligations

7.00 PLANNING APPRAISAL

- 7.01 Planning permission for construction of the application dwelling was permitted, subject to a S.106 agreement that sought to control its future occupancy, in 1992 by the former Alyn and Deeside District Council. The S.106 restriction limited occupancy of the dwelling to persons employed in the care and welfare of horses and ponies in connection with the charitable organisation, the Horse and Ponies Protection Association or other such organisation as may have been agreed in writing with the Local Planning Authority. The application proposal is for the removal of this Section 106 agreement to allow continued use of the dwelling without complying with this S.106 restriction.
- 7.02 The application site is no longer used by the above named charity as a consequence of improvements in equine medicine and improved general welfare conditions. Consequently HAPPA have no need of a specific centre in Flintshire. In addition, the premises has no other associated land other than the dwelling, stable block and garden. Accordingly, the premises are not used by a person employed in connection with the same and therefore the applicant has sought to advertise the premises for sale.
- 7.03 The applicant has provided evidence of marketing carried out over some 14 months preceding the application date and in a variety of media. This marketing exercise has involved the display of the sales particulars for the site at the agents offices in Mold and Llanwrst; display upon the 'Rightmove' website and numerous publications within local press publications. Worthy of note is the fact that the sale particulars specifically cite the restriction imposed by the S.106 Agreement and, in recognisance of this restriction, invite offers rather than advising of an asking price.
- 7.04 In spite of this, I am advised that to date there have been no expressions of interest in the premises for the purposes permitted. In addition, the marketing exercise has not revealed interest from any other charitable institution associated with the care and welfare of horses and ponies.
- 7.05 I consider that the applicant has demonstrated that every reasonable effort has been made, without success, to find an alternative occupier who would comply with the S.106 restriction.

8.00 CONCLUSION

- 8.01 I conclude that the proposal, whilst strictly not in accord with national and local planning policy in terms of residential development in the open countryside, would not undermine these policies as the proposal should be seen as essentially the reuse of a building in the open countryside. In addition, the continued use of the application premises

as a dwelling without occupancy restriction would not harm the character and appearance of the open countryside in which it is sited.

Other Considerations

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

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

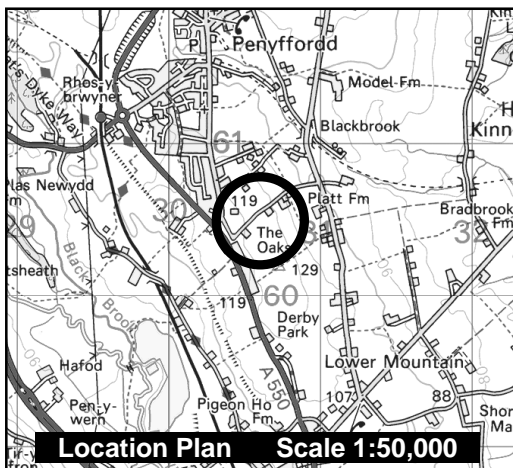
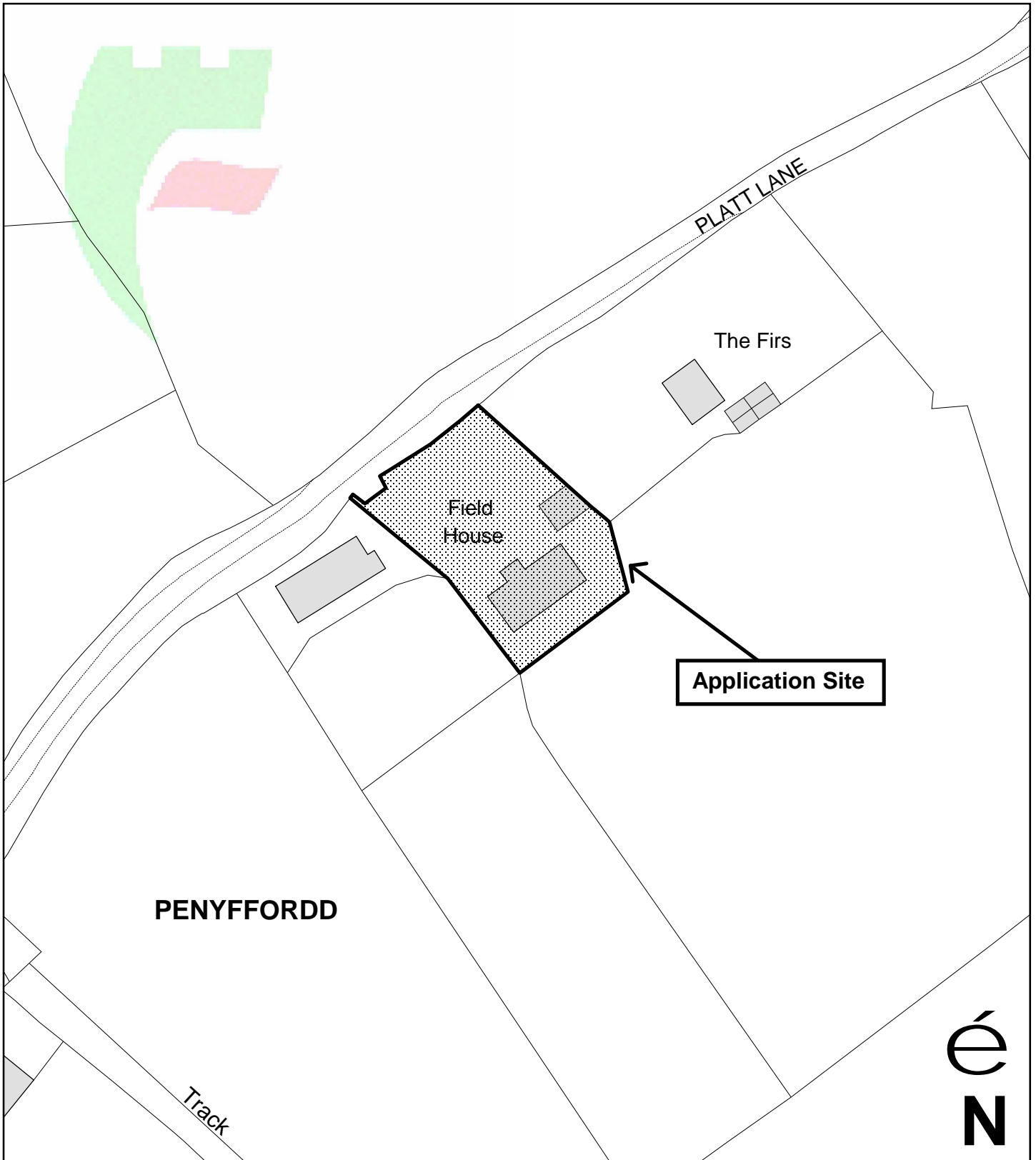
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS

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

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



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2016.

Map Scale 1:1000

OS Map ref SJ 3060

Planning Application **55364**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH OCTOBER 2016**

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

SUBJECT: **FULL APPLICATION – PROPOSED DEVELOPMENT OF A HOSPITAL AND RE-ABLEMENT CENTRE FOR PEOPLE DISADVANTAGED BY AN AUTISTIC SPECTRUM DISORDER AND/OR LEARNING DISABILITY INCLUDING PROPOSED RESIDENTIAL BLOCKS AND INDEPENDENT LIVING BUILDING (PREVIOUSLY APPROVED UNDER PLANNING PERMISSION 045395) AT ALYN WORKS (FORMER) KINSALE GOLF COURSE (PART) MOSTYN.**

APPLICATION NUMBER: **052119**

APPLICANT: **HOLYWELL ESTATES LTD**

SITE: **ALYN WORKS (FORMER) KINSALE GOLF COURSE (PART), MOSTYN**

APPLICATION VALID DATE: **9TH MAY 2014**

LOCAL MEMBERS: **COUNCILLOR D. RONEY**

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

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

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the development of a hospital and re-ablement centre for people disadvantaged by an autistic spectrum disorder and/or learning disability including proposed residential block

and independent living building on the site of the former Alyn Works and land to the south and east of the former Kinsale Golf Course, Mostyn.

1.02 For Members information, progression of the application has been protracted pending the receipt of consultation responses, as a result of the submission of additional information by the applicant.

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

- 2.01
1. Time limit on commencement.
 2. In accord with approved plans.
 3. Details of materials to be submitted for consideration and approval.
 4. Finished floor levels to be set no lower than 7.9 m AOD.
 5. Existing bund to be retained at current height.
 6. New access bridge to have a soffit level set at 10.16 AOD and deck and raised approaches to bridge set at 10.5 AOD.
 7. Earthworks adjoining new access bridge to tie into existing bund at 10.5 AOD.
 8. Emergency access route onto Hafod y Ddol Road to be established at a minimum 7.6 AOD.
 9. Surface water run-off to be managed in accordance with approved Flood Consequences Assessment.
 10. Facilities to be provided for the loading, unloading, parking and turning of vehicles prior to the development being brought into use.
 11. Travel Plan and Transport Implementation Strategy (TIS) to be submitted and approved prior to bringing into use the development.
 12. No land drainage run-off to discharge into public sewerage system.
 13. No surface water to connect into public sewerage system unless otherwise agreed in writing by the Local Planning Authority.
 14. Foul and surface water to be discharged separately.
 15. No development to commence until a scheme for the integrated drainage of the site has been submitted and approved.
 16. Hard/soft landscaping to be submitted for consideration and approval.
 17. Timescale for implementation of hard/soft landscaping.
 18. Land Contamination report to be submitted and approved with remediation measures where required.
 19. Recording of former store and office to be undertaken before demolition and watching brief maintained during initial ground excavation works.

20. No development to commence on the construction of the educational building permitted until a phasing programme for the development of the former Alyn Works and re-instatement of golf course has been submitted and approved. The development shall be carried out in accordance with the approved phasing plan and retained thereafter.

3.00 CONSULTATIONS

3.01 Local Member

Councillor D. Roney

Request site visit and planning committee determination, in order to assess impact of proposed development.

Mostyn Community Council

Members are extremely concerned that this is one of the first structures visible on the approach to Mostyn and is an eyesore making this area look neglected and potentially unsafe thus making it detrimental to the local amenity. Member request that a Section 215 Notice to improve the appearance of the site be served on the owner.

Clwyd – Powys Archaeological Trust

Prior archaeological assessment of the site in 2009 indicated that the majority of a former lead smelting works on the site has been demolished and built over by the current factory units. The potential for sub-surface archaeology relating to the demolished lead works is considered to be high but given the fact that the new development will use the existing factory unit footprints on raised levels, the impact is low. The rest of the site was occupied by a former mill pond which is considered to have low archaeological potential. Recommend the imposition of conditions to ensure that the former store office/store building on the site frontage should be recorded before demolition and a watching brief maintained during initial ground excavation works, so that any evidence of the former lead smelting complex can be investigated and recorded.

Highway Development Control Manager

Recommend that any permission includes conditions in respect of parking, unloading and turning of vehicles and the need for the submission of a full Travel Plan and Transport Implementation Strategy.

Head of Pollution Control

No adverse comments.

Environment Directorate

(Rights of Way)

Public Footpath 72 crosses the site but appears unaffected by the development. The path must be protected and kept free from

construction.

Dwr Cymru/Welsh Water

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

Natural Resources Wales

Following the receipt of a revised Flood Consequences Assessment (FCA) it has been confirmed that the risks and consequences to and from the development can be acceptably managed. There is no objection subject to the imposition of conditions to control the Finished Floor Levels of the buildings the new access bridge and existing earth bund together with controls over surface water run-off and land contamination.

North Wales Learning Disability Partnership Group (NWLDPG)

Object (See main report).

Betsi Cadwallader University Health Board (BCUHB)

Object (See main report).

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

Five letters of objections received, the main points of which can be summarised as follows:-

- Proposal would be contrary to established planning policy framework.
- The introduction of residential facilities would not be sympathetic to the agricultural environment.
- Proposal would have a detrimental impact on the parkland setting.

5.00 SITE HISTORY

5.01 674/84

Change of use to golf course – Permitted 30th June 1986.

118/93

Golf course, club house and driving range – Permitted 18th May 1993.

98/1112

Alteration/extension to provide equipment store – Permitted 18th November 1998.

041549

Change of use from hotel to C2 use residential institution for establishing an independent school for young people with complex

Autistic Spectrum Disorder age 10 to 19 – Permitted 3rd August 2006.

040402

Layout of trails for walking, jogging and cycling; extension of existing clubhouse to provide gymnasium, swimming pool sauna, steam room and crèche; new putting course, tennis court, siting of 78 holiday lodges and sales lodge; associated access drives, car parking, modifications to golf course and comprehensive landscaping scheme – Appeal to The Planning Inspectorate allowed 18th October 2007.

045395

Construction of 5 No. 4 x person accommodation buildings, 3 No. linked two person independent living buildings and a communal centre to replace 30 previously approved holiday lodges to provide specialist placements for young children with autism – Permitted 11th December 2008.

047095

Erection of an autistic college facility including associated residential units – Withdrawn 5th October 2010.

046920

Erection of a detached residential building – Refused 14th October 2010.

048115

Erection of adult educational/residential facilities to complement existing school provision for children/young adults with autistic spectrum disorder – Refused 1st August 2012.

For Members information the permission (040402) relating to the erection of lodges on the site allowed on appeal is now extant although the consent issued under 045395 in 2008 for independent living accommodation has since expired.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR2 – Transport & Communications.

Policy STR6 – Tourism.

Policy STR7 – Natural Environment.

Policy STR8 – Built Environment.

Policy GEN1 – General Requirements for Development.

Policy GEN3 – Development Outside Settlement Boundaries.

Policy CF2 – Development of New Community Facilities.

Policy D2 – Location & Layout.

Policy D3 – Building Design.

Policy D4 – Landscaping.

Policy D5 – Outdoor Lighting.
 Policy D6 – Crime Prevention.
 Policy TWH2 – Development Affecting Trees & Woodlands.
 Policy TWH3 – Protection of Hedgerows.
 Policy TWH4 – Woodland Planting & Management.
 Policy L1 – Landscape Character.
 Policy WB5 – Undesignated Wildlife Habitats, Flora & Fauna.
 Policy WB6 – Enhancement of Nature Conservation Interest.
 Policy HE1 – Development Affecting Conservation Areas.
 Policy HE5 – Protection of Landscapes, Parks & Gardens of Special Historic Interest.
 Policy AC1 – Facilities for the Disabled.
 Policy AC2 – Pedestrian Provision & Public Rights of Way.
 Policy AC3 – Cycling Provision.
 Policy AC13 – Access & Traffic Impact.
 Policy AC14 – Traffic Calming.
 Policy HSG4 – New Dwellings in the Countryside.
 Policy SR1 – Sports, Recreation or Cultural Facilities.
 Policy SR2 – Outdoor Activities.
 Policy SR3 – Golf Facilities.
 Policy T1 – Tourist Attractions.
 Policy T4 – New Static Caravans & Chalets.
 Policy T7 – Holiday Occupation Conditions.

Additional Guidance

Planning Policy Wales (PPW).
 Technical Advice Note 12 – Design.
 Technical Advice Note 15 – Development & Flood Risk.
 Technical Advice Note 18 – Transport.

It is considered that the proposal **would** generally comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

The site the subject of this application amounts to approximately 2.8 hectares in area. It comprises 3 No distinct parts which include:-

- a. The site of the former Alyn Works (previously occupied by Solar Fires) which is to the south of the A548 at Llanerch y Mor
- b. An area of land which is to the south and adjacent to Alyn Works. This part of the site is to the north of Kinsale School and east of the former Kinsale Golf Course and
- c. The upper lodge site to the west of Mertyn Isa a Grade II listed building next to the highest part of the former golf course.

7.02 For Members information Kinsale School referred to above, is run by The Options Group and is a residential home/school which caters for children/young adults who suffer from Autistic Spectrum Disorder. For clarification there is no formal link between the existing school and

current application.

- 7.03 The school and former golf course occupy an area of approximately 40 hectares of which the golf course covers approximately 26 hectares. The school and former golf course are approached by a private driveway which passes through open land comprising the golf course to the west and open land to the east.
- 7.04 Background History
For Member's information there is a complex background of planning history relating to development at this location which is referred to in paragraph 5.00 of this report.
- 7.05 In summary, planning permission was allowed on appeal to The Planning Inspectorate under reference No. 040402 on 18th October 2007 for a tourism development at Kinsale Golf Course comprising: the layout of trails for walking, jogging and cycling, extension of the existing clubhouse to provide a gymnasium, swimming pool, sauna, steam room and crèche; the provision of a new putting course, tennis courts, siting of 78 holiday lodges and a sales lodge, associated access drives, car parking and modifications to the golf course.
- 7.06 The 78 holiday lodges are proposed to be sited in two areas, on the periphery of the golf course, these being:-
- a. The Lower Lodge site to the south of Rhydwen House alongside the main entrance driveway to the school and golf course.
 - b. The Upper Lodge site to the west of Mertyn Isaf a Grade II Listed Building next to the highest part of the golf course.
- 7.07 At the time that the above application and appeal were under consideration Kinsale Hall, a former hotel, had been bought by the New Options Group and converted into a residential home for autistic children, this being granted under reference No. 045139 on 3rd August 2006.
- 7.08 Following the grant of planning permission in 2007 for a holiday lodge development, permission was subsequently granted under reference No. 045395 on 11th December 2008 for independent living accommodation buildings and a communal centre to replace 30 previously approved lodges, providing specialist placement for children with autism in connection with the existing school. This permission proposed the replacement of 24 previously approved holiday lodges on the upper part of the site and the replacement of 6 holiday lodges on the lower part.
- 7.09 A subsequent application submitted under reference No. 047095 for the erection of an autistic college facility including associated

residential units on land to the south of the former Alyn Works was included on the agenda for consideration by the Planning & Development Control Committee meeting held on 6th October 2010. This was however withdrawn by the applicants given officer's recommendation at that time for refusal given officer concerns about the impact of development on the character of the landscape at this location.

7.10 The application was however resubmitted under reference No. 048115 in order to seek to address the concerns previously highlighted. This application was considered at the Planning & Development Control Committee meeting on 25th July 2012 but was refused contrary to officer recommendation given concerns about the impact of development on the character of the landscape.

7.11 Proposed Development

This application which has been submitted by Holywell Estates Ltd., proposes the development of a hospital and re-ablement centre for people disadvantaged by an autistic spectrum disorder and/or learning disability including proposed residential blocks and independent living buildings. In addition to the standard application forms and plans, the application is accompanied by:-

- A Planning Design & Access Statement.
- Ecological Surveys.
- An Archaeological Assessment.
- An Arboricultural Assessment.
- A Hydrology Assessment including Flood Consequences Assessment (FCA)
- A Transport Assessment.

7.12 In terms of detailing, the proposed elements of the application can be summarised as follows:-

- a. Alteration of the 3 No. existing buildings on the site of the former Alyn Works to provide a total of 44 No. hospital bedroom spaces and 24 No. step-down bed spaces with associated administration hub and ancillary support accommodation. It is proposed to utilise the footprints of the existing buildings but remodel the external appearance of the buildings which are predominantly flat roof in design by the introduction of new window openings with contrasting cladding on the external walls. It is also proposed that an area of external amenity space is provided for patient use with additional planning/landscaping undertaken in this area providing nature trails and a habitat for flora and fauna.

- b. The erection of a 2 storey H shaped monopitch educational block to the south of the former Alyn Works and an existing residential property Rhydwen House. The building would measure approximately 40 m x 37 m x 10 m high and it is proposed that it would be constructed having zinc/slate external walls. Although not forming part of the current application the educational block would be located in proximity to holiday lodges on the lower site previously allowed on appeal under reference 040402.
- c. On the upper lodge site removal of 24 No. lodges previously allowed on appeal under reference 040402 and replacement by 3 No residential blocks measuring approximately 30 m x 16 m x 5.7 m (high), a communal centre measuring 12 m x 12 m x 5 m (high) and 3 No. 2 bed units each measuring 18 m x 8.5 m x 5 m (high) linked by a corridor. It is proposed that the accommodation blocks be constructed having timber clad/stone external walls and slate roofs. For Members information these buildings were previously granted under reference 045395 on 11th December 2008 and proposed for use in connection at the time with Kinsale School.

7.13 In support of the application, the applicant's agent has advised as follows:-

- The proposal is to re-develop the former Alyn Works site to become a new 44 bed hospital and 24 bed step down unit for young adults with autism. It is proposed that this will include full residential accommodation with support services providing a non-clinical environment complete with staff support and activities of daily living.
- For people requiring the acute care within the hospital building the intention is to assist those people who can make the journey into step down accommodation.
- From here the young adults will be able to access the educational building to participate in courses to provide skills to allow access to the wider community.
- The buildings to the south are residential buildings where those who move on from re-ablement services may live longer term or may be referred from their local authority. These buildings are as previously proposed and approved under application reference 045395.

- 7.14 It is considered that the main planning issues to be taken into account in determination of this application are as follows:-
- Principle of development having regard to the planning policy framework.
 - Adequacy of access to serve the development proposed.
 - Scale/design and impact on character of landscape.
 - Addressing drainage/flooding risks.
 - Other material considerations including the weight to be attached to the consultation responses received from the Council's Social Services Department/Betsi Cadwaladr University Health Board.
- 7.15 In commenting in detail in response to the main planning considerations outlined above. I advise as follows:-
- 7.16 Principle of Development
The consideration of an application for the erection of new community facilities, must be undertaken having regard to Policy CF2 of the Flintshire Unitary Development Plan (FUDP).
- 7.17 This policy seeks to direct such facilities to locations within defined settlement boundaries. Outside settlement boundaries such development will only be permitted through (a) the conversion of existing buildings (b) by an extension to an existing facility or (c) on land with a previous built use.
- 7.18 This policy stance is further supported by Policies STR1 and GEN3 of the FUDP where new development proposals outside settlement boundaries, within the open countryside and on brownfield sites can be given consideration, particularly where development is appropriate to the open countryside.
- 7.19 Consideration of this application therefore has to be undertaken in light of the above policy framework in order to assess whether this is a suitable location and site within which to provide this type of facility. It is acknowledged that there is an existing autistic facility at Kinsale School which serves children and young adults from the ages of 6 – 19.
- 7.20 Although there are no formal links between Kinsale School and the current proposal, it would seem that there is scope for the proposed facility to complement existing facilities on site. It is considered that even if the proposal were a stand-alone facility that it would satisfy Policy CF2 in that it is looking to reuse/adapt existing buildings on land with a previous built use.

- 7.21 In looking at the wider sustainability considerations, it is considered that it is located on a main communications route within the County (A548), and bus services on this key route which make it accessible both to those who reside locally and further afield.
- 7.22 The background documentation references that as part of the autistic programmes proposed, that the site has important linkages for employment, training and recreation. The applicant has advised that an open countryside location is beneficial for the proposed use, as residents can benefit from the recreational activities on site in addition to its tranquil environment.
- 7.23 In looking at this broader context of the consented holiday development allowed on appeal, the key objective was to secure a package of tourist attractions, facilities and accommodation which functioned alongside the specialist school use. This was recognised by the Inspector in allowing the appeal under reference 040402, where there is a requirement for the developer to enter into a legal obligation to ensure that all staff/visitors to the site are made aware of the specialist needs of the children on site at the Kinsale School/residential home.
- 7.24 Whilst it is acknowledged that the golf course on site is no longer operational, the applicant's agent has advised that it is intended to use the golf course as a facility for the therapeutic care of patients, and work to bring the golf course back into a playable condition will be carried out in conjunction with the development proposed.
- 7.25 The intention to re-instate the golf course as part of the development is noted and supported, but it is my view that no development should commence on the construction of the educational building until the development on the Former Alyn Works and re-instatement of the golf course has been completed in accordance with a phasing plan to be submitted and approved. This can be covered by condition if Members are mindful to grant permission.
- 7.26 For Members information development on the site of the former Alyn Works was previously explored as part of application 048115, but at the time development of the site was not in the ownership/control of the applicant and there were concerns that the development would be unacceptable in economic terms, given remedial costs involved.
- 7.27 This current application however has addressed this particular constraint to development and bearing in mind (i) the planning history of the site (ii) its evolution since the appeal decision and the policy context established by Policy CF2 and phasing of the development

which would require the development of the brownfield site before undertaking other elements of the proposal as referred to in paragraph 7.25 above, it is considered that the proposed development is acceptable in principle.

7.28 Adequacy of Access

Consultation on the application has been undertaken with the Council's Highway Development Control Manager who following the receipt of a Transport Assessment (TA) does not raise any objection to the scale of vehicular movements likely to be generated by the proposal or the adequacy of parking provision to serve the development. If Members are however mindful to grant permission for the development it is recommended that any permission be subject to conditions in respect of parking and the submission of a Full Travel Plan and Transport Implementation Strategy before bringing into use the development.

7.29 Scale/Design & Impact on Character of Landscape

Of particular importance in consideration of this application is the impact of the proposed development on the character of the landscape at this location. It is acknowledged that permission has been allowed on appeal under reference 040402 for a tourist related development with a subsequent permission (045395) allowing for development of residential accommodation blocks on the upper and lower site.

7.30 In allowing the appeal under reference 040402, the Inspector essentially concluded that the Kinsale Site "is largely a man-made landscape of terracing and slopes with free planting around and between fairways. It has neither a natural appearance nor the farmland character of much of the surrounding landscape. Members are advised that the design/form of the buildings proposed in the upper part of the site have previously been permitted under reference 045395 and in my view as a result of this background there is therefore no objection to this element of the scheme.

7.31 In addition it is my view that current buildings on the former Alyn Works site have no architectural or heritage value and the principle of their rebuilding is to be welcomed on this brownfield site. It is considered that this site has long since been absorbed into the sub rural character of the coast road and whilst the design of the buildings proposed including the educational block to the south of the former Alyn Works are contemporary in nature, the use of slate as a cladding material seems more appropriate to an upland environment along this coastal corridor. It is considered that the visual appearance of these buildings could be improved through the use of local sandstone or limestone and the use of timber would also help to provide for a more sympathetic form of development at this location which would respect the relationship of the site to the Abakhan building on the southern side of the A548. This will it is considered help to significantly improve

the visual appearance of the site which has remained vacant and unused in recent years. If Members are mindful to grant permission the use of the proposed materials can be covered by condition.

7.32 Drainage

A Flood Consequences Assessment (FCA) and Hydraulic Modelling Report (HMR) have been submitted as part of the application and formally assessed by Natural Resources Wales (NRW).

7.33 The conclusion is that the FCA now demonstrated that the risks and consequences of flooding to and from the development can be acceptably managed and there is no objection to the development subject to the imposition of conditions to control the finished floor levels of the building and that of the proposed new access road bridge together with land levels and an existing bund on the north bank of the River Gwibnant.

7.34 Responses from Health Care Providers

Consultation on the application has been undertaken with (a) the Council's Social Services Department and (b) Betsi Cadwallader University Health Board (BCUHB).

7.35 For Members information the Council's Social Services Department formulated a response on the application on behalf of the North Wales Learning Disability Partnership Group (NWLDPG) which is made up from representatives from Ynys Mon, Gwynedd, Conwy, Denbighshire, Flintshire, Wrexham and Betsi Cadwallader University Health Board.

7.36 The view of the NWLDPG whilst recognising that the private sector has a key role in the provision of services to people with a learning disability and/or autism on the basis of the initial information submitted is that object to the proposal as:-

- "The construction of an ASD hospital in Flintshire is not consistent in any way with the Transforming Care Agenda.
- North Wales already has enough hospital type provision.
- The construction of an institution in Flintshire does not in our view meet local need in terms of service commissioning.
- If constructed it will place additional significant burdens on local services given that it will be likely to provide placements for individuals outside North Wales.

7.37 As a result of the above response, the applicant/agent questioned the status of both the NWLDPG and BCUHB, and submitted further information questioning their approach and views on the application.

7.38 This has subsequently been further assessed with BCUHB responding as follows:-

- There is a disparity in numbers between currently commissioned hospital places for local residents and the proposed development is so great as to demonstrate that the capacity proposed in this development significantly exceeds our understanding of demand to meet local needs.
- Should the proposed development proceed it is our view that it is highly likely to provide hospital placements to people from out of area. This could have a significant impact on local NHS services.
- The submission from NWLDPG makes clear that the strategic direction for support and care for individuals with learning disability is predicated upon access to an “ordinary life” and community-based living being fundamental rights of the individual. We do not believe that the proposed model fits with this intention and therefore we could not support such a development”.

7.39 The objections raised by both NWLDPG and BCUHB are noted and in response to the points raised, I wish to comment as follows:-

- When consideration of an application for a proposal of this nature, there is no requirement as part of either national or local planning policy to assess the need for such a facility.
- notwithstanding the above, there is no quantified evidence of the financial impact of development on social services.
- The proposal for this private facility to operate on a national level is an operational decision that the company may wish to consider and whilst statutory bodies or agencies from further afield may wish to commission bed spaces they will be under no obligation to do so. These commercial decisions are not under the remit of planning legislation.

7.40 Neither NWLDPG or BCUHB have quantified the level of impact the development may have, nor have they specifically advised how the impact is unacceptable or may be unacceptable. While they have identified that there would be some strain on the capacity of health care providers, they have not said that they lack capacity to deal with such impact. In the absence of more specific evidence to confirm that the proposed development would be demonstrably unacceptable, it is my view that, in planning terms little weight should be attributed to the

relatively generic comments made. In addition, there is no 'national' requirement for a development of this nature to meet local needs only and therefore in order to function in an appropriate manner, it needs to be of a specific scale allowing the employment of adequate numbers of staff making it necessary to operate on a wider regional or national basis.

8.00 CONCLUSION

8.01 It is considered having regard to the background of planning history at this location, that the development as proposed on a previously developed/redundant brownfield site and part of the wider site area at this location that has previously had the benefit of planning permission for a tourist/educational facility for persons affected by Autistic Spectrum Disorder, would be acceptable within this open countryside location in line with Policies STR1, STR10 and CF2 of the Unitary Development Plan. The concerns/objections from the NWLDPG and BCUHB are noted, which advise that the proposal would not be in line with the current approach to the provision of health care within Wales, and there would be an associated impact on available resources to support this facility. I would advise Members that these concerns have not been quantified and sufficient harm has not been demonstrated which outweighs the planning land-use merits of the proposal.

8.02 It is my view that subject to a phasing programme for the development that the scheme as proposed would sit comfortably within the planning policy framework, the original concept of a comprehensive tourist, recreational and educational environment for those people with Autistic Spectrum Disorder. Consultation on the application has been undertaken with the Council's Highway Development Control Manager and Natural Resources Wales with it being confirmed that there is no objection to the development subject to the imposition of conditions. 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.

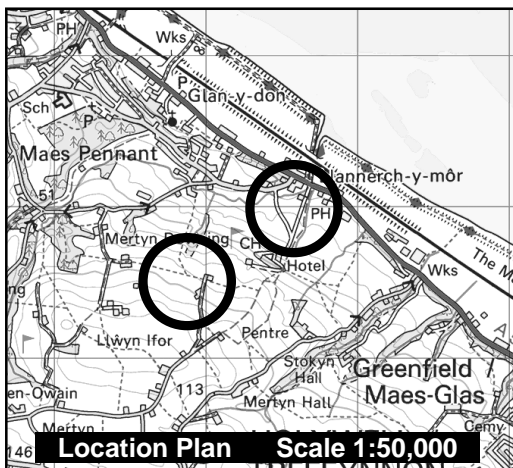
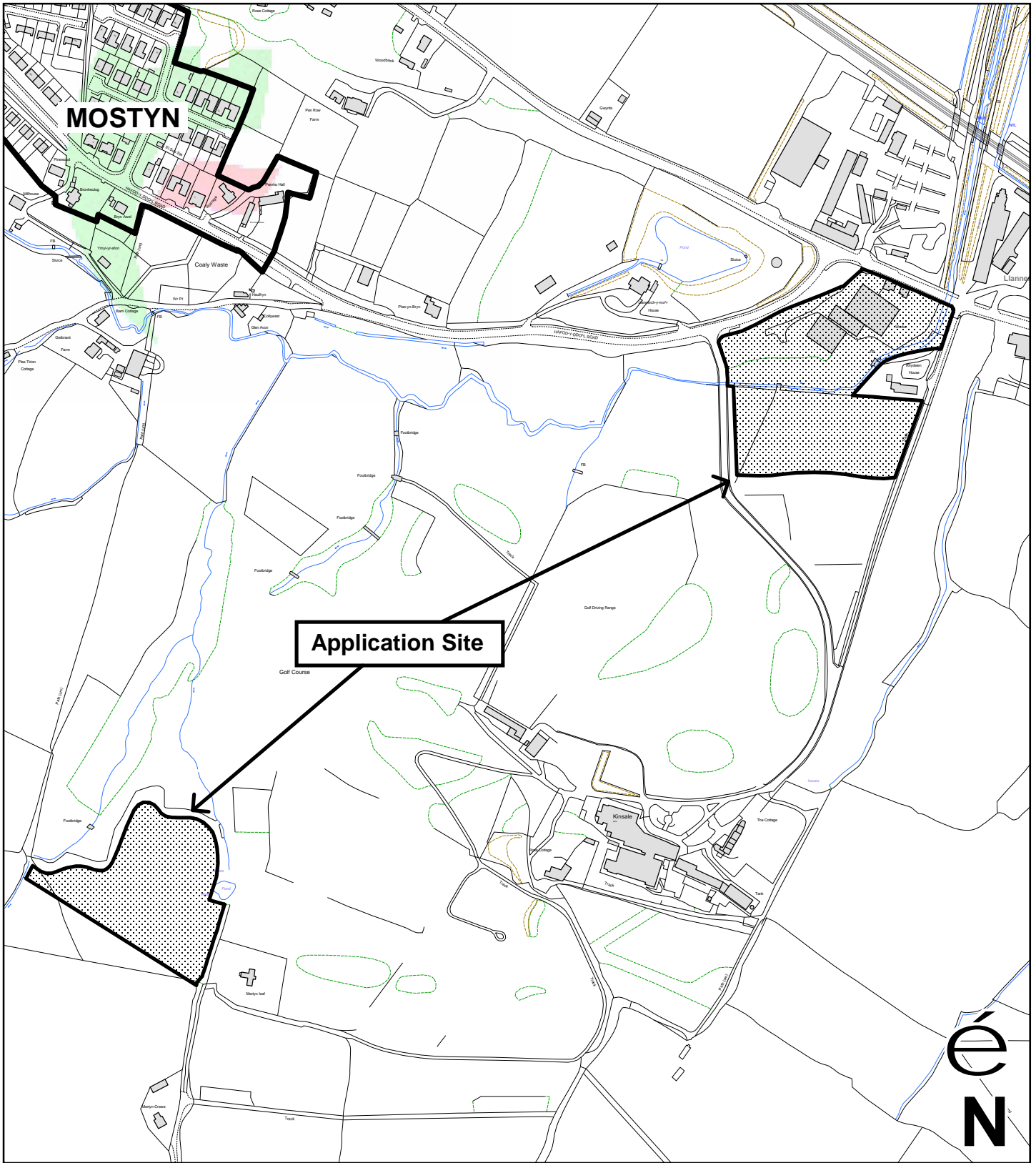
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered

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.mark.harris@flintshire.gov.uk



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 Licence number: 100023386.
 Flintshire County Council, 2016.

Map Scale 1:5000

OS Map ref SJ 1779

Planning Application **52119**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH OCTOBER 2016**

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

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

APPLICATION NUMBER: **055631**

APPLICANT: **MR & MRS M LEVY**

SITE: **PENYFFORDD FARM, FFORDD Y FELIN, TREUDDYN, MOLD**

APPLICATION VALID DATE: **18.07.16**

LOCAL MEMBERS: **COUNCILLOR C THOMAS**

TOWN/COMMUNITY COUNCIL: **TREUDDYN**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO HIGHWAY ISSUES AND IMPACT ON AMENITY OF NEIGHBOURING PROPERTIES**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is an application for the siting of 1 yurt and 3 shepherds huts for use as holiday accommodation. It is considered that the scale and nature of the proposed use of the site for 4 'glamping' units is acceptable in this location. It would not give rise to any significant adverse impacts on the amenity of nearby residents or adjacent land users.

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

- 2.01
1. Time commencement
 2. Plans
 3. Parking and turning details of surfacing and any improvements to road surface
 4. Provision of parking area within the site prior to first use
 5. Yurt to be removed from site outside operating season
 6. Operating season 1st March – 14th January in any calendar year
 7. Agreement of specifications of shepherds hut including colour
 8. Colour of shed to be agreed
 9. Management and maintenance for landscaping
 10. Toilet and shower shed to be removed from site if camping uses ceases
 11. Details for soakaway
 12. Lighting

3.00 CONSULTATIONS

3.01 Local Member
Councillor C Thomas

Preliminary observations are requests a site visit and committee determination due to the highway issues as the application will affect the amenity of neighbouring properties;

Highways concerns

- Ffordd y Felin is very narrow with no passing places and blind bends
- The site is at the end of an unadopted road in poor condition which has no passing places
- A watercourse is culverted under the road and in heavy rain floods the surface
- Safety of pedestrians as there are no footways along Ffordd y Felin
- Some parts of the lane are at risk of subsidence

Other issues

- The application site is sloping and rises above the neighbouring houses
- Loss of tranquillity
- Potential light pollution
- How will waste water be disposed of
- Is there sufficient parking for visitors and staff
- Concerns about business use of garage at Penyffordd Farm
- Access to Glan Terrig Farmer's field needs to be kept clear

Following concerns raised by the applicant I visited the site and he pointed out that the lane should not flood as the water is culverted through a pipe, potholes have been filled in on the unadopted road,

the landscaping was shown to me and there would be no electricity. There would be no large groups as the shepherds huts are for two people and only the yurt could accommodate a family.

Adjoining Local Member

Councillor N Matthews

Concern in Nercwys about this application and the impact on traffic as Ffordd y Felin is very narrow and the junction with Ffordd Nercwys and the impact on the bridge could be dangerous.

Treuddyn Community Council

Consideration of access into the un-adopted portion of Ffordd y Felin and access generally down a single track road.

Consideration of the views of neighbours who are most affected by the proposal (Penyffordd Cottage, Hilbre, Lynwood, Tyr Felin, Mill Cottage and Top yr Allt). Particular concerns are access and noise from the outdoor living given the applicants site acts as a natural amphitheatre.

If permission is given the route to the site should be advertised as from the Terrig Bridge side to avoid the very steep part of Ffordd y Felin.

Highways Development Control Manager

No objection subject to a condition requiring parking and turning facilities within the site.

Public Protection Manager

No observations to make.

Welsh Water

No connection to the mains is required.

CPAT

While the development lies close to recorded archaeological features in adjacent fields the proposed works within the development area will have no impact on archaeology.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

7 objections on grounds of;

- Road is unlit
- Poor visibility and blind bends
- Increase in traffic, impact on highways safety
- Narrow lane with no passing places for more than half a mile, so people trespass on private drives
- Increase in commercial traffic

- No facilities in area so people will have to travel
- Increase noise, quiet rural area,
- No footpaths on roads
- Negative impact on the character of the area
- Noise from visitors will travel due to elevated nature of the site
- Area only has 12 houses and this is an additional 4
- Not clear where the entrance is, people will be disturbed asking for directions
- Poor road surface
- Extensive engineering works will be required to create parking area
- Site is outside the settlement boundary no reasons put forward why the use requires an open countryside location
- Hazardous to put wheeled structures in this topography
- Flood risk to properties due to increase in surface water run off on internal tracks
- Risk of pollution to water courses
- Introduction of alien features in the landscape
- The yurt is a permanent structure and should be considered as a building in planning terms
- Shepherds huts are caravans and therefore a change of use is required
- Colour of the yurt needs clarification, white is highly visible
- No tree survey submitted
- No ecological survey impact on bats, badgers and water voles
- No indication of how people will get from their cars
- Nearest bus stop is 800 metres away along narrow roads and footpaths, nearest public house is 3.4kms away, shop 2km,
- No details of how compost from toilets will be dealt with
- Indication of where water supply will come from for showers
- No fuel storage shown
- No consideration given to GEN6 – welsh language
- No details of platforms for yurts or shepherds huts
- Scattered random approach to siting
- Inadequate landscaping details
- Car parking is remote
- No detail of lighting
- Not farm diversification
- Can only be accessed by private car
- Use should be restricted to 1st March to 1st October
- Should condition no music or artificial noise between 2200-0800
- Should remain agricultural land
- Conflict of tourist use with adjacent agricultural activity
- Conflict with dog walkers and public footpath users in the area
- Emergency vehicle access not possible
- No information on disposal of waste water and rubbish collection

- Impact on privacy of adjacent properties
- Children won't be safe to play outside
- Security due to increase in strangers
- Contrary to policies STR1, GEN1, GEN3, GEN5, GEN6, D1, D2, D3, D4, RE4, RE5, SR1, SR2, T1, T2, T3, T4, T7, T8

5.00 SITE HISTORY

5.01 None

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 Policy STR1 – New Development
 Policy STR6 - Tourism
 Policy GEN1 – General Requirements for Development
 Policy GEN3 – Development in the open Countryside
 Policy D1 – Design Quality, Location and Layout
 Policy D2 – Design
 Policy D3 - Landscaping
 Policy L1 – Landscape Character
 Policy WB1 – Species Protection
 Policy AC13 – Access and Traffic Impact
 Policy AC18 – Parking Provision and New Development
 Policy T4 – New Static Caravans and chalet holiday sites
 Policy T7 – Tent Camping Sites
 Policy T8 – Holiday Occupancy Conditions

The proposal accords with the above policy.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an application for the siting of 1 yurt and 3 shepherds huts for use as holiday accommodation at land at Ffordd y Felin, Treuddyn.

7.02 Site Description

The application site is an area of agricultural land sited to the rear of the dwellings of Hilbre, Lynwood and Mill Cottage. The site is elevated above the dwellings and has varying topography. The site is accessed via a track off Ffordd y Felin. Penyffordd Cottage is located adjacent to the access point. Penyffordd Farm is located to the west of the application site on the opposite side of the access road. There are two existing sheds on the site, one in the north eastern corner of the site and one in the south eastern corner. There is an existing track within the site for access by foot.

7.03 Proposed Development

This is an application for the siting of 1 yurt and 3 shepherds huts for use as holiday accommodation. The proposed yurt would accommodate 4 guests and the shepherds huts would accommodate 2 each making a total of 10 guests at full capacity. A shed would house the shower and toilet for the yurt visitors. The yurt is 9m² and the shower shed is 7.5m². The shepherds huts are 5 m in length, 2.4 m wide and 3.1 metres high from the wheels. The shepherds huts have ground anchor supports and each wheel would be sited on a concrete block set in the ground. The yurt is 6.6m in diameter and 2.9m high to the centre and 1.5m high at the sides. The proposed shower shed is 3m x 2.5m and 2.4m in height. All the units would be equipped with log burning stoves. The shepherd's huts would have their own toilet and shower within the unit. Each unit would also have a small outdoor fire pit.

7.04 The site would be accessed via the existing private drive with parking within the application site. Parking for 5 cars is shown. Composting toilets are proposed. Landscaping in the form of willow hedging has already been planted to provide screening.

7.05 The applicants have indicated they would like to operate from the second week in February to 1st January in any calendar year in order to accommodate the Valentines and New Year's Eve guests.

7.06 Principle of Development

The site is within the open countryside. It is considered that the proposed 'glamping' use is acceptable in principle in an open countryside location as it is the natural environment that attracts tourists to this form of holiday accommodation. The issues to consider are whether this is an appropriate site for this type of activity.

7.07 There is not a specific policy within the tourist chapter of the Flintshire Unitary Development Plan for this kind of accommodation as it falls between Policy T4 – New Static Caravans and chalet holiday sites and Policy T7 – Tent Camping Sites.

7.08 Policy T4 permits the development of new static holiday caravan or chalet sites will be permitted where:

- a) the scale of the proposal together with the number, siting and layout of units, circulation roads and service buildings is appropriate to the characteristics of the site and locality;
- b) the scheme incorporates substantial internal and structural landscaping;
- c) the proposal would not have a significant adverse impact on features or areas of landscape, nature conservation or historic value;

- d) where appropriate, the site is easily accessible from the local highway network and is accessible by a choice of modes of travel, particularly by foot, cycle or public transport; and
- e) the proposal would not have a significant adverse impact on the amenity of nearby residents, other users of nearby land/property or the community in general;

7.09 Policy T7 allows new tent camping sites or the extension of existing sites will only be permitted where:

- a) the proposal occupies an inconspicuous or well screened site and / or can be assimilated into the landscape through landscaping measures;
- b) any essential service buildings can be provided within existing buildings or appropriately sited and designed small new buildings; and
- c) it would not have a significant adverse impact on features or areas of landscape, nature conservation or historic value.

7.10 The yurt is a temporary structure that can be taken down in a few hours. A flat base has already been created for the yurt as it has been used for personal use by the applicant. The yurt is white with a green door. The shepherd's huts do not fall within the legal definition of a caravan as the models proposed are not designed to be towed. They are moveable structures with wheels but are fixed in place with leg anchors. The shepherds huts can be painted to any colour and this can be controlled by condition. The only new permanent structure is a shed to house the toilet and shower facilities. This is a standard shed and it is considered that this is of appropriate scale. It is therefore considered the proposal accords with criterion a) of policy T4 and criterion b) of policy T7. The matters in the other criteria of these policies are addressed below.

7.11 Highways and parking

The proposal is for 4 'glamping units' with each likely to generate one vehicle per unit. The site is in a rural location and is accessed from the road network along single track lanes, with minimal passing places. The highways development control manager notes the nature of the road network however it is considered given the scale of the proposal and the seasonal nature of the activity in comparison to existing background flows the level of traffic generation would not be significant.

7.12 Residents are concerned about people visiting the area who are unaware of the nature of the roads. Visitors to the site would be required to book in advance and would be given directions on how to access the site.

- 7.13 In terms of other modes of travel, while it is likely that visitors would arrive by car, there are a network of public rights of way within the vicinity of the site which would attract visitors to the site and the area and provides recreational activities from the site without the need to use the car. Cyclists would also be attracted to the area to take advantage of nearby Nercwys and Llandegla Forest's.
- 7.14 The layout plan shows the provision of 5 car parking spaces. The car parking area would be surfaced and graded. The number of spaces is considered sufficient for the number of units proposed. Highways have requested these are provided before the site is brought into use. A condition can secure the details of how the car parking area will be surfaced. Campers would park at the bottom of the site and walk to the 'glamping' units. There would be no further vehicle access onto the site. The proposed parking area would not prevent access to the adjacent farmer's field but it would importantly provide an area within the site where vehicles can turn rather than using neighbouring driveways. It is therefore considered the proposal accords with criterion c) of policy T4.
- 7.15 Impact on the character of the area and landscaping
The site is located in the open countryside but does not benefit from any other designations. The site is not within an area of designated landscape, nature conservation or historic value and therefore would not have a significant adverse impact on any features in accordance with criterion c) of policy T4 and criterion c) of policy T7.
- 7.16 The site is elevated but due to its topography the units would not be highly visible from the adjacent houses. The units have been sited in order to fit in with the existing topography and landscaping.
- 7.17 Significant additional landscaping has already been planted in the form of two species of willow at the density of 6 whips per metre and when matured will be effective screening for the yurt which in the lower part of the site. The willow has been planted in a number of locations on the site as shown on the submitted plans. In addition to this further planting in the form of oak, ash and sycamore have been planted within the centre of the site in order to provide screening for the shepherds huts. Fruit trees have also been planted along the western boundary of the site. The management and maintenance of this landscaping can be controlled by condition. The site has existing screening in the form of hedges and mature trees along the eastern, northern and southern boundaries. It is therefore considered the proposal accords with criterion b) of policy T4 and criterion a) of policy T7.
- 7.18 Impact on nearby residents
The scale of the proposed 'glamping' site is small with 4 units occupying up to 10 people. The site is adjacent to a small cluster of dwellings which would have associated noise and activities. It is

therefore considered the addition of 4 units for holiday use would not be out of character with the area or its 'tranquillity'. There would be some disturbance from the additional traffic. However due to the scale of the proposals this would be minimal. Once at the site the visitors would travel on foot to the camping units. Visitors would be attracted to the area for its tranquillity and for the walking opportunities.

7.19 Concerns have been raised about noise impacts from the proposed use and general activities on the site. The nature of the use is small in scale aimed at couples for the shepherds hut as these will only accommodate two occupants. No electricity would be provided at the units so the opportunities for loud music etc are limited. The yurt would sleep a family or up to 4 adults. Noise from the shepherds huts would be reduced as they would have more sound insulation than a standard tent. Issues of noise are down to the management of the site and cannot be controlled by planning conditions, however the applicant intends to market the site as a quiet campsite. The site will be managed by the applicant who lives at Penyffordd Farm and therefore would be on hand to deal with any issues that arise. It is therefore considered the proposal accords with criterion e) of policy T4.

7.20 Other Matters

Objectors have raised concern over light pollution and pollution from the waste facilities. No outside lighting is proposed other than solar rechargeable lights which would be ground mounted and this can be controlled by condition. Guests would be encouraged to use torches. Internal lighting is proposed to be through battery lights or solar lights. The applicant has been in consultation with NRW over the compost toilets. These involve no chemicals or water. Disposal of waste from the toilets is through licensed contractors as advised by NRW. The field has a water supply which will be used for the showers. Waste water will be managed through soakaways. This can be dealt with by condition.

7.21 Occupancy

The applicants have indicated they would like to operate the holiday accommodation from the second week in February to 1st January in any calendar year in order to accommodate the Valentines and New Year's Eve guests. In line with other camping sites and touring caravan sites it is considered that 1st March – 14th January in any calendar year is more appropriate. This would capture Easter holidays along with Christmas and New Year visitors. Due to the installation of wood burners 'glamping' sites can be accommodated during the autumn and winter months.

8.00 **CONCLUSION**

It is considered that the scale and nature of the proposed use of the site for 4 'glamping' units is acceptable in this location. It would not give rise to any significant adverse impacts on the amenity of nearby

residents or adjacent land users.

8.01 Other Considerations

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

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

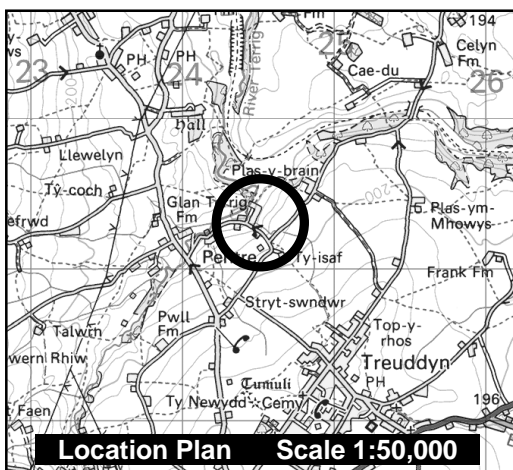
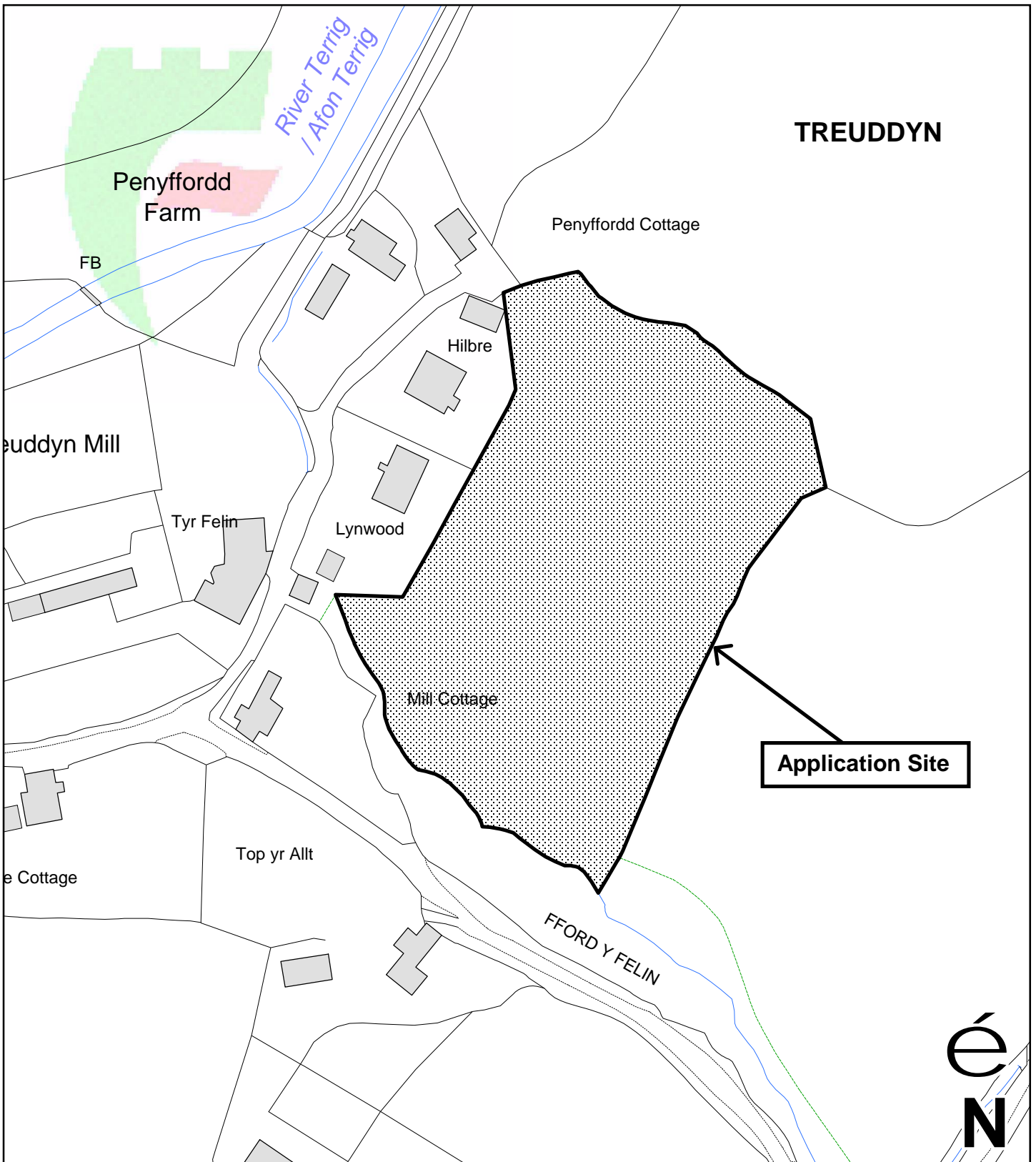
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS


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

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



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

Legend

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2016.

Map Scale	1:1250
OS Map ref	SJ 2459
Planning Application	55631

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH OCTOBER 2016**

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

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

APPLICATION NUMBER: **051143**

APPLICANT: **NANT Y FFRITH WIND ENERGY LIMITED**

SITE: **LAND AT MOUNT FARM, FFRITH**

APPLICATION VALID DATE: **19.08.13**

LOCAL MEMBERS: **COUNCILLOR HILARY ISHERWOOD**

TOWN/COMMUNITY COUNCIL: **LLANFYNYDD**

REASON FOR COMMITTEE: **HEIGHT OF TURBINE IS OUTSIDE THE SCHEME OF DELEGATION**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection of a 77 metre single 500kw wind turbine on land at Mount Farm, Ffrith. Welsh Government has clear priorities to reduce carbon emissions with one of the ways of delivering this being through the continued development of renewable

energy generating projects. The clear message of both PPW and the Flintshire Unitary Development Plan is that renewable energy proposals should be permitted unless there are unacceptable impacts. In this case the siting and operation of the turbine would compromise flight safety and safe aircraft operations to and from Hawarden aerodrome. It is therefore considered that it is unacceptable on these grounds.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 The siting and operation of the turbine would compromise flight safety and safe aircraft operations to and from Hawarden aerodrome contrary to policy AC12 of the Adopted Flintshire Unitary Development plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Hilary Isherwood

Requests the application is referred to planning committee because of the number of objections and the impacts in relation to the environment and the site context. A site visit is no longer required as the application is being refused on aerodrome safeguarding grounds.

Llanfynydd Community Council

Object on the grounds of;

- Transportation of the turbine on the A5101 along Offa's Dyke and the impact of the weight of the material. Road is showing signs of subsidence
- Noise pollution
- Impact on red kites in the area
- Impact on the appearance of the landscape – on the edge of AONB, impact on surrounding views
- Set a precedent

Adjoining Community Council's

Treuddyn Community Council

Make the following observations;

- Impact on the appearance of the landscape, on the edge of AONB, not assessed from Treuddyn within viewpoints
- Noise pollution
- Would set a precedent should impose condition to say no more within a 1 mile radius
- The impact of transporting a turbine along Offa's Dyke

- Communities should benefit from the payback annually and not a one off payment
- Blight on the community

Nercwys Community Council

No objection

Highways Development Control

No objection subject to conditions covering;

- Adequate facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles
- The developer shall be liable for the cost of making good any incidental damage to the highway network including street furniture, structures, highway verge and carriageway surfaces
- The developer shall take due care and attention to avoid the deposit of mud and debris on the highway from construction vehicles using the access
- After completion of the wind turbine construction works, the temporary highway width improvements required to facilitate the delivery of the abnormal loads to the site shall be reinstated back to the grassed verge areas

Public Protection

The noise level from the turbine is predicted to reduce to 35dB (A) (which equates to 33dB LA90) approximately 120m from the tower base and as such, it is recommended that the simplified ETSU-R-97 condition would be appropriate in this instance. Therefore it is recommended the following conditions be attached to any approval you may grant:-

1. The wind turbines should be installed by a suitably qualified persons, in accordance with the manufacturer's instructions and site survey.
2. The wind turbine shall be serviced in accordance with the manufacturer's recommendations.
3. The cumulative noise from the wind turbine, measured 3.5m from the facade of any occupied neighbouring property not in the ownership of the applicant, shall not exceed 35 dB LA90, 10 minutes up to wind speeds of 10m/s at 10m in height. Where the most noise sensitive part of any adjacent premises is above ground level, the monitoring location shall be 1m from the facade and a facade correction of -3dB(A) applied.
4. The Wind Turbine shall not be tonal in character.

5. Should the Local Authority receive a justifiable complaint of noise nuisance regarding the wind Turbine, the applicant shall undertake noise tests at his own expense to demonstrate compliance with condition 3 and 4 above. The methodology used to determine compliance shall be agreed with the Pollution Control Section of the Local Authority.

Welsh Water/Dwr Cymru

No comments to make.

CADW

The proposed development is located in the vicinity of the following scheduled ancient monuments known as;

- DE056: Maes Maelor Round Barrow
- DE109: Offa's Dyke: Brymbo Hill Section
- DE110: Offa's Dyke: Section S from Cae Llewellyn
- DE113: Offa's Dyke: Vron Farm Section
- DE169: Cas-Gan-Ditw Round Barrow
- DE196: Esclusham Mountain Cairn, Minera
- DE222: Offa's Dyke: Mountain View Section
- FL021: Offa's Dyke: Section extending 447m from Coerd Talon Banks
- FL022: Offa's Dyke: Section extending 117m NW of Church
- FL194: Nercwys Mountain Cairn
- FL205: Pentre round barrow
- FL206: Pen-y-stryt round barrow
- FL207: Carreg – y – Llech standing stone
- FL208: Bryntirion round barrow

The magnitude of the impact on the above listed monuments can be considered to range from negligible to slight and the development will not have a significant impact on the settings of the listed monuments.

In terms of the transportation of the elements of the wind turbine of the site whilst the transport route for components will be along existing public roads occupying the line of Offa's Dyke, abnormal loads are likely to be few in number and any surviving underlying archaeology would be sealed under the present road surface.

Natural Resources Wales

Natural Resources Wales does not object to the proposal. Although it will generate a major to moderate adverse visual effect within a 6km radius, it is not likely to change the landscape character of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) as prescribed in Planning Policy Wales: Technical Advice Note 8 – Planning for Renewable Energy (Annex D:8.4). The proposal

is unlikely to have a significant impact upon protected sites or protected species in the area. We have no flood risk concerns with the development proposals.

Airbus

Object on the grounds of the turbine would compromise flight safety and safe aircraft operations to and from Hawarden aerodrome.

NATS (National Air Traffic Control Services) Safeguarding

The proposed development has been examined by our technical and operational safeguarding team and an assessment was undertaken. Although the proposed development is likely to impact upon our electronic infrastructure no objection is raised.

Civil Aviation Authority

The airport is deemed to be the expert and competent authority in safeguarding their aerodrome. Based upon the information provided by Hawarden aerodrome operator to the aerodrome Inspector the CAA has no reason to disagree with their objection to the proposed wind turbine. However the CAA do state that the wind turbine should not adversely impact upon the airport and would not affect its continuing certification under the relevant regulations.

Liverpool John Lennon Airport

No response received.

SP Powersystems

There is apparatus in the area in the proximity of the development which need to be considered.

Joint AONB Advisory Committee

Object on the grounds of;

- the impact on the higher ground within the AONB to the west and south
- intrusive and discordant effect which will undermine the sense of tranquillity and setting of the national protected landscape of the Clwydian Range and Dee Valley AONB
- a large and moving structure would be an alien feature and would have a harmful effect on the special quality of the AONB
- impact on views of the AONB from Waun y Llyn Country park, Bwlchgwyn and the footpath network at Nant y Ffrith
- impacts on AONB are not adequately covered by the Environmental Statement

Wrexham Borough Council

The turbine is 2km to the north of Bwlchgwyn within the County of Wrexham. 4 of the viewpoints in the LVIA are within Wrexham; namely Viewpoint 5 Bwlchgwyn, Viewpoint 11 Esclusham Mountain, Viewpoint 12 Windy Hill and Viewpoint 13 Gresford. Object on the grounds of;

- In terms of Viewpoint 5 Bwlchgwyn, it is considered that the report greatly under represents the nature of visual change and the number of people which would be affected by the proposal.
- The proposed turbine would feature within views of the AONB.
- The proposed abnormal indivisible loads (AIL) have the potential to cause significant disruption on the highway.

Clwyd Powys Archaeological Trust

No objections. There are no direct impacts arising from the construction of a turbine in this location. Indirect impacts are confined to a negligible degree of harm to the significance of the non-designated prehistoric cairns on Pen Llan Y Gwr, which lie 1.17km to the southeast.

4.00 PUBLICITY

4.01 Press Notice and Site Notice, Neighbour Notification

25 objections have been received on the grounds of;

- Noise pollution, sleep disturbance
- Traffic impacts during construction of HGV movements on walkers and horse riders due to nature of roads to the site
- Impact on Offa's Dyke from construction traffic
- Construction noise and dust
- Impact on landscape and AONB
- Impact on air traffic
- Shadow flicker
- Impact on local self-catering and bed and breakfast businesses
- Impact on wildlife – lapwing, red kites
- Light pollution
- It would set a precedent for future developments of this nature

193 signature online petition on the grounds of;

- Noise pollution
- Over dominance due to height and flickering affect
- Impact on the landscape
- Setting a precedent for more turbines

Mark Tami MP – raised constituents concerns about the visual impact and noise associated with the development and construction traffic.

Campaign of the Protection of Rural Wales

Object;

- Impact on the landscape and the AONB from the turbine and access track and substation contrary to policies STR7, GEN1, GEN3 and L1 of UDP
- It will be a visible and prominent feature seen in an extensive area contrary to policies L2, D1 and D2
- Not in TAN 8 Strategic Search area
- It is not part of a community scheme therefore is a commercial enterprise
- No details on how it would be connected to the grid
- The impacts of the turbine are far more than the benefits of the amount of electricity it would generate
- Traffic route to site

55 letters of support on the grounds of;

- Investment in the sector is needed
- It would be good for the local economy
- Wind turbines have minimal environmental impacts compared to other ways of generating energy
- Community benefits
- They are a good employer
- It is a clean and safe way to generate electricity

5.00 SITE HISTORY

5.01 None

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy STR1 – New Development
Policy STR2 – Transport and Communications
Policy STR3 – Employment
Policy STR7 – Natural Environment
Policy STR8 – Built Environment
Policy STR10 – Resources
Policy GEN1 – General Requirements for Development
Policy GEN3 – Development in the open countryside
Policy GEN5 – Environmental Assessment
Policy D1 – Design Quality, Location & Layout
Policy D2 – Design
Policy D3 – Landscaping
Policy D4 – Outdoor Lighting
Policy L1 – Landscape Character

Policy L2 – Area of Outstanding Natural Beauty
Policy WB1 – Species Protection
Policy WB2 – Sites of International Importance
Policy WB3 – Statutory Sites of National Importance
Policy HE2 – Development Affecting Listed Buildings & Their Settings
Policy HE6 – Scheduled Ancient Monuments & Other Nationally Important Archaeological Sites
Policy AC12 – Airport Safeguarding Zone.
Policy AC13 – Access & Traffic Impact
Policy EWP1 – Sustainable Energy Generation
Policy EWP4 – Wind Turbine Generation
Policy EWP12 – Pollution
Policy EWP13 – Nuisance
Policy EWP17 – Flood Risk

National Policy

Planning Policy Wales Edition 8 January 2016

Technical Advice Note (TAN) 5: Nature Conservation & Planning (2009).

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010).

Technical Advice Note (TAN) 8: Renewable Energy (2005).

Technical Advice Note (TAN) 11: Noise (1997).

Technical Advice Note (TAN) 12: Design (2009).

Technical Advice Note (TNA) 18: Transport (2007).

Additional Guidance

ETSU-R-97 – The Assessment and Rating of Noise from Wind Farms.

Its compliance in association with the above policies is addressed below.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of a 77 metre single 500kw wind turbine at land at Mount Farm, Nant y Ffrith, Ffrith.

7.02 Site Description

The application site is located to the south of Treuddyn, the north of Bwlchgwyn, east of Rhytalog and to the west of Ffrith. It is located off a minor road in an area of grazed agricultural land. The site is elevated above its surroundings and has some small blocks of woodland on the hill side. There are 15 residential properties within a 1km radius of the turbine location. The nearest properties are approximately 600 metres to the east and 600 metres to the south west.

7.03 Proposed development

This is a full planning application for the erection of a 77 metre single 500kw wind turbine. The turbine would be 50 metres to the hub with three blades of 27 metres in length. The tower would be 4 metres in diameter at its base and would sit on a 4.75 metres square concrete pedestal on a 14 metres square concrete slab. Foundations are dug to approximately 3 metres and the tower is attached to the foundations with bolts embedded into concrete. A hardstanding area is required at the base of the turbine for cranes and other vehicles during erection and maintenance of the turbine once operational. This would be of crushed stone and would measure approximately 20 metres x 35 metres. The estimated lifetime of the development is 25 years. There would also be associated infrastructure in the form of a substation, underground cabling and new vehicular access and on site access tracks. There would also be an onsite construction compound and site office for the duration of the construction works. The turbine would be pale grey to off white semi matt in colour. The detailed specifications would be agreed by planning condition if consent is granted.

7.04 The applicants are requesting micro siting of the turbine location, access tracks and other associated development for 30 metres to allow for ground conditions.

7.05 The site access is from an unclassified road off the B5101 and would utilise an existing field entrance upgraded to take the traffic from the development. The internal access tracks will be 5 metres wide and approximately 700 metres in length up to the turbine, substation and crane pad location. The access track would be constructed of a compacted stone base and would remain in place for the lifetime of the site.

7.06 The wind turbine would have a 500 kw output capacity and the electricity generated would be exported to the national grid, where it would be eligible for payment under the feed in tariff payment scheme. It is anticipated that the turbine would generate approximately 1,156MWh per annum, equivalent to the electricity requirements of approximately 271 households.

7.07 The power produced by the turbine would be fed to an on-site substation measuring 5.3 x 3.3 x 3.3 metres high. The appearance of the substation would be agreed by condition if permission was granted. The majority of the cabling would be laid adjacent to the access tracks and a connection would be made to the existing 11kV

network in the area although this has not yet been confirmed as it is subject to separate consents.

7.08 The wind turbine would start operating when the wind speed reaches 3 metres per second and is designed to withstand wind speeds in excess of 60 metres per second. It also has a lightning protection system.

7.09 The construction period is estimated to be 12 – 16 weeks including reinstatement of the working areas. With construction taking place between 07.00 -19.00 Monday to Friday and 08.00 – 18.00 on Saturdays. There would be three types of traffic associated with the construction period; abnormal loads delivering the turbine components; conventional HGV's delivering stone and concrete and ancillary vehicles for workers. It is predicted that there would be 6 (12 with return trips) exceptional loads with a further 2 loads delivering mobile cranes. The route for such vehicles is from the east from the unclassified road linking Llanfynydd to the B5104. In terms of HGV traffic it is estimated there would be;

- 4 (two way) lorry loads of steel
- 76 (two way) lorry loads of concrete
- 70 (two way) loads of stone
- 5 (two way) lorries in relation to the substation construction

7.10 The applicant is proposing to put forward a unilateral undertaking to provide £10,000 towards fuel poverty alleviation initiatives in Flintshire and a further £10,000 to the local community for initiatives to help improve the local community, along with a further £10,000 to Theatre Clwyd.

7.11 The application was accompanied by an Environmental Statement which includes;

- Landscape and Visual Impact Assessment by Bright Associates
- Ecology and Ornithology assessment by Atmos Consulting
- Noise Assessment by Atmos Consulting

During the course of the application a Transport Management Plan was submitted by SBA Transport Planning Specialists and an Aviation Assessment undertaken by Wind Farm Aviation Consultants Ltd. A Cultural Heritage Assessment by Headland Archaeology Ltd was also submitted.

7.12 The planning statement explains the site selection process adopted to identify the application site. This begins with a desk based exercise to

assess technical, environmental and planning issues along with wind speeds. Site visits are then undertaken to verify information on selected sites. This site was identified as a potential site due to;

- Mean annual wind speed
- Site would not adversely or directly affect any statutory landscape designations or nature conservation interests or cultural heritage or archaeological interests
- Site would not adversely affect any civilian or military aviation operations or safeguarding zones
- The site is sufficiently distance from properties in respect of noise impacts
- No shadow flicker impact on residential amenity
- Feasible and economically viable connection to the electricity distribution network
- Transportation routes to the site are suitable for construction traffic
- Landowners are engaged in the project and agricultural activities can continue during the turbines operation

The turbine is sited to capture the maximum energy within the defined environmental and technical constraints.

7.13 Issues

Policy EWP4 of the Adopted Flintshire UDP sets out the criteria for assessing the impacts of wind turbine development. It is considered that the main issues to be taken into account in determination of this application are:-

- i. The principle of development.
- ii. Impact on the character of the landscape.
- iii. Impact on Scheduled Ancient Monuments and Historic Landscapes.
- iv. Impact on Aircraft Safety.
- v. Impact on Residential Amenity.
- vi. Adequacy of access to serve the development.
- vii. Impact on ecology.

7.14 Principle of Development

In terms of national guidance, Planning Policy Wales (PPW) advises that the Assembly Government's aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible maintaining environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production.

7.15 In considering planning applications for renewable energy schemes, the Welsh Government advises that planning authorities should take account of:-

- The contribution a proposal will play in meeting identified national, UK and European targets.
- The wider environmental, social and economic benefits and opportunities from renewable energy and low carbon development.
- The impact on the national heritage, the coast and the historic environment.
- The need to minimise impacts on local communities, to safeguard quality of life for existing and future generations.
- To avoid, mitigate or compensate identified adverse impacts.
- The impacts of climate change on the location, design, build and operation of renewable and low carbon energy development.
- Grid connection issues where renewable (electricity) energy developments are proposed; and
- The capacity of and effects on the transportation network relating to the construction and operation of the proposal.

7.16 Welsh Government also advise that most areas outside strategic search areas within urban locations should remain free of large wind power schemes. It states 'in these areas there is a balance to be struck between the desirability of renewable energy and landscape protection'. Whilst that balance should not result in severe restriction on the development of wind power capacity, there is a case for avoiding a situation where there is a proliferation of turbines across the whole of a county.

7.17 Welsh Government has clear priorities to reduce carbon emissions with one of the ways of delivering this being through the continued development of renewable energy generating projects. TAN8 Renewable Energy included a target of 4 TWh per annum of renewable energy production by 2010 and 7 TWh by 2020. In a letter from the then Minister of Environment and Sustainable Development to Heads of Planning in July 2011 it states that the PPW 2000MW onshore wind target would be achieved by 1700MW coming from within Strategic Search Areas and the remaining 300MW anticipated to come from a combination of development under 25MW, brownfield sites as well as community and local schemes and a contribution from micro-generation. As of 2015 756MW of this target has been developed or consented with a further 963MW in the form of undetermined planning applications. This includes both types of schemes.

- 7.18 Within PPW Figure 12.3 identifies renewable and low carbon energy scales for planning purposes;
- Strategic – over 25MW for onshore wind
 - Local Authority wide – between 5MW and 25 MW for onshore wind
 - Sub Local Authority area – between 50kW and 5MW.
- 7.19 In terms of Local Planning Policy, the Flintshire Unitary Development Plan (UDP) strategy, identifies that sustainable development is a key theme within the plan, in line with PPW. The vision for the plan is ‘to nurture sustainable development capable of improving the quality of life in Flintshire without causing social, economic, resource or environmental harm to existing or future generations’.
- 7.20 The application site lies outside the defined settlement limits within the open countryside. Policy GEN3 sets out the types of development which may be acceptable within the open countryside. Criterion (j) refers to development which is appropriate to the open countryside and where it is essential to have an open countryside location.
- 7.21 Policy STR10 of the UDP provides guidance on the issue of resources and in terms of energy, criterion e advises ‘utilising clean, renewable and sustainable energy generation where environmentally acceptable, in preference to non-renewable energy generation and incorporating energy efficiency and conservation measures in new development.
- 7.22 In addition Policy EWP1 adopts a presumption in favour of renewable energy schemes subject to them meeting the other relevant requirements of the plan.
- 7.23 The detailed guidance on wind turbine development is set out in Policy EWP4 ‘Wind Turbine Development’, which requires proposals to meet a number of criteria including:-
- a) The development is not sited within nor would have a significant adverse impact on, a sensitive area of national or regional environmental, landscape or heritage importance
 - b) The development in conjunction with other wind turbine development will not have a detrimental cumulative impact upon the landscape
 - c) the impact of the development upon agriculture, forestry and recreation and other land uses is minimised to permit existing

uses to continue unhindered

- d) the turbines will be appropriately designed so as to avoid or mitigate against unacceptable environmental impacts including noise, light reflection, shadow flicker and impact on wildlife
- e) Sufficient steps are taken to avoid or where possible to mitigate electro-magnetic interference to any existing transmitting or receiving systems
- f) Where the development of associated ancillary building is required the structures are sensitively designed to enhance the character and quality of the locality and;
- g) Adequate provision has been made in the scheme for the restoration and aftercare of the site on cessation of use.

7.24 It is clear that there is a positive approach taken by Welsh Government to renewable energy having regard to the issue of global warming and climate change. The clear message of both PPW and the Flintshire Unitary Development Plan is that renewable energy proposals should be permitted unless there are unacceptable impacts on landscape, nature conservation and/or residential amenity in relation noise and shadow flicker contrary to the criteria in Policy EWP4 of the UDP.

7.25 There are no planning permissions for large scale wind farms within the county. Permission has been granted for smaller scale turbines 15 – 20Mw in various locations across Flintshire. The only permission for a larger turbine to date is Mold at West Coast Energy's offices. This is for a 35 metre high turbine of 55kw. This permission has recently been renewed and it is not operational.

7.26 Impact on Character & Appearance of Landscape

An Environment Statement (ES) has been submitted as part of this application which includes a Landscape and Visual Impact Assessment (LVIA). This assessed the visual impact of the turbine from 17 viewpoints as agreed with the Council during the Scoping stage of the Environment Impact Assessment. The methodology for the LVIA follows recognised guidance and considers the potential effects of the turbine within a study area of 15km and uses LANDMAP to inform its assessment.

7.27 The Council has commissioned an Independent Landscape Architect to review the submitted LVIA. The landscape architect also reviewed the comments from Wrexham Borough Council. It is considered the methodology is clearly explained and based on the correct guidelines. A detailed assessment on residential properties within 1km and a sequential assessment from local roads within 2km has been undertaken.

- 7.28 The site lies within open countryside outside any designated landscapes. The *Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)* is to the south west and north west of the proposed turbine location. The site and its environs are situated within the Clwydian Range (NCA12) Landscape Character Area as defined in the Landscape Character Map for Wales (CCW). This type is noted as *“a distinctive, generally rounded and heather clad open hills, intervening vales and contrasting rocky limestone hills on some fringe areas. Gentle to moderate slopes define the eastern side of the area towards Deeside, while steeper slopes, outcrops and cliffs characterise the western and southern sides. Land cover includes improved hill sheep grazing and lowland pasture, interspersed sporadically with areas of arable cultivation. A relatively sparse settlement pattern confined to compact nucleated hamlets and isolated farmsteads. Crossed by a number of arterial ‘A’ roads, the presence of the A55 across the northern part of the area is the most apparent.”*
- 7.29 The site is located within the (FLNTVS006) Visual and Sensory Aspect Area (Level 3). LANDMAP describes this aspect areas as *“Ridge-open upland ridges with a smooth profile and mixture of semi-natural moorland, rough grassland and large sized improved grassland fields, with the steeper edges covered in woodland and scrub.”* LANDMAP software evaluates this Aspect Area as the following “Scenic Quality – Moderate, Integrity- Low; Character- Moderate; Rarity- Moderate; Overall Evaluation – Moderate area of local landscape value.
- 7.30 Landscape character has been assessed using the above LANDMAP Visual and Sensory Aspect Areas for Close Range impacts (2-6km) and National Character Areas for Medium-range (2-6km) and Long range (6-15 km. The LVIA concludes that the effects on landscape character in close range to be ‘Moderate’ in effect and this will reduce as the distance increases. Beyond the close range at a medium range and long range the effects would be Minor for Clwydian Range (NCA12) and ‘Negligible’ for the remainder National Character Areas. There is no overriding substantial effect on the overall landscape character and the effects will be within a localised area. Therefore at medium and long range there will be almost no effect on landscape character types. It also concludes that there would be no significant effects upon Parks and Gardens of Historic Interest and overall only a ‘Minor effect’ upon Designated Landscapes.
- 7.31 The Landscape Architect commissioned by the Council felt that the LVIA was largely robust and that the

effects on landscape character will be 'moderate' at close range, 'minor' at 'medium' range and 'minor' to 'negligible' at long range with the effects on designated landscapes 'minor'. The visual effects will be 'moderate' to 'major' at close range, 'moderate' or 'minor' to 'moderate' at medium range and 'minor' to 'negligible' at long range. Cumulative effects are likely to be 'negligible'. Although there will be some 'minor' to 'moderate' effects from limited parts of the AONB at medium range to the south and south west, this should not adversely affect its special qualities. Effects can be 'adverse', 'neutral' or 'beneficial' and the assessment has concluded that effects can be 'neutral' and not necessarily adverse on landscape character and visual amenity. This is a matter for professional judgement and it is also relevant that as the life expectancy is for 25 years and any effects are reversible following decommissioning.

- 7.33 The Landscape Architect commissioned by the Council considers that the proposals would introduce a new vertical element characterised by moving blades into the landscape resulting in a direct effect on character and visual amenity at close range. The location and siting on rising ground is acceptable and it was considered that a turbine of this size would be in scale with the setting of rolling topography, regular field pattern and distinctive woodland blocks. She also agreed with the conclusion of the LVIA that the development can be accommodated within this landscape setting.
- 7.34 NRW state that the proposal will impact on the character and quality of the landscape in the locality and will affect views in the boundary area of the AONB, which lies approximately 2.3km to the south west (relative location estimated from Environmental Statement Figure 1.2 dated 15/07/13).
- 7.35 Although this effect will include views into and out of the Clwydian Range and Dee Valley AONB, NRW are of the opinion that this will not result in a substantial impact upon the AONB itself.
- 7.36 There are concern in terms of the micro – siting of the turbine, access tracks and other associated development by 30 metres. These were raised by the Council's appointed Landscape Architect. Although it is accepted that some flexibility is required due to ground conditions, 30 metres could alter the effects from the close viewpoints, footpaths and dwellings, however it is unlikely to alter the overall results of the assessment. If permission was granted it would be considered necessary to reduce this micro-siting to 5 metres.

- 7.37 Impact on the Setting of Scheduled Ancient Monuments and Historic Landscapes
Consultation on the application has been undertaken with Cadw and CPAT in order to assess the likely impacts of development upon Scheduled Ancient Monuments and Historic Landscapes, Parks and Gardens in the area.
- 7.38 The proposed development is located in the vicinity of the following scheduled ancient monuments known as;
- DE056: Maes Maelor Round Barrow
 - DE109: Offa's Dyke: Brymbo Hill Section
 - DE110: Offa's Dyke: Section S from Cae Llewellyn
 - DE113: Offa's Dyke: Vron Farm Section
 - DE169: Cas-Gan-Ditw Round Barrow
 - DE196: Esclusham Mountain Cairn, Minera
 - DE222: Offa's Dyke: Mountain View Section
 - FL021: Offa's Dyke: Section extending 447m from Coerd Talon Banks
 - FL022: Offa's Dyke: Section extending 117m NW of Church
 - FL194: Nercwys Mountain Cairn
 - FL205: Pentre round barrow
 - FL206: Pen-y-stryt round barrow
 - FL207: Carreg – y – Llech standing stone
 - FL208: Bryntirion round barrow
- 7.39 The nearest monuments being located approximately 2.5km from the turbine and varying degrees of screening offered by intervening topography, vegetation and buildings. The immediate setting of the scheduled section of Offa's Dyke is the road which follows the course of Offa's Dyke with extensive screening in the form of existing woodland and buildings. The magnitude of the impact on the above listed monuments can be considered to range from negligible to slight and the development will not have a significant impact on the settings of the listed monuments. CPAT have no objections to the development. There are no direct impacts arising from the construction of a turbine in this location. Indirect impacts are confined to a negligible degree of harm to the significance of the non-designated prehistoric cairns on Pen Llan Y Gwr, which lie 1.17km to the southeast.
- 7.40 CADW were specifically asked about the impact of transporting the component parts of the turbine in the form of abnormal loads along the existing public roads occupying the line of Offa's Dyke following concerns raised by third parties. Cadw consider that abnormal loads are likely to be few in number and any surviving underlying archaeology being sealed under present road surface. Any significant

damage to the archaeology of the Dyke will have occurred when the road was first formalised and metalled effectively removing the upper layers of the monument.

- 7.41 A Cultural Heritage Assessment was also submitted during the course of the application. This assesses the impact of the turbine on historic assets within 5km. This includes World Heritage Sites, Scheduled Monuments, Listed Buildings, Conservation Areas, Registered Parks and Gardens and Landscapes and Undesignated historic assets. Within 2km of the application are three Listed Buildings, one Scheduled Monument and one Conservation area.
- 7.42 The Scheduled monument is Pentre Round Barrow and lies 2.5 km from the turbine location and 1.8km from the nearest part of the access track. The Listed buildings are all Grade II and comprise a chapel and former school room in Treuddyn village and a house southwest of the turbine. The Conservation area is in Treuddyn village. Within 5 km there is 1 Grade I Listed Buildings, 8 Grade II* Listed Buildings, 81 Grade II Listed Buildings, 29 Scheduled Monument and one Conservation area. There are also 5 registered parks and gardens.
- 7.43 The predicted effects on these assets is assessed in detail in the report. There are some indirect impacts to the settings of some assets which have long range views. It is not considered that this would affect the significance of the majority of the assets. A negligible degree of harm is identified to the significance of a group of non-designed assets at Pen-llan-y-gwr (a prehistoric settlement and cairns which lie 1.17km south east of the turbines location. The visual change in the setting of these assets will persist of the life time of the development and would be reversed on de-commissioning.
- 7.44 Impact on Aircraft Safety
Consultation on the application has been undertaken with both Hawarden and Liverpool John Lennon Airports (LJLA) and the Ministry of Defence, in order to assess whether the development has the potential to create a physical obstruction to air traffic movements and/or cause interference to air traffic control and radar installations.
- 7.45 The turbine is located within the 'critical operational area' where no new developments are allowed. The area is under the extended runway centreline for the approach to runway 04 and has an array of traffic including fast jets, transport aircraft, gliders and numerous general aviation operations in what is an uncontrolled airspace.
- 7.46 Hawarden Aerodrome/Airbus object to the development on the grounds that the turbine would compromise flight safety and safe aircraft operations to and from Hawarden aerodrome. They consider

that the proposed turbine infringes the 04 approach slope by 215.99m and the 22 take off and climb slope by 125.03m. The outer horizontal surface is also infringed by 220.46m AOD. These protected surfaces as required by the CAA regulations are critical for the safe operations at an aerodrome and need to be protected from any new infringements in order to comply and maintain the current aerodrome license.

- 7.47 In terms of the radar impacts while Hawarden Aerodrome/Airbus consider these to be marginal, some residual risk remains given the proximity of the turbine to the blocking point and its location beneath the extended centreline of the runway. Hawarden Aerodrome/Airbus requested a further risk assessment to be undertaken by a radar specialist at the developers expense to confirm that there will be no detection of the turbine which could compromise operations. This was undertaken however Airbus remained concerned that there was no factual evidence to prove that there will be no radar impact. Following the submission of this report Hawarden Aerodrome/Airbus accepted that there would be no impact on the instrument landing system (ILS), however there is concern for non-instrument traffic using the aerodrome.
- 7.48 The Civil Aviation Authority (CAA) have been involved in prolonged discussions between the applicant and Hawarden Aerodrome/Airbus as a mediator. The CAA support the view of Hawarden aerodrome and the operator and competent authority in safeguarding their aerodrome.
- 7.49 The CAA considered the issue against existing International Civil Aviation Organisation global standards (as published in Annex 14 to the Chicago Convention), UK policy published in Civil Aviation Authority Publication (CAP) 168 "Licensing of Aerodromes" and the Aerodrome Regulations (EC Reg No 139/2014) and associated Acceptable Means of Compliance and Certification Specifications, published by the European Aviation Safety Agency to which Hawarden Aerodrome are likely to transition to over the next 12 months. In respect of safeguarding, the turbine has been proposed for location in the approach and take-off funnels of Hawarden Airport. The turbine represents a further infringement of the approach and take-off climb surfaces, which are already significantly infringed by high ground.
- 7.50 ICAO Annex 14 Chapter 4 paragraph 4.2.3 states that "New objects or additions to existing objects shall not extend above an approach surface, above a transitional surface or above a take-off climb surface, except when, in the opinion of the appropriate authority, the new object or extension would be shielded by an existing immovable object.
- 7.51 Similarly CAP 168 states that "New objects or additions to existing objects shall not extend above an approach surface, above a transitional surface or above a take-off climb surface, except when in the opinion of the CAA the

new object or addition would be shielded by an existing immovable object" whilst EASA Certification Specifications Aerodrome Design Issue 2 reference CS ADR-DSN.J.480 Precision approach runways sub-paragraph (f) states that new objects or extensions of existing objects should not be permitted above an approach surface or a transitional surface except when the new object or extension would be shielded by an existing immovable object.

- 7.52 The CAA has conducted a formal shielding assessment to assess the degree to which current terrain and other obstacles in a straight line direction between the airport and the proposed location/tip of the turbine would already screen the turbine in accordance with published specifications. The outcome of the assessment is that the turbine cannot be considered to be shielded by existing terrain/obstacles. Effectively the proposed turbine would sit on the highest ground in a direct direction from the aerodrome out to the limit of the approach surface, which is 15km beyond the point that is a distance of 60 m before the landing threshold.
- 7.53 In respect of flight procedures, the existing Instrument Approach Procedures are not affected. For departures Hawarden does not have Standard Instrument Departures (SIDs). They only have "Procedures for Aircraft departing Hawarden to join the Airways System" and these are not obstacle assessed. Accordingly, the CAA has not made any safeguarding assessment of them. In respect of aircraft operations, Hawarden Aerodrome/Airbus is presently developing its A330 aircraft, modified to carry aircraft parts and oversized cargo, which is planned to operate at Hawarden. At the time of writing the performance requirements for the A330 Beluga are not known and it is not likely to fly until 2018.
- 7.54 In respect of air traffic services, the turbine is not within controlled airspace but no significant adverse impact on air traffic services is anticipated that affects operations; it is an obstacle for aircraft operating in the area - similar obstacles exist across the country that Visual Flight Rules aircraft have to avoid. There is not likely to be a significant impact on surveillance radar that affects operations and the turbine does not impact on the Instrument Landing System signal.
- 7.55 In summary, the CAA considers that since the proposed turbine infringes the approach and take-off climb slopes and, following our assessment that it is not shielded, this goes against international standards and certification specifications as well as UK CAA policy. Since this advice was issued a further shielding assessment was undertaken by the CAA and concluded that the turbine would not be shielded. However the CAA do state that the wind turbine should not adversely impact upon the airport and would not affect its continuing certification under the relevant regulations.
- 7.56 NATS (National Air Traffic Control Services) Safeguarding have advised that the proposed development has been examined by their technical and

operational safeguarding team and a site specific assessment was undertaken. Although the proposed development is likely to impact upon our electronic infrastructure no objection is raised.

7.57 Impact on Residential Amenity

A noise assessment has been submitted as part of the application to determine the operational noise impact of the proposed 500 kw turbine. The principles and guidelines for the environmental assessment of wind turbine related noise, are given in the report entitled ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms which is based on the findings of a working Group on Noise from Wind Turbines. This is referred to in TAN 8 'Renewable Energy'.

7.58 The noise assessment identifies all properties within a 1km radius of the proposed turbine location. There are no properties within 500 metres of the turbine. Of these 9 Noise Sensitive Receptors (NSR's) were identified. These are properties which are sensitive to noise and therefore require protection from nearby noise sources. Consequently noise levels throughout the assessment are calculated where appropriate to the closest garden boundary rather than the façade of the building in order to ensure protection of existing amenity of residential garden areas. Noise during both construction and operation was assessed.

7.59 The calculated construction noise levels for the proposed turbine are below the daytime 65db LAeq noise limit and the 55dB LAq evening and weekend noise limit at all NSR's.

7.60 The calculated operational noise assessment was undertaken in accordance with the above ETSU-R-97 Guidance. The noise modelling defines a 35dB LA90 noise contour surrounding the proposed turbine. Any NSR's located within and on the edge of this contour are then identified as the nearest NSR's and require a detailed assessment under the ETSU-R-97 to be undertaken. The detailed assessment requires background noise level monitoring, the results of which are used to derive the operational noise level limits for each NSR. If there are no NSR' identified within the noise contour, no further assessment is required. The noise levels at each NSR are presented within the Noise Assessment based on the worst case scenario of wind direction. These are all predicted to be below the 35dB LA90 noise level at between 26.5dB and 29.8dB LA90. If the turbine specification changed then further noise assessments would be required to be carried out. Public Protection agree with the findings of the noise assessment and advise the imposition of conditions to control any potential noise impacts.

7.61 Shadow Flicker

Shadow flicker can arise from the passing of the moving shadow of the

turbine rotor over a narrow opening such as the window of a nearby residence. To experience shadow flicker a property must be within ten rotor diameters of a turbine. In this case of this turbine that would be 540m of the turbine. At a distance beyond that, the blades do not cover the sun but only partially mask it, substantially weakening the shadow. The nearest third party property is Gwernto Farm at 670 metres away. It is not considered that shadow flicker would occur at this property.

7.62 The Public Protection Manager has also considered this aspect of the proposed development and raises no objection given the distances involved.

7.63 Adequacy of Highways

The turbine is broken down into components for transportation to the site and will form Abnormal Indivisible Loads (AIL's). The impact of transportation of these components on the existing highway network is of particular importance given the potential conflict with existing traffic movements on single carriageway roads in the vicinity of the site. There will also be other associated traffic from contractors on the site.

7.64 A Transport Management Plan was submitted by the applicant's agent as part of the application process. A turbine of this size is generally delivered in up to 6 abnormal deliveries (12 return trips). In addition to the turbine components a mobile crane with a capacity of up to 400 tonnes would be required to offload the components along with a smaller crane to allow the assembly of the main crane. The decommissioning would require a similar number of abnormal loads. The construction programme and therefore traffic associated with its contractors is anticipated to last 2 - 3 months. In addition to the AIL there would be deliveries of steel, concrete and stone as outlined above. 10 vehicles a day are anticipated for staff vehicles once the delivery of the construction materials has been completed. Once operational the traffic will be limited to one vehicle movement every fortnight for general maintenance during its 25 year operational lifetime.

7.65 The abnormal load route of has been indicated within the Transport Management Plan and would access the site from Ellesmere Port on the M53, along the A55 and A483, via the A525 on the B5430, then on to the A5104, then the B5101 and the unclassified road network. This is a total of 35 miles.

7.66 Highways have no objections with the proposed abnormal loads or other traffic generated from the site operations. They suggested a number of conditions related to the abnormal loads along with parking requirements for construction vehicles.

7.67 Ecological Impacts

Although the site does not form part of a statutory European designated wildlife site, the impact of the development on any European Protected

Species which may be present is required to be undertaken. Both Natural Resources Wales (NRW) and the County Ecologist have considered the impact of development particularly on existing bat roosts a number of which are located in proximity to the application site.

- 7.68 The Environmental Statement has a chapter covering ecological and ornithological impacts. This assesses the impact of the turbine on both habitats and protected species.
- 7.69 NRW are generally satisfied with methods and detail of the ecological surveys undertaken for the project. The report states that the project is unlikely to cause detriment to the favourable conservation status of any protected species. NRW agrees with this providing:
- Mitigation stated within the report is implemented.
 - Reasonable Avoidance Measures are implemented and adhered to.
- 7.70 Great crested newts (GCN) are present within 500m of parts of the project. Given the limited nature of the works within 500m, and habitat separating working areas and populations of GCN, NRW are of the opinion that the impact upon this species will not be significant. Also, combined with the proposed mitigation and Reasonable Avoidance Measures, NRW considers that the project will not be detrimental to the favourable conservation status of the species.
- 7.70 The development lies approximately: 2.3km away from the Berwyn a Mynyddoedd De Clwyd SAC and the Llandegla Moor SSSI; 2.5km from the Coed Talon Marsh SSSI and 2.8km from the Ruabon/Llantysilio Mountains and Minera SSSI. Such sites are protected under the Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 7.71 These sites are notified for their ecologically sensitive / outstanding features. Due to the distance of the proposals from these protected sites, there is no pathway for the project to impact upon most of these features. The ecological assessments undertaken also show that mobile avian features of these sites are unlikely to be adversely affected by the development. Therefore NRW consider it unlikely that this project will have a significant impact upon these protected sites.
- 7.72 NRW are of the opinion that this project is unlikely to have a substantial impact upon the Clwydian Range and Dee Valley AONB and will not result in significant impacts upon any protected sites, species or flood zones. Therefore NRW do not object to the proposals.
- 7.73 The impact on bats has been considered in detail through an interpretation

of existing records and a habitat and roost assessment of the site and surrounding area. Whilst some of the trees and buildings have features which are potentially suitable for bat roosts no further surveys were undertaken due to the distance from the proposed turbine at over 600-700m north west and the limited connectivity. The Council's Ecologist and NRW are satisfied with the methodology and proposed recommendations.

8.00 CONCLUSION

- 8.01 It is acknowledged that current national and local planning guidance encourages the use of renewable energy technologies. However the need to meet the wider environmental, social and economic benefits and opportunities for renewable energy does not outweigh the harm caused to flight safety and safe aircraft operations to and from Hawarden aerodrome and therefore the application should be refused.

Other Considerations

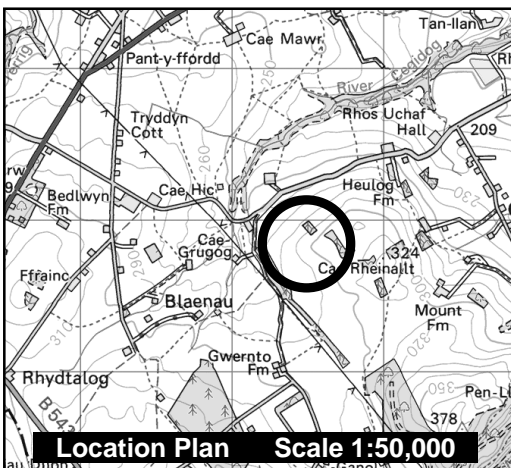
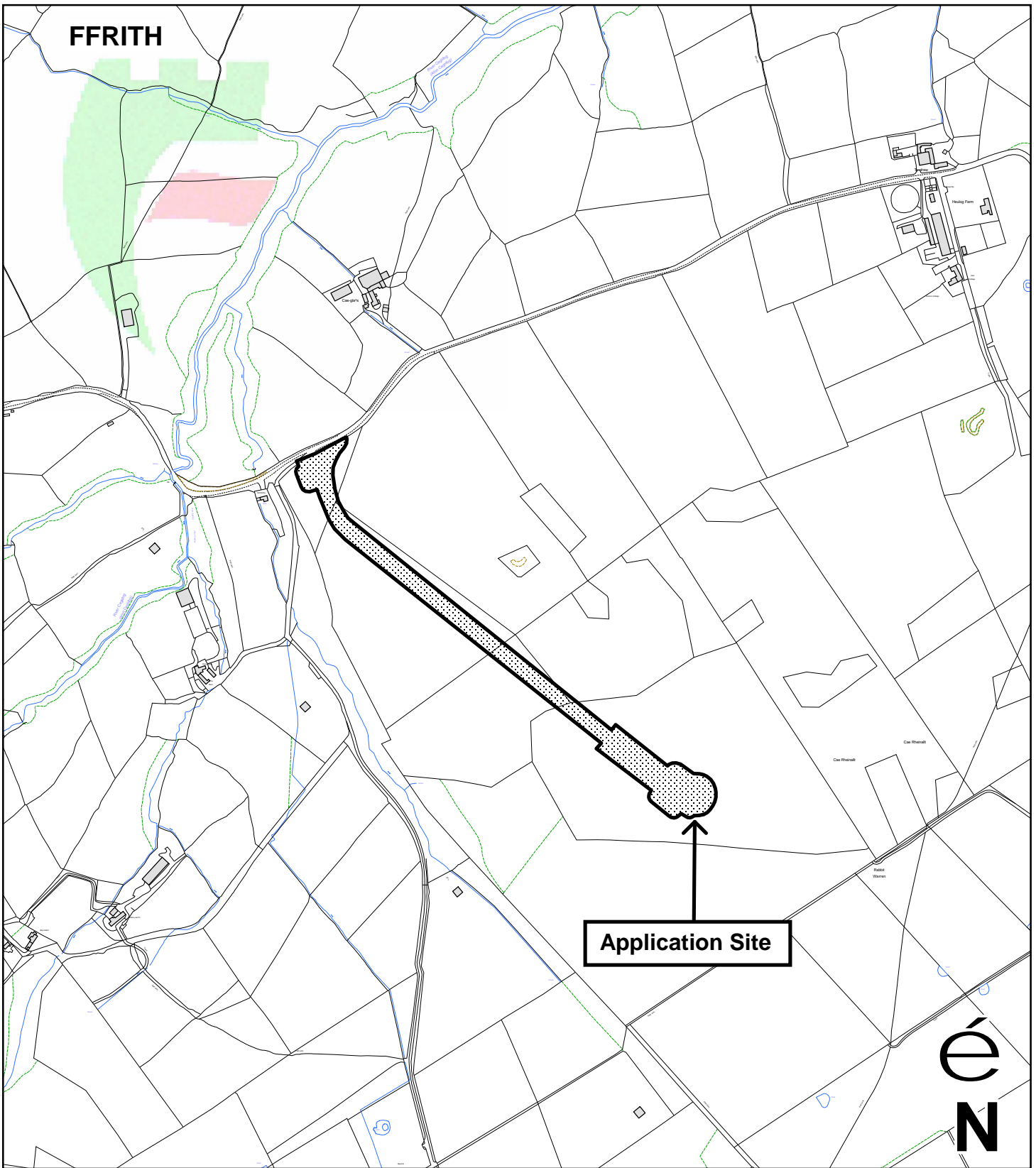
The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

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



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 Licence number: 100023386.
 Flintshire County Council, 2015.

Map Scale 1:7500

OS Map ref SJ 2555

Planning Application **51143**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH OCTOBER 2016**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 3 NO. TWO BED AFFORDABLE HOUSES AT LLYN Y MAWN INN, BRYNFORD.**

APPLICATION NUMBER: **054523**

APPLICANT: **MR R PIERCE**

SITE: **LLYN Y MAWN INN, BRYNFORD.**

APPLICATION VALID DATE: **16.11.15**

LOCAL MEMBERS: **COUNCILLOR M WRIGHT**

TOWN/COMMUNITY COUNCIL: **BRYNFORD**

REASON FOR COMMITTEE: **S106 FOR AFFORDABLE HOUSING**

SITE VISIT: **NO**

1.00 SUMMARY

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

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

2.01 The applicant entering into a S106 agreement/unilateral undertaking or earlier payment for the following contributions;

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

1. Time Commencement.
2. Plans.
3. Surface water, Foul drainage and Land drainage.
4. Materials.
5. Finished floor levels.
6. Provision and retention of parking spaces.
7. Enhanced glazing solutions, including provision for mechanical ventilation for the bedrooms facing the A55.
8. Land contamination assessment.

3.00 CONSULTATIONS

3.01 Councillor M Wright
No response received.

Brynford Community Council

No objections subject to the provision of £733 per unit for enhancement of open space for improvements to Brynford Village Green.

Highways Development Control Manager

No objection subject to a condition requiring parking facilities to be provided and retained.

Public Protection Manager

No objections in principle. However the site is in an area of known historical lead mining. A land contamination investigation is therefore required by condition.

In addition the site is adjacent to the A55 and as such is subject to traffic noise. A Noise Assessment has been undertaken, which confirms that the noise levels at the site are significant and would put the site in Category B NEC TAN 11 for day time and Category C for night time. While Category C means planning permission should not be granted for noise sensitive developments this can be mitigated in certain situations. In this instance it is considered that mitigation can be

achieved to make the noise levels for both the external courtyard and internal living rooms and bedrooms to be within adequate levels.

It is advised that a condition is imposed to secure the proposed enhanced glazing solutions, including provision for mechanical ventilation for the bedrooms facing the A55.

Welsh Water/Dwr Cymru

There is a foul sewer in the area however landowners consent would be required to connect into it, however a private system is proposed for foul sewerage and the surface water is to be dealt with by soakaway therefore they have no comments to make.

Natural Resources Wales

No objection.

Welsh Government Highways

Requested a noise assessment be carried out. Following the noise assessment a direction is not issued in respect of this application.

Play Unit

A contribution of £733 per unit in lieu of on-site provision towards improvements at Brynford Village Green.

Housing Strategy

The need on the Grwp Cynefin register shows 5 applicants on the affordable housing register. Three applications are registered for shared ownership requesting 2 bedroom properties and 2 registered an interest in affordable rent requesting 1 bedroom and 2 bedroom properties.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

1 objection on the grounds of;

- Loss of privacy, overlooking to back garden
- Habitable rooms overlooking property
- Noise associated with increased number of residential properties
- Overdevelopment – 4 properties in Llyn y Mawn already
- Traffic to and from the site and parking could lead to pedestrian safety
- Style and type of dwellings are out of character with the area, all detached properties no terraced

5.00 SITE HISTORY

5.01 051656 - Approval of details reserved by condition nos. 3 (landscaping scheme) and 5 (parking and turning of vehicles)

attached to planning permission ref: 49641 Approved 18.02.14

049641 - Conversion of former public house with associated living accommodation to four dwellings of which three are for affordable rental housing Approved subject to legal agreement 29.08.13

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy STR1 – New Development
Policy STR4 – Housing
Policy GEN1 – General Requirements for Development
Policy GEN2 – Development Inside Settlement Boundaries
Policy D1 – Design Quality, Location and Layout
Policy D2 – Design
Policy D3 – Landscaping
Policy HSG3 – Housing on unallocated Sites Within Settlement Boundaries
Policy AC13 – Access and Traffic Impact
Policy AC18 – Parking Provision and New Development
EWP12 – Pollution
EWP13 – Nuisance
EWP16 – Water Resources

It is considered that the application complies with the above policies.

7.00 PLANNING APPRAISAL

- 7.01 Introduction
This is an application for the erection of three 2 bedroom affordable dwellings at land to the rear of the Llyn y Mawn public House in Brynford.
- 7.02 Site Description
The site is located to the rear of the former Llyn y Mawn public house which has been converted into 4 apartments. To the north is agricultural land. To the west of the site is the dwelling Hafan y Mor which overlooks the Llyn y Mawn at first floor with dormer windows. To the east is an agricultural shed and access and then the A55 expressway which is at a higher level. Access to the site is to the east of the Llyn y Mawn.
- 7.03 Proposed Development
It is proposed to erect a terrace of three two storey 2 bedroom properties. The dwellings are render with a tiled roof. The existing access would be used with 2 parking spaces for each dwelling located at the front of each plot. The dwellings would be orientated east to west. The site would be served by a private treatment plant for the foul sewerage.

7.04 Issues

Principle of Development

The application site is within the settlement boundary of Brynford which is a Category C settlement within the Adopted UDP. Policy HSG3 requires that all development within a Category C settlement should be for a proven local need and cumulatively does not result in over 10% growth since 2000. As of April 2015 the growth for Brynford was 6.7%. Although the growth rates are now not relevant as we are outside the timeframe of the UDP, the local need requirement is still relevant in order to control growth in smaller villages. An assessment of whether the settlement could accommodate an additional 3 dwellings in terms of the impact on services and sustainability is also required.

7.05 The dwellings are proposed to be for affordable ownership. A S106 agreement would be required to ensure that the dwellings are sold at 70% market discount.

7.06 Local housing need is a fluid situation and has changed over the course of the pre-application and application timeframe. There are currently 5 applicants on the affordable housing register. 3 for shared ownership for 2 bedroom properties and 2 for affordable rent for 1 bedroom and 2 bedroom properties. It is therefore considered that there is a need for discount market houses as proposed.

7.07 The Llyn y Mawn has been converted into 4 dwellings, 3 of which are for affordable rent and are fully occupied. This is controlled by the S106 agreement. It is considered that it would be appropriate for the S106 agreement to refer to both types of tenure as the register shows the need for both and in order to allow for any changes in the nature of the requirements on the register.

7.08 Impact on residential Amenity and Space Around Dwellings

The proposed dwellings are to the rear of the Llyn y Mawn which has been converted to residential use and adjacent to Hafan y Fron. The dwellings are sited so that the principle elevations face north east and south west. The elevation which faces the Llyn y Mawn is therefore a blank gable end. The Llyn y Mawn is single and two storey. The separation distances are in excess of 12 metres. This element of the Llyn y Mawn is also single storey. The remainder of the Llyn y Mawn units would overlook the parking areas.

7.09 The dwelling of Hafan y Fron has first floor dormers which overlook the Llyn y Mawn and the application site. Due to the location of this dwelling however there would be no direct overlooking from habitable rooms to habitable rooms. The gardens of the proposed dwellings are sloping up to the boundary fence with the adjacent dwelling.

7.10 Noise

The site is adjacent to the A55 expressway. A Noise Assessment was undertaken as part of the planning application at the request of Welsh Government Highways. This has been assessed by both Welsh Government and Public Protection.

7.11 This confirms that the noise levels at the site are significant and would put the site in TAN 11 Category B NEC for day time and Category C for night time. While Category C means planning permission should not be granted for noise sensitive developments this can be mitigated in certain situations. In this instance it is considered that mitigation can be achieved to make the noise levels for both the external courtyard and internal living rooms and bedrooms to be within adequate levels. This would be through the requirement for enhanced double glazing.

7.12 It is advised that a condition is imposed to secure the proposed enhanced glazing solutions, including provision for mechanical ventilation for the bedrooms facing the A55.

8.00 CONCLUSION

8.01 It is considered that there is an identified local need for the proposed 3 dwellings. The affordability of the dwellings can be secured by legal agreement. It is considered that the siting of the dwellings would not have a detrimental impact on the amenity of surrounding occupiers.

Other Considerations

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

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

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

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

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

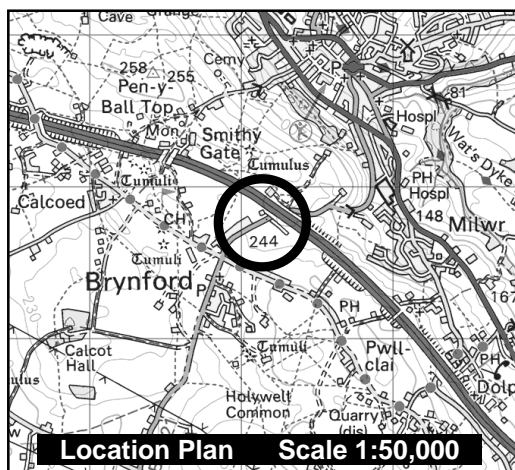
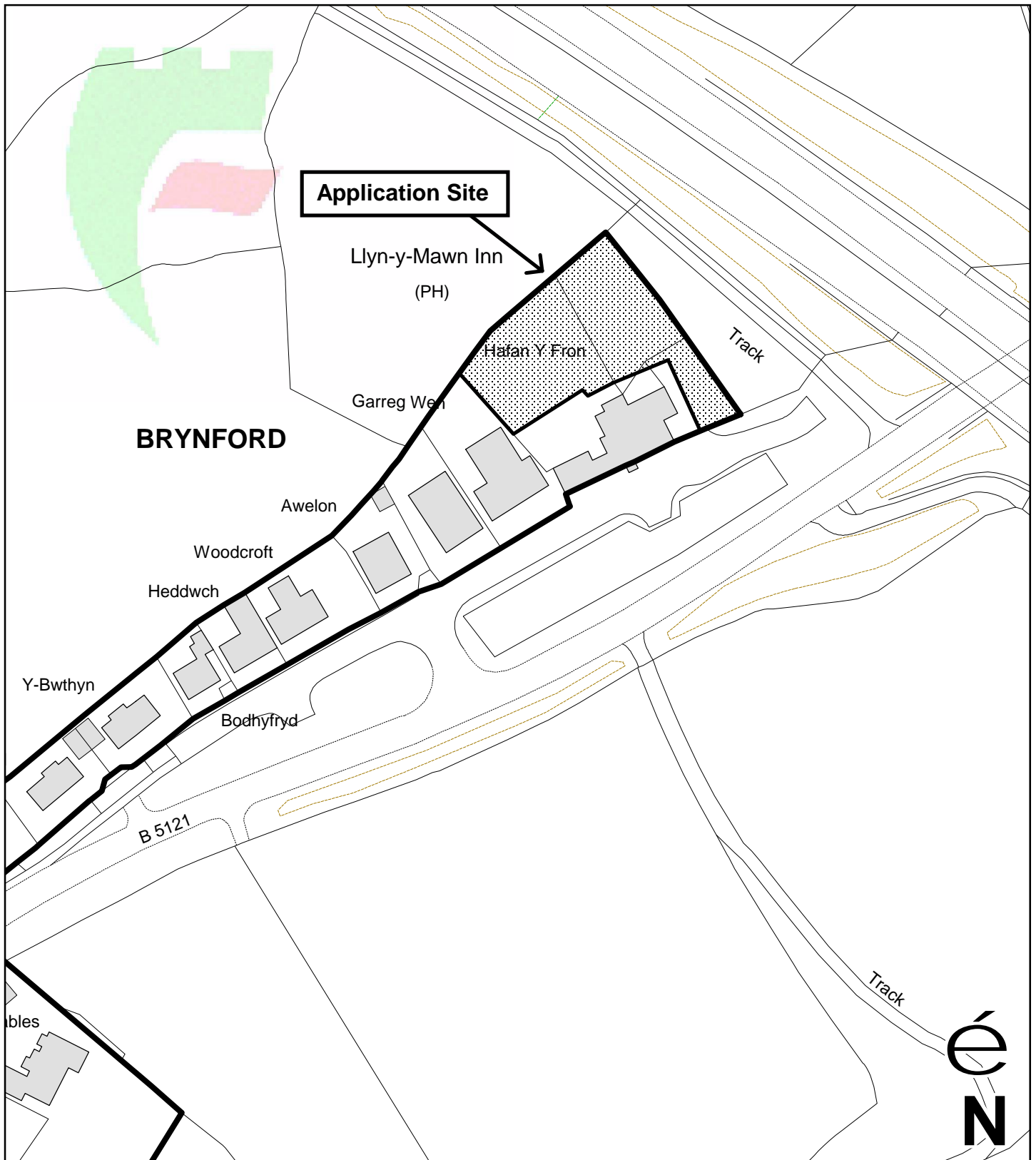
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2016.

Map Scale	1:1250
OS Map ref	SJ 1874
Planning Application	54523

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH OCTOBER 2016**

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

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

APPLICATION NUMBER: **055579**

APPLICANT: **LIMELIGHT**

SITE: **24 THE BRACKENS, BUCKLEY**

APPLICATION VALID DATE: **8th JULY 2016**

LOCAL MEMBERS: **COUNCILLOR N PHILLIPS OBE**
COUNCILLOR R HAMPSON

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

REASON FOR COMMITTEE: **THE COUNCILLORS ARE CONCERNED THAT THE MULTIPLE OCCUPATION IS OUT OF KEEPING WITH THE SURROUNDING AREA AND THAT THERE IS ADEQUATE PROVISION FOR SINGLE OCCUPATION IN THE NEARBY AREA.**

SITE VISIT: **YES. THE COUNCILLORS HAS REQUESTED IN ORDER TO EXPLAIN SOME OF THE CONCERNS OF LOCAL RESIDENTS**

1.00 SUMMARY

- 1.01 This is a full application made in retrospect for the change of use of a 6 bedroom dwellinghouse to a 7 bedroom house of multiple occupation.

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

- 2.01
1. Time Limit on Commencement
 2. In accordance with approved plans
 3. Within 3 months of permission submission of parking plan for approval.
 4. Within 3 months of permission submission of means of site access for approval.
 5. Boundary wall and planting height restriction on boundary
 6. Within 3 months a Travel Plan to be submitted including details of sustainable travel options to be promoted.
 7. Within 3 months details of secure bicycle storage to be approved and provided.

3.00 CONSULTATIONS

3.01 Local Member
Councillor Ron Hampson

- Requests that application be referred to planning committee as the multi occupation is out of keeping with the surrounding area. Also there is adequate for single occupation in the nearby area.

Buckley Town Council
No observations

Head of Assets and Transportation

- Noted that there is an issue with parked cars obstructing highway, notes no supporting information demonstrating that occupier would not be reliant on car ownership.
- Scope within application site to provide additional parking facilities.

Head of Public Protection

- This property will need to be registered with Rent Smart Wales under the Housing (Wales) Act 2014. (As of 23rd November 2015).
- The person managing this property will need to have a Licence to do so via Rent Smart Wales under the Housing (Wales) Act 2014. (As of 23rd November 2015).
- This property will need to comply with the Standards for Houses in Multiple Occupation from Flintshire County Council, The Management of Houses in Multiple Occupation Regulations 2006 and the Housing Health and Safety Rating System.

Welsh Water/Dwr Cymru

- Requests that advisory notes added to any permission.

4.00 PUBLICITY

4.01 Neighbour Notification

5 letters of objection, the objections made are as follows:

- Development not in keeping with area (residential area for families).
- Anti-social behaviour and nuisance from residents of HMO.
- Parking issues and specifically make it problematic for emergency vehicles.
- Increased traffic leading to road safety issues.
- In close vicinity to site is property used by vulnerable people with special needs.
- Concerned that restrictions on numbers has not been monitored leading to over occupancy.

5.00 SITE HISTORY

5.01 015932

Erection of a dwelling
Permitted 5/6/1990

31072

Extension to provide two bedrooms and utility room
Permitted 4/5/2000

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

AC18 - Parking Provision and New Development

7.00 PLANNING APPRAISAL

7.01 Proposal

7.02 The proposal, which has been made in retrospect, is for the change of use of an existing 6 bedroom dwellinghouse into a 7 bedroom House of Multiple Occupation.

7.03 The proposed conversion changes one room at ground floor level to a bedroom. In other respects the layout of the house remains the same.

- 7.04 The site is located within the settlement boundary for Buckley as shown in the Flintshire Unitary Development Plan. It is located on a residential cul de sac characterised by large detached private dwellings.
- 7.05 Main Issues
- 7.06 The main issues are considered to be the impact of the development upon the character of the area and neighbouring amenity, and upon parking.
- 7.07 Impacts on local character and amenity
- 7.08 The lawful use of the building is a large private dwellinghouse. The proposed use is a residential use that operates at a level of intensity only slightly increased to that which might reasonably be the case if it remained a private dwelling.
- 7.09 Given that the proposed use is a residential use and the locality is a residential area it is not considered that in planning terms the proposed use would represent an unacceptable form of development in this location.
- 7.10 Unitary Development Plan Policy STR4- Housing calls for the provision of a range of housing, where there is a demonstrable need. This retrospective development has been fully occupied and it seems clear that there is a demand for this type of housing option within the local area.
- 7.11 Whilst it is acknowledged that issues may have arisen as a result of the actions of individual residents, including anti-social or criminal behaviour, these are not issues that are material to planning as these are not issues that are inevitable to this form of development.
- 7.12 The dwellinghouse is largely unaltered and retains its amenity space and separation distances from neighbouring houses. It is not considered that any unacceptable impacts upon amenity are likely to arise as a result of this development.
- 7.13 Parking
- 7.14 The dwelling has an integral garage and a large parking area to the front. Complaints have been made regarding the increase of on-street parking. I do not consider that this is a matter that can be controlled by planning means as adequate parking exists on site.
- 7.15 In order to safeguard parking within the site I suggest the imposition of a condition requiring the submission of a parking plan and the future adherence to that plan, to ensure that the parking provision that is currently available is retained in perpetuity.

8.00 CONCLUSION

8.01 The proposal represents a residential use in a residential area. The dwelling is large and detached and has sufficient amenity space around it to ensure that any impacts from the development are minimal. Parking provision is adequate within the site. As such I recommend that the proposal is acceptable and should be approved.

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.

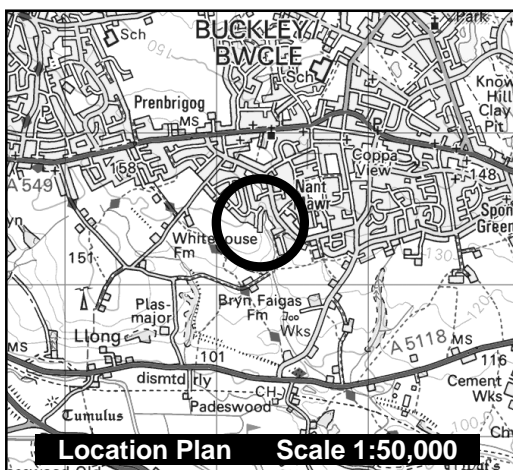
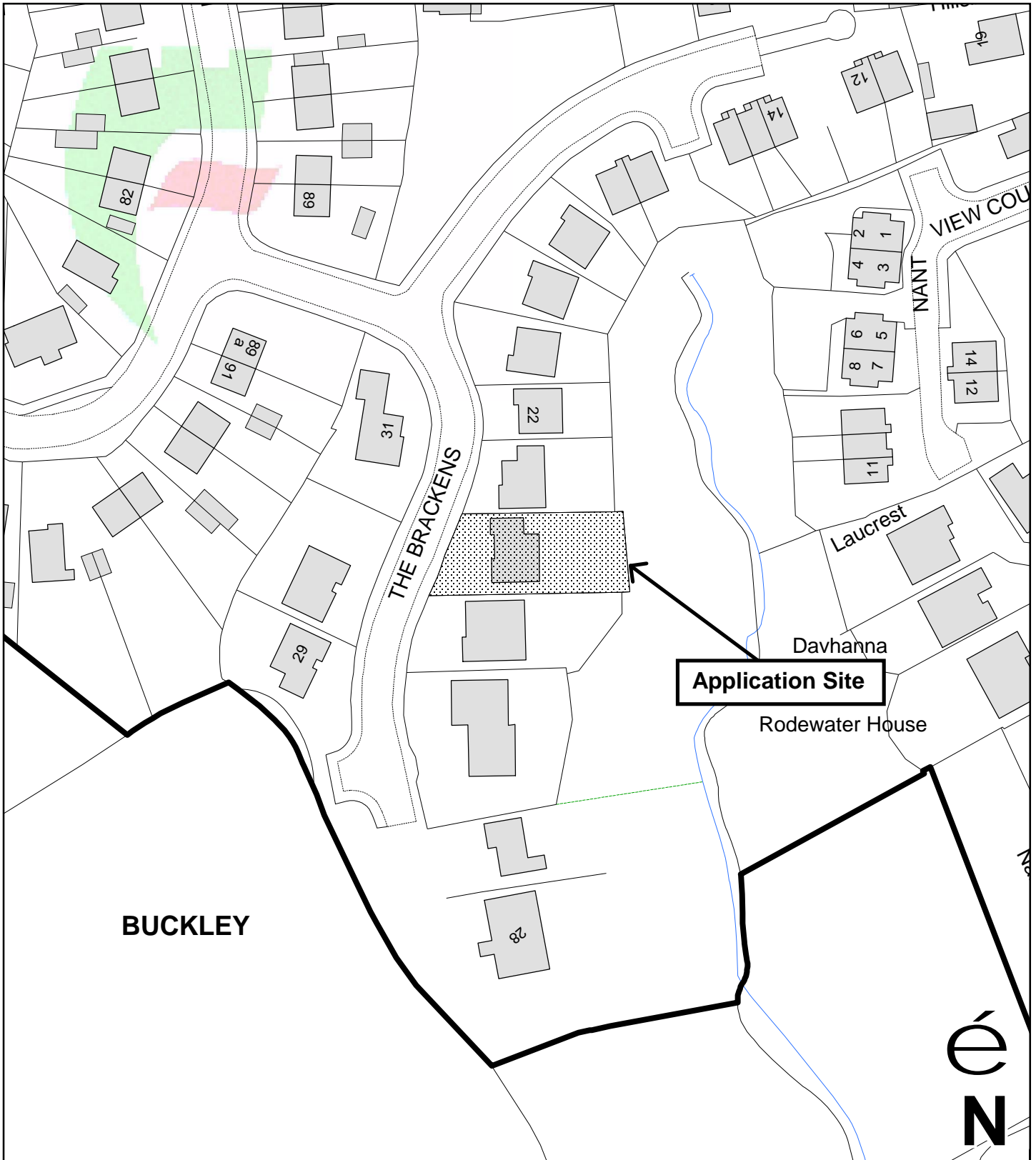
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: James Beattie
Telephone: (01352) 703263
Email: james.beattie@flintshire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2016.

Map Scale 1:1000

OS Map ref SJ 2763

Planning Application **55579**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH OCTOBER 2016**

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

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

APPLICATION NUMBER: **055470**

APPLICANT: **MISS REBECCA YARWOOD AND MR ALED DAVIES**

SITE: **BRYNSANNAN COTTAGE, BRYN-SANNAN, BRYNFORD.**

APPLICATION VALID DATE: **20TH MAY 2016**

LOCAL MEMBERS: **COUNCILLOR M.G. WRIGHT**

TOWN/COMMUNITY COUNCIL: **BRYNFORD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **REQUEST FOR REFERRAL OF APPLICATION TO COMMITTEE BY COUNCILLOR M.G. WRIGHT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application seeks consent for the change of use to a mixed use including, residential and business use and the replenishment of an existing stone hardstanding (in retrospect). The main issues to consider are the justification for the change of use and hardstanding and the appropriateness of the use in the open countryside. It is considered that the proposal is compliant with policies GEN 1, GEN 3 of the adopted Flintshire Unitary Development Plan.

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

2.01 That conditional planning permission be granted subject to conditions.

1. Permission is granted for a period of 18 months
2. In accordance with the approved plans
3. Personal permission to the owner
4. Restrictions on hours of operating
5. Landscaping scheme
6. Restrictions on the commercial vehicles to be parked on site
7. Facilities shall be provided and retained for parking and turning of vehicles
8. Lighting details and position to be agreed.

3.00 CONSULTATIONS

3.01 Local Member

Councillor M.G. Wright

Has requested Committee determination and a Committee site visit be undertaken.

Brynford Community Council

The Council considers that the application is located within the residential curtilage of Bryn-sannan Cottage. Given the nature of the business operating 24 hours a day the Council considers that the development would have a detrimental impact on the quality of life of adjacent residents.

The Council considers that the application will lead to the industrialisation of a residence within a residential area and should not be permitted.

Highways

Satisfied with the proposal subject to the imposition of a condition regarding the parking and turning of vehicles on the site.

Head of Public Protection

No adverse comments to make regarding proposal. However, Environmental Health Officers have suggested that the operating times are limited by condition to those the applicant has indicated in the application.

1. Hours of operation are limited to:-

07.00hrs to 18.00hrs Monday to Friday, 08.00hrs to 16.00hrs Saturday and no working on Sundays and Bank Holidays

4.00 PUBLICITY

4.01 Neighbour Notification and Site Notice

Objection and petition received on the following grounds:

- Safety – all plant exits and returns on the main Brynford/Pentre Halkyn Road. Danger to pedestrians as no footpath, and road accident.
- Fuel storage is a potential fire hazard.
- Change of use – against the principle of change of use from a domestic property to an industrial site within a residential area.
- Noise and light pollution – the noise created by machinery and constant changing of attachments has been disturbing. High powered yard lights illuminate the neighbouring bedroom.
- Application wording concerns – The word replenishment has been used deceptively. Massive amounts of soil have been removed and replaced with stone to accommodate the plant machinery and provide access for road tankers.

5.00 SITE HISTORY

5.01 049628

Erection of a two storey rear extension – Permit 23 May 2012.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN 1 – General Requirements for Development

GEN 3 – Development in the Open Countryside

D3 – Landscaping

EWP 13 – Nuisance

7.00 PLANNING APPRAISAL

7.01 Introduction

This application is retrospective, and concerns the change of use of land to, residential and a business use (agricultural contractor), and the replenishment of the existing hard standing. The business use which consists of an agricultural contractors business and the replacement hardstanding, which serves both the dwelling and the business use are both within the site curtilage of Bryn-sannan.

7.2 Background history

Brynsannan Cottage is a stone cottage which has been altered and extended over the years. Located outside of the settlement boundary of Brynford historically the property and field to the rear have been used for agricultural purposes. Latterly this agricultural use ceased and the land was used only for residential garden area.

7.3 The property and land were recently purchased by the current owners and for the past 12 months has been used for both residential and the

operating of an agricultural contracting business. The business is owned and operated by the owners who live of the site.

- 7.4 Complaints were received by the Enforcement Section concerning the nature of the business being operated from the site and the alleged nuisance caused to neighbouring properties. Notwithstanding this, no complaints have been received by Environmental Health regarding the noise and light pollution issues who have raised no objection to the proposal subject to a condition regarding hours of operation.
- 7.5 Principle of Development
The consideration of an application for the change of use of land to a mixed use including residential garden area, and business (agricultural contracting) must be considered having regard to Policies GEN 1 and GEN 3 of the Flintshire Unitary Development Plan.
- 7.6 These policies seek to ensure that developments outside of the settlement boundary are appropriate to the open countryside location and have minimum adverse impact on the surroundings.
- 7.7 In the case of this retrospective application the policy stance is further supported by policies EPW 13 (nuisance) with regards to potential noise and light intrusion which may arise as a consequence of the operating of a business in this location.
- 7.8 Consideration of this application therefore has to be undertaken in light of the above policies in order to assess whether this is a suitable location from which to operate an agricultural contractors business.
- 7.9 Business Use
As the application is made in retrospect the business is already operational from the site. The owner is self-employed and runs an agricultural contracting business.
- 7.10 The business is well established and involves carrying out of works off site including hedge cutting and slurry spreading. The owner currently operates tractors and a commercial van, all of which are stored at the application site. Furthermore, equipment and machinery for the tractors are stored on site which consist of cutting equipment, ploughs and slurry tanker.
- 7.11 Objections have been received alleging that the proposal will lead to the industrialisation of a residential area. Normally strict controls apply over new developments in locations such as this. However, Policy GEN 3 is permissive of some types of development. In this case because the business use is related to agriculture and essential to have an open countryside location is it considered to be acceptable.
- 7.12 Whilst the business is operational from the site, and has been for 12 months, complaints have only been received from one local resident.

Being mindful that the application is compliant with policy, it is recommended that the application be granted a temporary permission personal to the applicant for a period of 18 months in order that the full impact of the business on the open countryside location can be assessed.

7.13 Highways

The vehicles and machinery associated with this business are not uncommon in an open countryside location. However, the Council is mindful of the types and numbers of potential vehicles associated with this use should the business expand. Therefore I do recommend that a condition be imposed to require details of the commercial vehicles to be submitted and approved in writing. Any change or increase in numbers of commercial vehicles would require the prior consent of the Local Planning Authority. Furthermore I would recommend that a condition be imposed to require details of parking and turning of vehicles on the site.

7.14 Concerns have been raised that the business operating from this site will cause safety issues for pedestrians and the potential for a road traffic accident. These concerns have been considered but given the types of vehicles and the frequency of vehicular movements from the site it is not considered that there are any issues with regards to highway safety.

7.15 Lighting

Currently the site is illuminated by a floodlight located near to an existing garage. Concerns have been raised that this light causes a nuisance to the neighbouring property. Whilst Environmental Health Officers do not raise any objection to potential lighting, given the objection and taking into consideration policy EPW13, I recommend that a condition be imposed for the details and positioning of the lighting to be submitted and approved in writing by the Local Planning Authority.

7.16 Landscaping

The plans submitted with the application show the demarcation of the land for the residential, business and agricultural uses of the site. The Applicant has expressed an intention to plant a hedge between the residential curtilage of the property and the adjacent agricultural land. However, the Council is mindful that these works have not yet been carried out. Furthermore there is currently no boundary treatment between the application site and the closest neighbouring property. It is recommended that a condition be imposed to require the details of the landscaping to be submitted to and approved in writing.

7.17 Replenishment of hardstanding

According to aerial photographs of the site it is clear that an existing area of hardstanding provided access and parking at the site. Due to the amount of stone imported during the replenishment of the

driveway the works were considered tantamount to an engineering operation.

7.18 The extent of the driveway and parking areas are considered acceptable in terms of visual amenity. The materials used are also considered acceptable for the prescribed residential and commercial use of the site.

7.19 Other Matters

Objections have been raised that a large amount of diesel fuel is being stored at the property. Whilst not a material planning consideration, Environmental health Officers have raised no objection to the proposal in this respect.

8.0 Conclusion

The proposal is compliant with the above policies. The type and scale of the business associated with the mixed use is considered acceptable to the need for the open countryside location. Therefore the application is recommended for approval subject to appropriate conditions.

8.01 Other Considerations

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

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

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

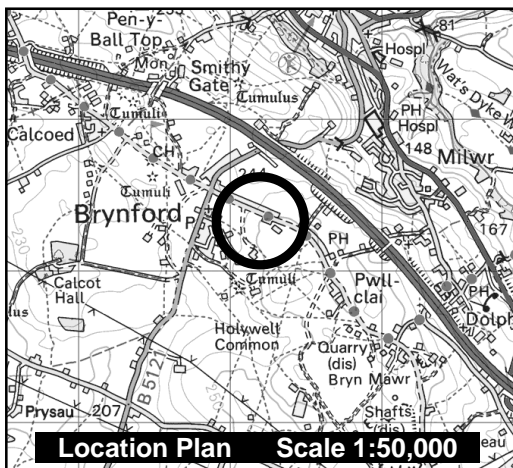
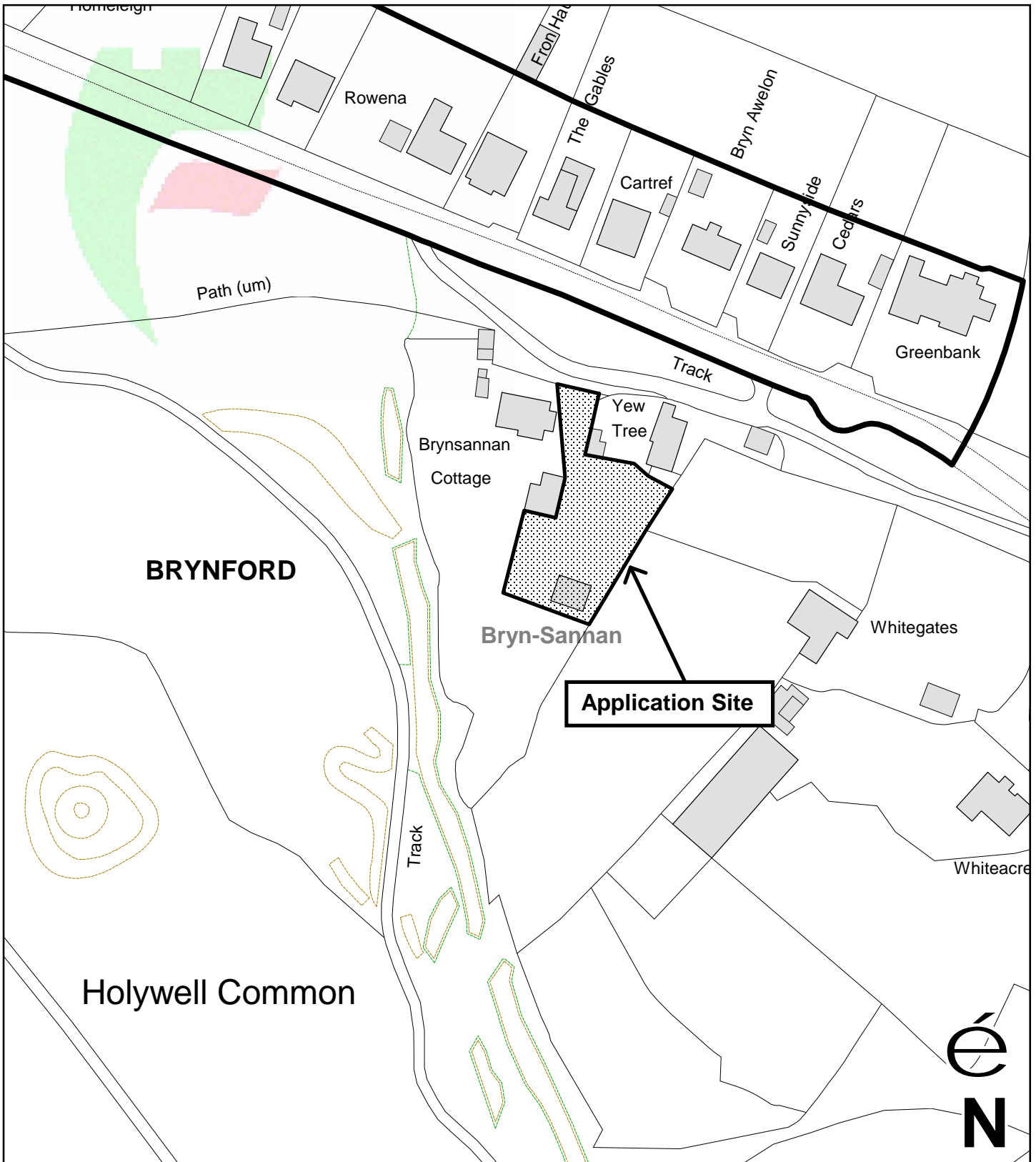
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Claire Morter
Telephone: (01352) 703257
Email: claire.e.morter@flintshire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Licence number: 100023386.
Flintshire County Council, 2016.

Map Scale 1:1250

OS Map ref SJ 1874

Planning Application **55470**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH OCTOBER 2016**

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

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

1.00 APPLICATION NUMBER

1.01 053656

2.00 APPLICANT

2.01 WHITE ACRE ESTATES

3.00 SITE

3.01 RHOS ROAD,
PENYFFORDD.

4.00 APPLICATION VALID DATE

4.01 **01.05.16**

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the refusal of planning permission by Planning and Development Control Committee for the erection of up to 40 residential dwellings on land at Rhos Road, Penyffordd. The appeal was dealt with by written representations and was ALLOWED.

6.00 REPORT

6.01 Background

The Inspector noted that the site adjoins but is outside the settlement limit and its development would be contrary to Flintshire Unitary Development Plan. He noted that the Council does not have a 5 year supply of housing land and the need to increase supply is an important consideration. This application was refused on 20 January 2016 on the basis that there was no capacity in the foul drainage network. The Council considered that the proposed development could not progress quickly and would not contribute to meeting the current shortfall in housing land. The appellant appealed against this decision.

6.02 A Hydraulic Modelling Assessment (HMA) has now been completed through Dwr Cymru Welsh Water (DCWW). The results show three available options to resolve any potential detriment to the network. These solutions could be achieved within 12 months; were acceptable to the developer and do not affect the viability of the scheme. Officers reported this matter to the appropriate Planning Committee on 22 June. The recommendation was that planning permission be granted because the impediment to the speedy delivery of the dwellings had been overcome and the development would therefore be sustainable. Members decided to refuse the application contrary to this advice.

6.03 The Inspector considered that the main issues are:

- the effect of the proposed development on the character and appearance of the area and the countryside, and
- whether there is a 5 year supply of housing land and, if not, whether any detriment to the open countryside would be outweighed by the need to increase housing supply.

6.04 The effect of the proposed development on the character and appearance of the area and the countryside

The appeal site is outside the settlement boundary as defined in the Flintshire Unitary Development Plan (UDP) and thus contrary to UDP Policy GEN3, supported by strategic Policy STR1. The proposed development clearly does not fall within any of the exceptions listed in Policy GEN3. This policy is consistent with the aims of Planning Policy Wales Edition 8 in directing development to existing settlements and conserving the countryside.

6.05 The appeal site adjoins the built-up edge of Penyfford and the existing dwellings on Fford Derwen and at Rhos y Brunner Farm. The latter are served by an existing access to Rhos Road. The remaining site boundaries are defined by Rhos Road and the A550. The site is well enclosed by mature hedgerows and trees along the roadside boundaries. There is an existing play area at the end of Fford Derwen, which adjoins the northern corner of the site. To the south on the other

side of Rhos Road, there is a further area of undeveloped land. The site contains a single mature oak tree on one field boundary.

- 6.06 The development of the site would result in the loss of open land on the approach to the settlement. The site is well-enclosed in views from the main roads and this mature vegetation can be retained as part of the development. The A550 also forms a logical boundary for the settlement at this location. The impact on the open countryside beyond the site would therefore be limited. The Council agreed with the conclusions of the appellant's Landscape and Visual Impact Assessment that the impact would be low. There would be some effect on Rhos Road as there would be some loss of vegetation in order to provide access. However, this would be limited and could be mitigated by the proposed planting. Overall, the Inspector agrees with the Council report that the harm would not be significant.
- 6.07 5 year housing land supply
Planning Policy Wales requires Local Planning Authorities to ensure that sufficient land is genuinely available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.
- 6.08 The Unitary Development Plan is beyond its end date and it is for the decision-maker to consider whether the Plan policies are outdated for the purposes of determining planning applications. Where relevant development plan policies are considered outdated there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development. The Council accepts that there is not a 5 year supply of land for housing. The latest Joint Housing Land Availability Study (JHLAS) in April 2014 showed a supply of 3.7 years. In addition, as the UDP is beyond its end date the Council will be unable to produce a JHLAS to evidence any land supply until a replacement adopted LDP is in place. Technical Advice Note 1 – *Joint Housing Land Availability Studies (TAN1)*⁴ advises that “Where the current JHLAS shows a land supply below the 5-year requirement...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”.
- 6.09 Penyfford and Penymynydd is a Category B settlement and the Unitary Development Plan allocated a growth rate of 15% to such settlements. The Council confirmed that the growth rate had reached 27% to date, which is close to the figure anticipated in 2009 and referred to by the Unitary Development Plan Inspector in her report on that Plan. She did not consider that the growth rates in the Plan should be considered to be prescriptive. Given the status of the settlement, the growth already experienced and the range of facilities available, the Inspector did not consider that exceeding the specified growth rate is significant.

6.10 Other Matters

The highway authority had no objection to the proposal subject to conditions. Agents for the owner of the land across the road argued that access to that site should not be prejudiced by this proposal. There are several potential options for access including a roundabout and junction spacing arrangements. These options can be explored once the detailed proposals for development for the other site are known. The highway authority's requirement for a 3m wide strip set back into the roadside boundary in order to accommodate a cycleway and footway is not acceptable. This would result in the loss of the mature hedges to the detriment of the character and environment of the area. This was a particular concern to an Inspector in a 2007 decision nearby. Whilst circumstances have changed since then, the retention of as much hedgerow as possible is still an important consideration. The layout and design of the dwellings would be reserved matters for future consideration and so the objections to the illustrative layout are not relevant.

6.11 The important vegetation on the site can be retained and that along the A550 safeguarded separately from the curtilages of dwellings. The submitted tree survey categorised the mature Oak tree as poor and not worthy of retention. There was no objection to the development from NRW or the Council on ecological grounds. The submitted agricultural land classification report concluded that the land is Grade 3b and not subject to any policy protection. The other issues raised were addressed in the Council's committee reports. None were found to warrant the refusal of planning permission. The Inspector saw no evidence that lead him to disagree with those conclusions.

6.12 Conditions

The Inspector considered the suggested conditions and the appellant's comments thereon in the light of the guidance in Welsh Government Circular 16/20145. The two year commencement condition is necessary because this planning permission is being granted to meet a pressing need and therefore the development should be delivered quickly. This also addresses any issue in regard to the fact that this is an application for outline planning permission. The appellant agreed with this point and accepted that this condition was necessary in the circumstances. Given this short timescale it is not reasonable or necessary for the required improvements to the foul drainage infrastructure to be completed before development commences. Demand on the infrastructure would only be generated upon occupation of any of the dwellings. The Inspector amended the suggested condition accordingly. The importance of the retention of the existing trees and hedgerows has been discussed above and must be ensured by appropriate landscaping conditions.

6.13 Unilateral undertaking

The provision of an element of affordable housing and open space/play area in appropriate residential developments is required by the Unitary Development Plan. The Council also has published guidance requiring contributions towards education provision. To that end a signed obligation under section 106 of the Act securing the provision of and contributions towards affordable housing, open space/ play areas and education facilities was submitted with the appeal. The Council confirmed that it is necessary, reasonable in scale and kind and directly related to the development. The Council is content with the provisions of the Undertaking in relation to contributions for and provision of affordable housing, education and open space/play areas.

6.14 The Inspector had no evidence that the contributions made would result in 5 or more contributions for the same provision. He is satisfied that the obligation meets national policy as set out in Circular 13/971 and the 3 statutory tests set out in Regulation 122 of The Community Infrastructure Levy Regulations 2010. In these circumstances he considers that this obligation would be fairly and reasonably related to the development proposed and that it passes the above statutory tests and policy requirements. Thus he affords the obligation significant weight in his decision.

7.00 CONCLUSION

7.01 The proposed development would not accord with the Policy GEN3 of the UDP because the site is outside the settlement limit. However, the site is adjacent to the limit and is well enclosed with a logical boundary limiting incursion into the open countryside. The site is on the edge of a settlement that is well served by a range of local facilities, bus services and a train station. The UDP Inspector considered local services to be good. The Council accepts that the site is in a sustainable location in terms of facilities and services. The appellant has undertaken an analysis of the sustainability of candidate sites put forward for the new Local Development Plan. The UDP Inspector did not recommend inclusion of the appeal site purely because more land was not needed at that time.

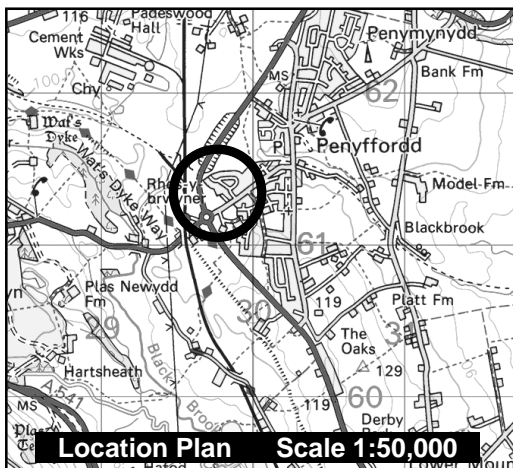
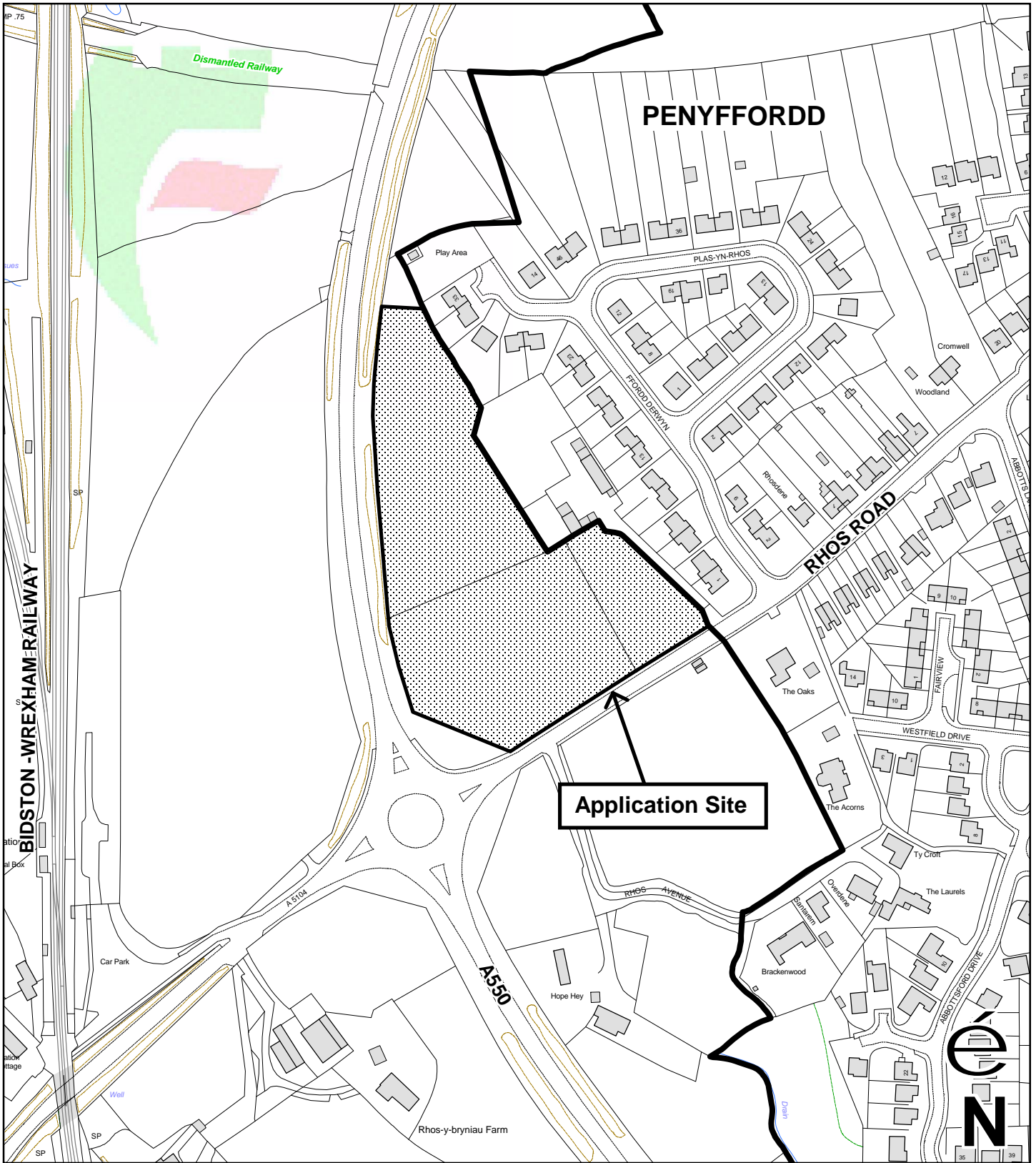
7.02 The Council cannot demonstrate a 5-year supply of housing land and the development would meet that urgent need for housing. Welsh Government policy and guidance indicates that the need to increase housing supply is an important consideration in these circumstances. The only obstacle to the speedy delivery of housing has been overcome i.e. the foul drainage issue. The proposal would also bring economic benefits during construction and provide affordable housing in line with the Council's requirements. The open space and education contributions would also be a benefit.

- 7.03 A 2015 decision in relation to a proposed residential development at Ewloe (also in Flintshire) was brought to the Inspector's attention. The Inspector warned 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.*" The Inspector found that the proposed development would be sustainable and this particular location would be appropriate. Having taken all relevant matters raised into account, he concludes that the benefits of the proposal outweigh the conflict with the development plan.
- 7.04 For the reasons given above, he 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

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



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.

Map Scale 1:2500

OS Map ref SJ 2961

Planning Application **53656**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH OCTOBER 2016**

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

SUBJECT: **APPEAL BY MR. D. BIRCHAM AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A TRIPLE GARAGE WITH ANCILLARY ACCOMMODATION OVER AT THE OLD BARN, PADESWOOD LAKE ROAD, PADESWOOD – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 054344

2.00 APPLICANT

2.01 Mr. D. Bircham.

3.00 SITE

3.01 The Old Barn,
Padeswood Lake Road, Padeswood.

4.00 APPLICATION VALID DATE

4.01 22 September 2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following refusal of planning permission by Flintshire County Council, under delegated officer procedure for the erection of a triple garage with ancillary accommodation over at The Old Barn, Padeswood. The appeal was determined via the written representations procedure and was **ALLOWED**.

6.00 REPORT

6.01 The inspector considered that the main issues in this case are:

- whether the proposed development is appropriate in the open countryside; and
- the effect of the proposed development on the character and appearance of the surrounding area including the existing barn conversion.

6.02 Open Countryside

The Inspector noted that the appeal site is in a rural setting almost surrounded by fields and open countryside. It is a roughly rectangular plot with the dwelling, an attractive, part timber-framed, converted barn, located immediately adjacent to the passing lane. Separate from the main house is a double garage. The proposal is to remove this, replacing it on a different part of the site with a triple garage with living accommodation above on the first floor.

6.03 Although the end date of the Flintshire Unitary Development Plan 2000-2015 (UDP), adopted 2011, has passed it remains the development plan for the County. The most appropriate policy is HSG13 which deals specifically with annex accommodation. This will only permit such accommodation where it is created by an extension to an existing dwelling, or conversion of an existing building, and its usage is ancillary to the residential use of the existing dwelling.

6.04 The Inspector noted that the Council claims that the proposed building would not be an extension whilst the appellant suggests that, in being within the curtilage of the main house, it could be considered such. There is an extant, recent planning permission for a single storey garage, on a similarly-sized footprint to that proposed, on the site of the existing garage which is also separate from the main house. In that light the fact that the proposed building would not be physically connected to the dwelling is not a critical or significant consideration.

6.05 Planning Policy Wales (PPW) states that new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled. It would be essential, therefore, that the use of the proposed accommodation above the garage was tied to that of the existing house. The Inspector noted that although the proposed accommodation would be compact, the services provided in it, which would include two bedrooms, a shower room, kitchenette and living area, would be such that it would not be necessary for its occupiers to use any part of the main dwelling. In addition it would be some distance from the main dwelling and not convenient for them to be walking to and from it on a frequent basis. However, a condition of the type commonly used for annex accommodation would ensure that

the use of the proposed building would be ancillary to the existing dwelling.

6.06 The Inspector found that, as the proposed building would not be attached to an existing building, it would not be fully compliant with UDP Policy HSG13. Nonetheless through the imposition of a condition tying its use to that of the main house, the foremost purpose of Policy HSG13, namely the prevention of separate dwellings outside of settlement boundaries, would be achieved. In addition, and for the same reason, it would not be contrary to UDP Policy HSG4.

6.07 Character and appearance

The proposed building would be positioned in a corner of the site close to the passing lane and tucked behind a thick, evergreen hedge of about 2m in height. The top of the side and most of the front elevations would be clearly visible from the lane; the large area of glazing would be on the side facing away from the road and thus not widely apparent in the surrounding area. The close proximity of buildings to the lane is a characteristic of other houses nearby. Pitched roofs are also typical features and, for that reason, The Inspector did not consider that the gabled dormer proposed would be significantly out of keeping even though there are no other examples nearby.

6.08 The Inspector noted that being adjacent to the boundary of the site the proposed building would be some distance from the main dwelling and not seen in close conjunction with it. Its form and design would be fairly plain and, as such, it would not detract from the interesting and attractive half-timbered wall of the main dwelling. In my view timber cladding would be a suitable material in this location although the type used would affect the impact of the proposed building. An unstained, mid-toned wood similar to that in the structure of the existing house would be appropriate; a glossy or light coloured variety, not so. In any event it is often appropriate to control the materials of construction through a condition.

6.09 The Inspector concluded that the proposed development would harmonise with the site and surroundings in terms of its siting, scale, design, materials and external appearance and would thus comply with UDP Policy GEN1. In being of a good standard of design, form, scale and materials, and protecting the character of the locality, it would also be consistent with UDP Policy D2.

7.00 CONCLUSION

7.01 The appeal is allowed and planning permission is granted for a triple garage with ancillary accommodation at The Old Barn, Padeswood Lake Road, Padeswood, Flintshire CH7 4HZ in accordance with the terms of the application, Ref 054344, dated 22 September 2015, and the plans submitted with it, subject to the following conditions:

1) The development hereby permitted shall begin no later than five years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site location plan
- House alterations general arrangement POL08 Rev D
- Ground floor plan and elevations S15/01/PL01
- First floor plan and elevations S15/01/PL02

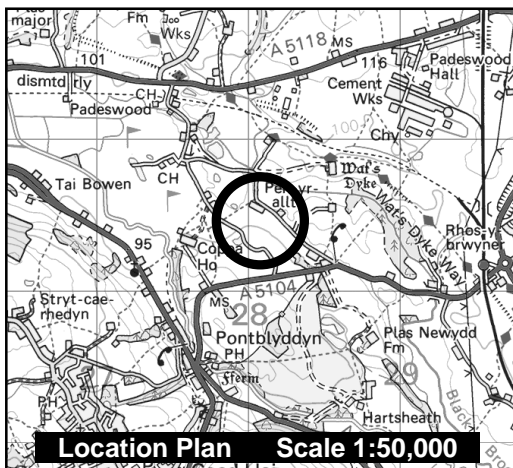
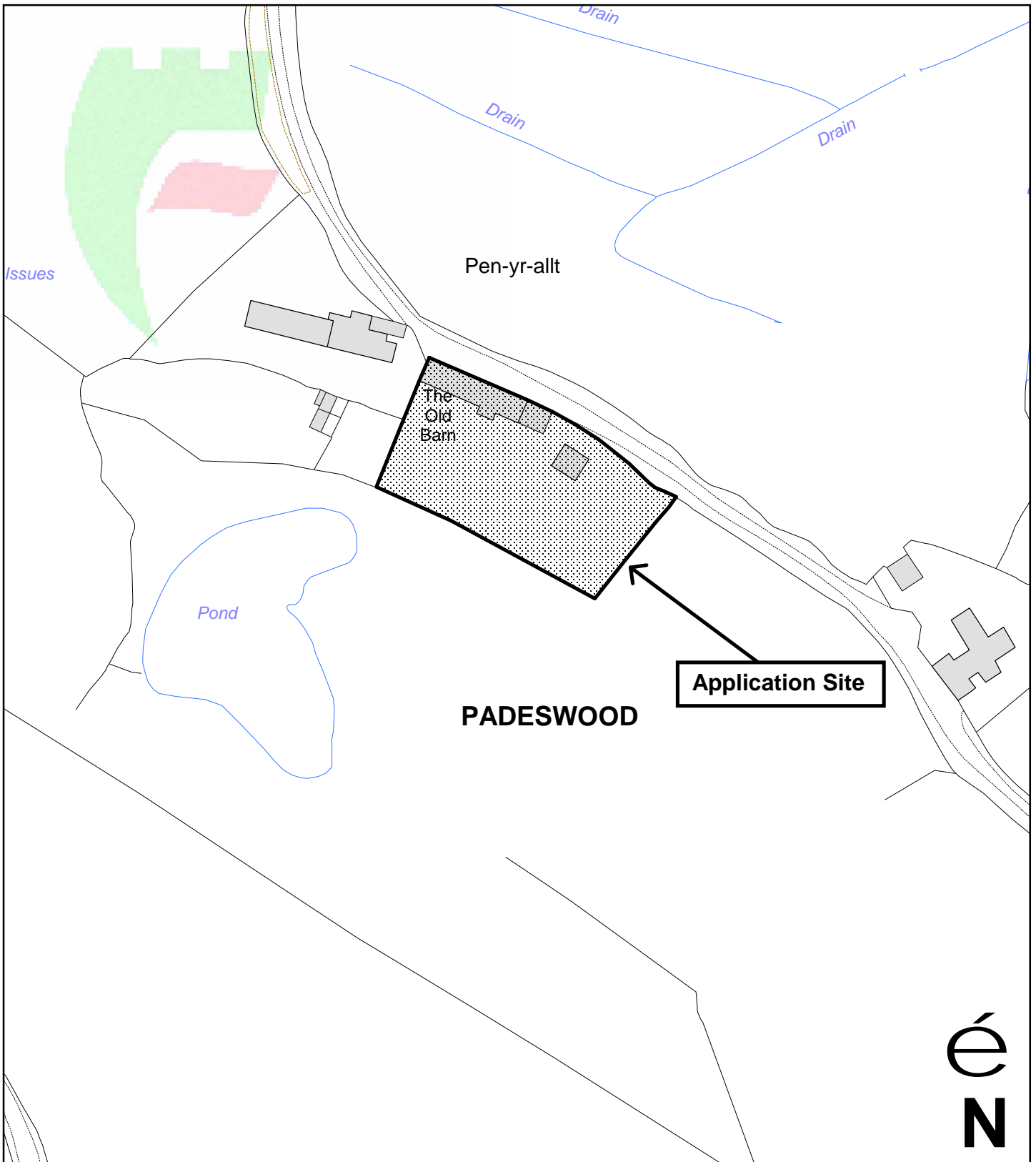
3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Old Barn, Padeswood Lake Road, Padeswood, Flintshire CH7 4HZ

4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: 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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2016.

Map Scale 1:1250

OS Map ref SJ 2861

Planning Application **54344**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH OCTOBER 2016**

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

SUBJECT: **APPEAL BY CRYSTAL CARE SOLUTIONS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO GRANT PLANNING PERMISSION FOR CHANGE OF USE FROM A GUEST HOUSE (USE CLASS C1) TO A SMALL GROUP CHILDREN'S (USE CLASS C2) HOME AT GERDDI BEUNO, WHITFORD STREET, HOLYWELL – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 054594

2.00 APPLICANT

2.01 Crystal Care Solutions

3.00 SITE

3.01 Gerddi Beuno,
Whitford Street,
Holywell.

4.00 APPLICATION VALID DATE

4.01 16th November 2015.

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation into the refusal to grant planning permission for change of use from a guest house (Use Class C1) to a small children's (Use Class C2) home at Gerddi Beuno, Whitford Street, Holywell, Flintshire. CH8 7NJ. The application was refused by Members, with the appeal dealt with by way of written representations and was **DISMISSED**.

6.00 REPORT

6.01 Background

Members may recall that this application was refused by Members at the Planning & Development Control Committee meeting on 23rd March 2016 on the basis of the perception of fear and impact on local schools as a result of the proposal.

6.02 Issue

The Inspector considered that the main issue to be the perception of fear and impact on local schools.

6.03 Perception of Fear & Impact on Local Schools

The site is occupied by a large former dwelling, last used (with planning permission) as a guest house. This is a residential area. There are two schools to the rear of the property. A playground associated with Ysgol Gwenffrwd Primary School adjoins the rear boundary. The information is that it is used daily by children under 7. A pedestrian access to the school runs along the side boundary of the site. The main entrance is nearby next to a fire station.

6.04 The stated use of the proposal is to provide accommodation for children who cannot be cared for by their families within the family network. The appellant has an existing home in Flint and provided evidence of a demand for this type of home from Conwy County Borough Council. The preferred option is to provide accommodation for up to 5 girls aged between 10 and 17. The children's home would be staffed on a one to one basis, so up to 5 staff would work there at any one time on a 24 hour basis. The children and staff would live as a single household. The proposal would be subject to registration, inspection and control by the relevant bodies. Whatever the nature of the children or services involved, the proposal would be subject to these controls.

6.05 The concerns raised by the adjoining school, local residents and Councillors in the evidence supplied related to a perception that there would be harmful effects on local residents and the adjoining schools as a result of the proposal. There were claims of the potential for anti-social or threatening behaviour by residents and the adjoining schools as a result of the proposal. There were claims of the potential for anti-social or threatening behaviour by residents who come from troubled backgrounds. This could have a direct impact on the adjoining school and use of the playground by young children. The perception of fear and possible crime may be a material consideration but it is important to assess the evidence basis for such concerns carefully. In this case, the residents would be children and given the level of supervision and regulation by the appropriate national bodies, the Inspector considered that these concerns should not arise. In determining planning applications, it is to be assumed that other controls to meet legal requirements will operate satisfactorily. The examples of poor

behaviour at homes elsewhere did not involve homes run by the appellant. Indeed the appellant refers to excellent reports regarding its car home that has been operating in Flint for the last 12 months without incident.

- 6.06 The building is large with mature boundary vegetation that provides good screening of the playground behind. One small gap to the rear hedge can be screened by fencing and this could be required by a planning condition. In these circumstances the potential for overlooking and noise disturbance to the sides and rear would be limited. The existing use of the premises could have generated similar levels of occupation and traffic. The Inspector considered the proposal and all the information supplied, together with the objections raised. The alleged lack of liaison between the appellant and local residents is not relevant to these considerations.

7.00 CONCLUSION

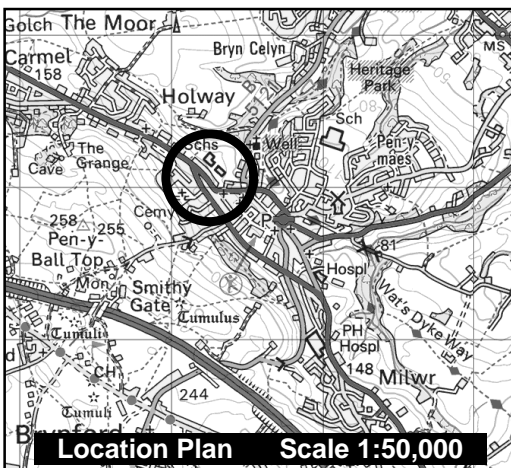
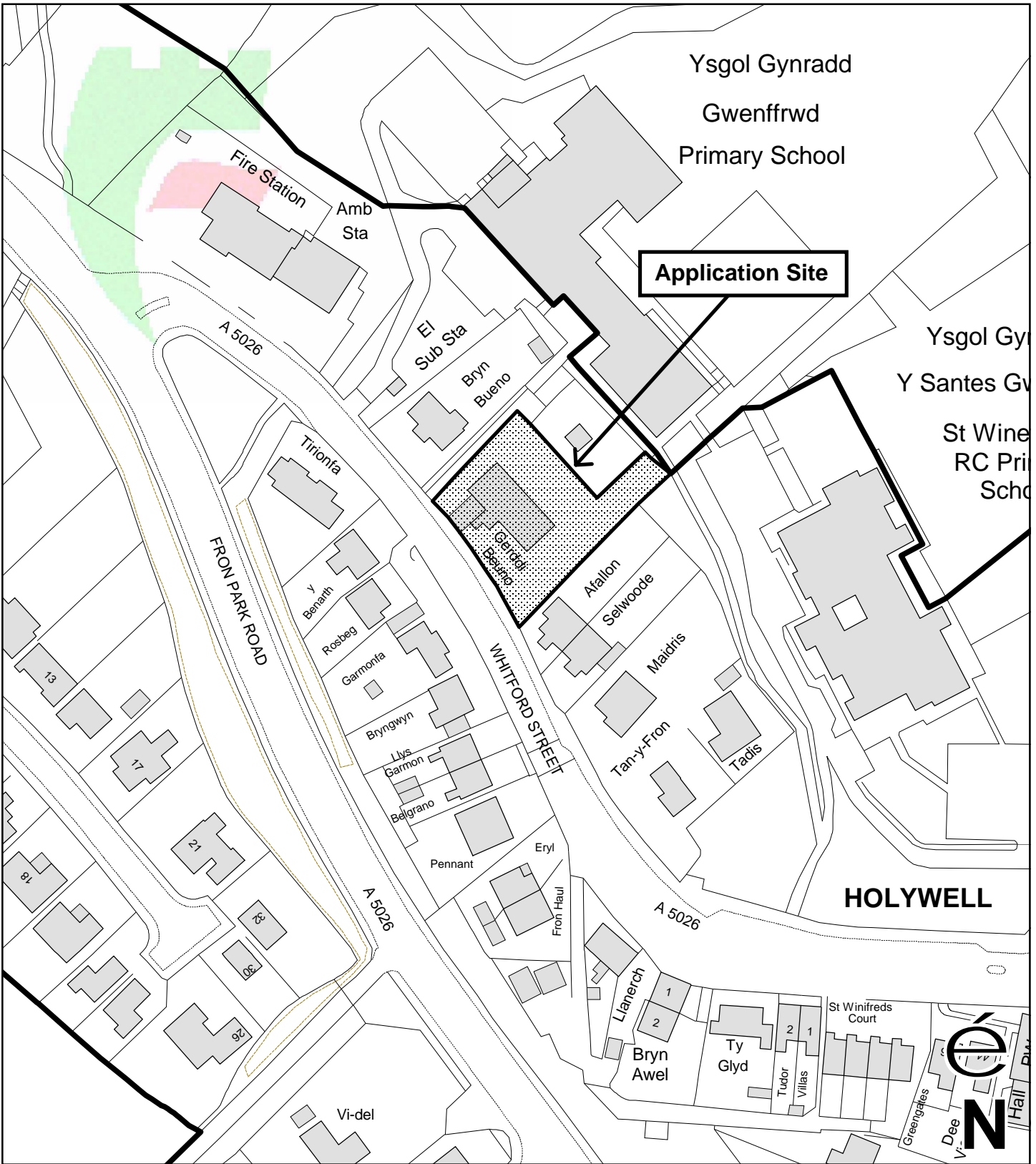
- 7.01 The Inspector considered all the evidence. The proposal involves providing a safe home for children to enable them to lead as normal a life as possible in circumstances where they can no longer remain with their families. There was evidence supplied that a need for this type of facility in North Wales as well as testimony supporting the appellant's management of existing homes. The Inspector considered that the level of supervision and the nature of the site mean that there is limited potential for increased noise and disturbance. Little weight should therefore be given to the perception of fear in this case. The proposal would comply with Policy GEN1 of the Unitary Development Plan and that the appeal should be **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

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

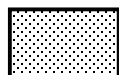
Contact Officer: Alan Wells
Telephone: (01352) 703255
Email: alan.wells@flintshire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2016.

Map Scale 1:1250

OS Map ref SJ 1876

Planning Application **54594**

This page is intentionally left blank