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



To: Councillor David Wisinger (Chairman)

CS/NG

Councillors: Sean Bibby, Chris Bithell,
Derek Butler, David Cox, Adele Davies-Cooke,
Ian Dunbar, David Evans, Veronica Gay,
Patrick Heesom, Dave Hughes, Kevin Hughes,
Christine Jones, Richard Jones, Richard Lloyd,
Billy Mullin, Mike Peers, Neville Phillips,
Owen Thomas
(+ 2 vacancies Independent Group)

31 May 2017

Maureen Potter 01352 702322
maureen.potter@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 7TH JUNE, 2017** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins
Democratic Services Manager

WEBCASTING NOTICE

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

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

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AGENDA

1 **APPOINTMENT OF VICE-CHAIR**

To appoint a Vice-Chair for the Committee.

2 **APOLOGIES**

3 **DECLARATIONS OF INTEREST**

4 **LATE OBSERVATIONS**

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

To confirm as a correct record the minutes of the meeting held on 12 April 2017.

6 **ITEMS TO BE DEFERRED**

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

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

**REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)
TO PLANNING CONTROL COMMITTEE ON 7 JUNE 2017**

| Item No | File Reference | DESCRIPTION |
|--|-----------------------|--|
| <u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u> | | |
| 7.1 | 056524 - A | 056524 - A - Full Application - Construction of 14 No. 3 Bedroom Deached Houses and Associated Works at West of 19 & 20 Manor Drive, Buckley (Pages 17 - 28) |
| 7.2 | 056851 - A | 056851 - A - Full Application - Part Demolition, To Facilitate Internal Reconfiguration and New Extension to Existing School Building, and External Alterations with Associated External Realm/Car Parking Amendments and Provision of Temporary Classrooms and Storage Areas During Construction at Connah's Quay High School, Golftyn Lane, Connah's Quay. (Pages 29 - 42) |
| 7.3 | 055871 - A | 055871 - A - Full Application - Improvements and Extension to Farm Track, Layout of Hardstanding for the Parking and Manoeuvring of Vehicles, Improvement of Toilet, Washing and Bathing Facilities, Provision of Hook Ups for Potential Visitors (Including a Grey Water Disposal Point) and Landscaping (In Retrospect) at Ynys Hir Farm, Picton Road, Picton. (Pages 43 - 54) |
| 7.4 | 056757 - A | 056757 - A - Full Application - Installation of 17.5 m Monopole Supporting 2 No. Antennas Within a Shroud, 2 No. Equipment Cabinets and Ancillary Development at Ruthin Road, Gwernymynydd. (Pages 55 - 64) |
| 7.5 | 056664 - A | 056664 - A - Full Application - Erection of Farm Shop and Associated Works, Formation of New Vehicular and Pedestrian Access at Coppy Farm, Cilcain Road, Gwernaffield. (Pages 65 - 78) |
| 7.6 | 055736 - A | 055736 - Full Application - Erection of 2 No. Class A3 Units with Associated Public Realm Improvements and Car Parking Re-Configuration at Broughton Shopping Park, Broughton. (Pages 79 - 90) |
| 7.7 | 055774 - A | 055774 - A - Full Application - Proposed Development of 27 No. Dwellings (Phase 3) at Cae Ethin, Village Road, Northop Hall (Pages 91 - 108) |
| 7.8 | 056700 - A | 056700 - A - Full Application - Erection of Two Storey Extension, Linked Garage & Porch at 21 Springfield Drive, Buckley (Pages 109 - 116) |
| 7.9 | 056557 - A | 056557 - A - Full Application - Erection of Extension to Units 1 & 2 at Nant y Gain, Pentre, Cilcain. (Pages 117 - 124) |
| Item No | File Reference | DESCRIPTION |
| <u>Appeal Decision</u> | | |
| 7.10 | 055447 | 055447 - Appeal by Mr. E. Davies Against the Decision of Flintshire County Council to Refuse Outline Planning Permission for the Erection of a Dwelling at Land at Papermill Lane & Old Paper Mill Lane, Oakenholt - DISMISSED (Pages 125 - 134) |
| 7.11 | 055725 | 055725 - Appeal by Broomco (3857) Limited Against the Decision of Flintshire County Council to Refuse Planning Permission for the Amended Details of Dwelling to Plot 3 at Bryn Llwyd Yard, North Street, Caerwys (Pages 135 - 140) |

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PLANNING & DEVELOPMENT CONTROL COMMITTEE
12 APRIL 2017

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 12 April 2017

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Derek Butler, David Cox, Ian Dunbar, David Evans, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Nancy Matthews, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts and Owen Thomas

SUBSTITUTE: Councillor Haydn Bateman (for Carol Ellis)

APOLOGIES: Councillors Chris Bithell and Mike Lowe. Councillor Hilary Isherwood (Local Member on agenda item 6.3)

ALSO PRESENT:

The following attended as local Members:

Councillors Cindy Hinds and David Williams for agenda item 6.1 (minute no. 161)

IN ATTENDANCE:

Chief Officer (Planning & Environment); Service Manager - Strategy; Development Manager; Senior Engineer - Highways Development Control; Senior Planners; Senior Solicitor and Committee Officers

157. DECLARATIONS OF INTEREST

Councillor Hughes declared a personal and prejudicial interest on agenda item 6.1 (minute no. 161) as he was a governor of Castell Alun High School - which would benefit from an education financial contribution if the application was approved - and he would withdraw from the meeting for that item.

As the applicant of agenda item 6.6 (minute no. 165), Councillor Peers declared a personal and prejudicial interest and would leave the room for that item.

158. LATE OBSERVATIONS

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

159. MINUTES

The minutes of the meeting held on 22 March 2017 were submitted.

On minute no. 146, Councillor Marion Bateman asked that the reason for her declarations of interest be clarified in the minutes, in that she was a governor of both schools due to receive financial contributions from the applications.

On minute no. 150, Councillor Peers asked that the second sentence of his comments be amended to read 'Sychdyn had not yet reached the target deadline'.

Both amendments were seconded and agreed by the Committee.

RESOLVED:

That, subject to the two amendments, the minutes be approved as a correct record and signed by the Chairman.

160. ITEMS TO BE DEFERRED

The Chief Officer (Planning and Environment) advised that the following item was recommended for deferral to the next meeting, to enable the applicant to contact the Council's Social Services department in order to assess the implications arising from the application.

Agenda item 6.2 'Full Application - Change of Use from Seven Bedroom Dwelling (Class C3) to Residential Care Home (Class C2) for up to Nine Adults at 93 Wepre Park, Connah's Quay'

Councillor Richard Jones moved the deferral which was seconded and agreed by the Committee.

RESOLVED:

That agenda item 6.2 be deferred to the next meeting of the Committee for the reasons stated.

161. FULL APPLICATION - ERECTION OF 186 DWELLINGS AND ANCILLARY DEVELOPMENT AT CHESTER ROAD, PENYMYNYDD (055590)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit. The usual consultations had been undertaken and the responses were detailed in the report. Additional comments received since preparation of the report were set out in the late observations.

The officer drew attention to the main issues for consideration set out in paragraph 1.02 of the report and clarified the reasons for recommending refusal of the application. In the late observations, he highlighted the response to the representations by the Ramblers Association which explained why this was not considered to be an additional ground for refusal.

Councillor Peers moved the officer recommendation for refusal and this was duly seconded.

Mrs. C. Huber spoke against the application on the following grounds: widespread local disapproval against the application; growth in the village had already well exceeded the UDP target which meant that the local infrastructure was

struggling to keep pace and would not be able to support further development of this scale; the site being in open countryside and outside the settlement boundary; non-compliance with local and national policies; impact on quality of life and harm to the cohesiveness of the community as demonstrated by other local developments; policy requirements on the overdevelopment of the village and no protection against displaced housing from Cheshire given the border position; concerns about speculative housing developments, the sustainability of the rate of recent new house building and long-term capacity of developers; reference to the statement by Lesley Griffiths AM that the lack of housing land supply should not justify any detrimental impact on local communities.

In support of refusal, Councillor Peers commended the way in which local representations had been made and he agreed with the findings of the report, citing the location outside the settlement boundary and non-compliance with local and national policies as key factors. He noted from the site visit that the village was over-developed, as confirmed by the growth figures, and said that the Council's inability to demonstrate a five year land supply should not be exploited by developers where there was no regard for local impact. He felt this was an uncontrolled development and that the LDP process was the mechanism by which candidates sites could be put forward.

Councillor Butler spoke in support of the officer's reasons for recommending refusal and of the comments by those who had spoken. He highlighted the need for effective planning for the future to avoid negative impact on communities and local infrastructure.

As the Local Members, Councillors Hinds and Williams spoke against the application on the following grounds: size of the development and siting outside the settlement boundary in open countryside; mix of housing; drainage and environment; cohesiveness of the community and principles of sustainable development; increased pressure on busy local roads, particularly on Chester Road; capacity of the infrastructure to cope with further growth of the village due to current demand for amenities such as schools, playgroups, a doctor's surgery and much-needed Police presence; concerns about access to services and employment outside the area in view of decreasing public transport services, in particular the impact on children attending schools and elderly residents accessing GP surgeries elsewhere; compliance with the Well-being of Future Generations (Wales) Act 2015; the need for slow growth to sustain the village and its schools; the importance of planning having regard to local housing need and infrastructure; compliance with policies and the UDP process to control development; attention drawn to another expression of interest on the land; lack of provision of recreation facilities; and the possibility of future applications being prejudiced if permission was granted. Both Members also expressed their gratitude to the officer and local residents.

To assist the Committee, the Service Manager - Strategy provided clarification on the comments made by Lesley Griffith AM and explained the basis of the recommendation for refusal which focussed mainly on the principles of the development which had not been addressed by the applicant.

In support of refusal, Councillor Thomas said that local need had not been met and that there was a lack of affordable housing. He went on to comment on the quality grading of the land.

Councillor Roberts also spoke against the application due to the strong grounds on which the officer recommendation had been made and cited the cohesiveness of communities and principles of sustainable development as key considerations. He highlighted the UDP Inspector's comments against allocation of the land for development and suggested that his wording on the 'incursion into the countryside' be included to strengthen the recommendation for refusal.

Speaking in support of the comments made against the application, Councillor Dunbar referred to the need to comply with policies and Councillor Mullin raised concerns about the impact on wider communities.

In response, the officer advised that policy requirements on affordable homes and play facilities were met and that the majority of land on the site was identified as grade 3b.

Whilst responding to some of the issues raised, the Service Manager - Strategy reflected on the national position on housing land supply on which representations had been made and the process for considering sites for the UDP. He acknowledged Councillor Roberts' suggestion for additional wording but advised that this be taken into consideration if needed at a future stage.

In summing up, Councillor Peers said that the application went against national and local planning policies, was located outside the settlement boundary and could be viewed as an incursion into open countryside. He added that this was an uncontrolled development which was premature in advance of the LDP and would have a significant detrimental impact on the cohesiveness of the community and principles of sustainable development. He also pointed out that insufficient details had been provided by the applicant on flood prevention. He confirmed his proposal for refusal in accordance with the reasons set out in the Chief Officer's report.

On being put to the vote, the proposal to refuse the application was carried.

Having declared a personal and prejudicial interest on the item, Councillor Ray Hughes left the meeting prior to discussion on the item. After the vote had been taken, he returned to the meeting and was informed of the decision.

RESOLVED:

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

Following the item, the Chairman announced a two minute recess.

162. FULL APPLICATION - AMENDMENTS TO PLANNING PERMISSION 050293 INCLUDING MICROBREWERY, INTERNAL CHANGES, OUTSIDE WALLS AND GARAGE AT POACHERS COTTAGE INN, HIGH STREET, FFRITH (056257)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit. The usual consultations had been undertaken and the responses were detailed in the report.

The officer summarised the reasons for recommending approval of the application (subject to conditions) for amendments to a previously agreed scheme involving the addition of a microbrewery, internal changes, outside walls and a garage. He drew attention to the objections raised by a local resident which were included in the late observations.

Mr. M. Davis spoke against the application on the following grounds: the reduced height of the wall on the road side, front west elevation to enable safe exit onto the main road; meeting parking policy requirements as there was capacity for a maximum of four cars on the south side and not eight as indicated in the Design Access Statement plus the three spaces at the front and side of the garage; additional parking capacity for the owners' 6-8 vehicles and parking needs of customers; question over the erection of a garage as the previous owners had been refused planning permission due to the proximity to the bend in the road; concerns about possible permanent odour from the microbrewery onto Lime Street and noise pollution from the air conditioning units. Mr. Davis also said that he had not been part of the consultation and that he supported the project reaching its conclusion, subject to these issues being addressed, given his concerns about health and safety on the site as he lived nearby.

Councillor M. Gittins of Llanfynydd Community Council also spoke against the application on the following grounds: lack of detail about assessment of parking capacity required to support the additional businesses and for residents, given the loss of parking spaces as part of the original application and the only available off-road parking on shared access with two other residences; whether an environmental impact assessment had been undertaken to determine noise and air quality impact from the microbrewery and refrigeration unit on surrounding areas; the past application refused by Welsh Government due to the lack of visibility from the access to be used for maintenance of the refrigeration unit; and the location and safety of the access which did not form part of the site visit by the Committee.

Councillor Roberts moved the officer recommendation for approval which was seconded. He considered there to be no grounds for refusal, particularly in respect of the parking issues given the former use of the site as a public house.

Whilst agreeing with comments on the state of the site, Councillor Thomas also supported approval of the application.

Councillor Lloyd sought clarification on the proposed height of the wall and parking opposite the site as well as the business opening hours. He also felt that if approved, the site should be monitored to assess noise and odour impact.

Councillor Butler referred to alternative parking nearby used during the site's former use. However, in response to the concerns raised, he sought views from the Highways officer on the viability of parking and asked for clarification on the loss of spaces mentioned by the third party speaker and on the garage permission.

Councillor Peers said that the adequacy of visibility splays could be addressed through a condition and that parking concerns should be considered to avoid vehicles being parked on the road near to the blind bend.

Councillor Richard Jones said that the proposed mixed use of the development should be welcomed and supported the application if the conditions addressed all the highway and public protection issues raised. He felt that noise and odour concerns from the microbrewery could not be considered viable due to the former use as a public house.

In response to environmental concerns, the officer advised that Public Protection colleagues had no objections apart from a condition on submission of the extraction system. The applicant had been told to lower the wall to 1m high, as agreed with Highways colleagues, and to remove a pillar to address visibility issues. The officer provided clarification on the opening hours which were subject to a condition and the additional parking on the site as part of the application including that from the second garage which had been erected since the previous application.

The Highways officer confirmed the view that the 11 parking spaces were adequate to serve the development.

In advising the Committee, the Service Manager - Strategy reminded Members that consent had already been granted for mixed use of the site and that consideration of this application related to any impact from the proposed amendments.

Councillor Lloyd suggested that a condition be imposed for the applicant to lower the wall prior to any permission granted. The Chief Officer (Planning and Environment) advised that this was not necessary as there was a condition for compliance with the application drawings on which the height of the wall was shown.

Councillor Richard Jones asked whether a Traffic Regulation Order condition could be imposed to reduce the risk of parking on the main road at the front of the site. The Highways officer said that this was not required as parking provision was deemed to be sufficient.

In summing up, Councillor Roberts agreed with the officer's view that the amendments in the application did not differ significantly from the previous consent and that the conditions dealt with the issues raised.

On being put to the vote, the proposal to grant permission, in accordance with the recommendation in the report of the Chief Officer, was carried.

RESOLVED:

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

163. FULL APPLICATION - ERECTION OF 1 NO. DWELLING AT THE OLD STACKYARD, BRETTON COURT MEWS, BRETTON (056542)

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 were detailed in the report.

The officer gave a summary of the application for the erection of a two-storey dwelling with attached single storey garage and workshop. The report detailed the main considerations and concluded that the application was recommended for approval due to compliance with the principles of planning policies on sustainable development and development in open countryside.

Against the officer's recommendation, Councillor Butler proposed that the application be refused as he felt it did not comply with most planning policies, was outside the footprint of the original area where permission had been given, outside the settlement boundary and would set a precedent for developments encroaching onto the green barrier. He also referred to sections of the report on sustainable development and excessive growth in Broughton.

The proposal for refusal was seconded by Councillor Peers who recalled other applications refused on the basis of their location in open countryside. In supporting Councillor Butler's views, he said that the lack of five year land supply and sustainable development principles did not outweigh the location of the site in open countryside.

These views were also shared by Councillors Mullin and Lloyd who raised additional concerns about surface water drainage and further expansion of the site.

In response, the officer drew attention to the findings of the report which clarified why the circumstances of the application outweighed the fact that the site was in open countryside. She added that no precedent could be set as no further encroachment onto the countryside would be permitted.

In advising the Committee, the Service Manager Strategy highlighted the main aspects of this application which differed significantly from those on the case recommended for refusal considered earlier in the meeting. He said that local and national policies had been met in this case and could not see evidence of any planning harm, clarifying that the site was in fact surrounded by the green barrier. He went on to explain the rationale for determining this as a sustainable development, based on the urban context and proximity to Broughton retail park; a consideration which would be afforded significant weight in the event of an appeal.

This opinion was endorsed by the Development Manager who pointed out that a further consideration to any appeal would be the garden area benefiting from permitted development rights.

In summing up, Councillor Butler stated his reasons for proposing refusal: non-compliance with the principles of previous consent on the site which should have applied to the footprint of existing dwellings only; the garden had been part of the green barrier at that time; the location outside the settlement boundary and the erection of a single dwelling not contributing to the five year land supply. In response to officers' advice, he disagreed that exceptional circumstances had been shown on this application.

The Development Manager clarified that the principles of previous consent on the site could not be included as a reason for refusal on this application.

Prior to the vote, the Senior Solicitor advised that if the motion to refuse was lost, the default position was approval in accordance with the officer recommendation.

On being put to the vote, the proposal to refuse planning permission, against the officer recommendation, was lost. Therefore, the officer recommendation to approve the application was granted.

Councillor Matthews asked that her decision to abstain from the vote be recorded in the minutes.

RESOLVED:

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

164. OUTLINE APPLICATION FOR THE ERECTION OF 1 NO. DWELLING AT CROFTERS COTTAGE, DEESIDE LANE, SEALAND (056318)

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 were detailed in the report.

The officer detailed the reasons for recommending refusal of the application in respect of non-compliance with national policies and with no material considerations to outweigh the harm from inappropriate development in the open countryside.

Councillor Dunbar moved the officer recommendation for refusal which was seconded. Councillor Dunbar stated the proposal was a detached dwelling in open countryside and did not adhere to local need and infill policies.

Councillor Roberts said the proposal was not acceptable due to the location in the green barrier.

Councillor Peers referred to the report's conclusions on inappropriate development in the green barrier and no proven local need, both of which he said applied to the previous application. Whilst indicating support for approval of this application, he felt that the only difference between the two cases was on the principles of sustainable location and raised concerns about approving applications on that basis.

Councillor Christine Jones drew similar comparisons with the previous report and requested a deferral to allow for a site visit to support her view that this application was in a sustainable location. The deferral was seconded by Councillor Lloyd.

The Chief Officer disagreed with comparisons on the two applications as this proposal was in the green barrier which involved a different policy test. He said that the Committee may wish to consider the requested site visit but reaffirmed his recommendation for refusal of the application.

In view of this, Councillor Lloyd indicated that he wished to withdraw his seconding of the proposal. As the motion put forward by Councillor Jones was not seconded by another Member, the motion was not debated further.

In response to a query, the officer advised that the whole of the application site in the green barrier.

With regard to comparisons drawn with the previous report, the Service Manager Strategy explained the significant difference in respect of the location of this site. Following comments from Councillor Christine Jones on previous permission given to neighbouring cottages, he was unable to confirm whether or not they were part of the green barrier but surmised that permission may have accorded with policy requirements of the adopted Development Plan at that time.

On being put to the vote, the proposal to refuse the application, in accordance with the officer recommendation, was carried.

RESOLVED:

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

165. FULL APPLICATION - ERECTION OF SUNROOM AND GARAGE WITH BEDROOM EXTENSION ABOVE AT 7 PINWOOD ROAD, DRURY (056669)

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 provided a brief summary of the application which was being considered by the Committee as the applicant was an elected Member. She advised that the proposal met policy requirements and was therefore recommended for approval.

Councillor Phillips proposed that the application be granted in accordance with the officer's recommendation which was duly seconded.

On being put to the vote, the proposal for approval of the application was carried.

Councillor Mike Peers who, as the applicant, had declared a personal and prejudicial interest on this item, left the meeting prior to discussion on the item. After the vote had been taken, he returned to the meeting and was informed of the decision.

RESOLVED:

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

166. THE SIZE AND COMPOSITION OF LOCAL PLANNING AUTHORITY COMMITTEES (WALES) REGULATIONS 2017 (THE REGULATIONS)

The Senior Solicitor presented a report on the implications to the Committee arising from the Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 (the Regulations) to be implemented on 5 May 2017.

Whilst the current arrangements conformed with the necessary size of the Committee and quorum for meetings, there were additional requirements prohibiting the use of substitutes on the Committee and permitting only one Member from a two Member ward to sit as a Committee member.

In response to concerns raised by Councillor Thomas on the latter point, the Senior Solicitor explained that in the absence of guidance on the legislation, a local approach would be developed on meeting this new requirement, such approach to be addressed as part of the arrangements for the Annual General Meeting.

During discussion on the new regulations, concerns were raised that eliminating the use of substitutes could impact on the quorum at meetings. It was envisaged that elected Members would resolve single ward representation on the Committee through discussions. However, in the event that agreement could not be reached between different parties, it was suggested that names could be drawn out of a hat or by prioritising the Member with the highest number of election votes.

RESOLVED:

That the Regulations and their effect on the composition of the Committee in the future, be noted.

167. CLOSING COMMENTS

As this was the last meeting of the Committee before the Elections, the Chief Officer paid tribute to the efforts of the officer team throughout the term and thanked Members for their support.

The Chairman expressed his gratitude to the officers for their help and professionalism and thanked all Members of the Committee for their contributions.

In response, Councillor Gareth Roberts reflected on his record in local government and spoke of his appreciation for the good working relationship between Members and officers.

168. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC

On commencement of the meeting, there were 41 members of the public and one member of the press in attendance.

(The meeting started at 1pm and ended at 3.45pm)

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Chairman

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

SUBJECT: **CONSTRUCTION OF 14NO. 3 – BEDROOM DETACHED HOUSES AND ASSOCIATED WORKS AT WEST OF 19 & 20 MANOR DRIVE, BUCKLEY**

APPLICATION NUMBER: **056524**

APPLICANT: **EDWARDS HOMES LTD**

SITE: **LAND WEST OF 19 & 20 MANOR DRIVE, BUCKLEY**

APPLICATION VALID DATE: **2ND FEBRUARY 2017**

LOCAL MEMBERS: **COUNCILLOR R. JONES**
COUNCILLOR A, WOOLLEY

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

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER IN ORDER FOR COMMITTEE TO DISCUSS ISSUES IN RESPECT OF DRAINAGE, ACCESS AND IMPACTS OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the redevelopment of this site for the purposes of the development of 14No. dwellings. The proposals include the creation of a new point of vehicular access.
- 1.02 The application has been submitting following the mandatory Pre-Application Consultation Process having been undertaken. The application is accompanied by a report detailing this process, the feedback received and how this has been addressed through the proposals or, if not addressed, provides the details for this.

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

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

1. Ensure the payment of a commuted sum equivalent to £1100 per dwelling (total £15,400) in lieu of on site play and recreation provisions. Such sum to be paid to be used as a contribution towards to enhance the provision of toddler play facilities at Lyme Grove Children's Play Area, off Jubilee Road, Buckley. Such sum to be paid upon occupation of 50% of the approved dwellings.

Conditions

1. 5 year time limit
2. In accord with approved plans
3. No development until drainage scheme submitted and agreed prior to commencement
4. Removal or permitted development rights.
5. Boundary treatments implemented before occupation of dwellings.
6. Hedgerow protection measures to be submitted and agreed.
7. Ecological watching brief during site clearance. No clearance during nesting bird season. If no site clearance within 12 months of permission, site to be re-surveyed for badgers.
8. Notwithstanding submitted boundary treatments, scheme for inclusion of hedgehog access to be submitted and agreed before erection of boundaries.
9. Scheme for control and disposal on Cotoneaster.
10. Scheme for provision of 10No.house sparrow nesting boxes within the dwellings hereby approved.
11. Access not to be formed until full details of access and highway design submitted and agreed. Formation to base course level and with kerbed entrance radii before any other site works.
12. Visibility splays of 2.4m x 43m. No obstructions above 1 m in height and kept free during construction works.
13. No development until Construction Traffic Management Plan submitted & agreed

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 Members

Councillor R. Jones

No response at time of writing.

Councillor A. Woolley

Requests committee determination. Cites issues in respect of drainage, access concerns, impacts upon amenity and wider impacts of development.

Buckley Town Council

Endorses the comments of Town Councillor C. Preece.

Note: These comments are provided in summary form in Section 4.01 of this report.

Highways DC

No objection. Requests the imposition of conditions.

Pollution Control

No adverse comments.

Education - Capital Projects and Planning Unit (CPPU)

Advises that sufficient capacity exists in both the local primary school (Westwood C.P School) and local secondary school (Elfed High School). Therefore no contribution is sought.

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.

Dwr Cymru/Welsh Water

No adverse comments. Requests the imposition of conditions.

Natural Resources Wales

No objection. The site is within a Zone A and therefore at little or no risk in terms of flood.

Coal Authority

No objection. Standing Advice applies.

Airbus

No adverse comments. Proposals will not conflict with aerodrome safeguarding criteria.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site, notice and neighbour notification letters. At the time of writing this report, 33No. letters have been received in response raising objections on the following grounds;

- Increased traffic will adversely affect highway safety;
- Adverse impacts upon the character of Buckley;
- Existing highway infrastructure is inadequate to accommodate more traffic;
- Adverse impacts upon residential amenity arising from development noise;
- Adverse impacts upon pedestrian safety;
- Adverse impacts upon ecological features in the locality;
- Inadequate education infrastructure to accommodate proposals;
- Inadequate local healthcare infrastructure to accommodate proposals;
- Inadequate drainage infrastructure to accommodate proposals;
- Inadequate local service infrastructure to accommodate proposals;
- Proposals for development do not accord with the Buckley Masterplan; and
- Overdevelopment of the settlement.

5.00 SITE HISTORY

5.01 **037154**
Erection of 2 No. health centres.
Permitted 6.12.2004

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy STR1 - New Development
Policy STR4 - Housing
Policy GEN1 - General Requirements for Development
Policy GEN2 - Development inside Settlement Boundaries
Policy D1 - Design Quality, Location and Layout
Policy D2 - Design
Policy D3 - Landscaping
Policy D5 - Crime prevention
Policy AC13 - Access and Traffic Impact
Policy AC18 - Parking Provision and New Development
Policy HSG3 - Housing on unallocated sites inside settlements

Policy HSG8 - Density of Development
Policy SR5 - Outdoor playing space & new residential dev't.

Planning Policy Wales
TAN12 – Design
Local Planning Guidance Notes
LPGN11 - Parking standards

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises a 0.4 hectare area of previously developed land within the settlement boundary of Buckley. The site is flat and is situated within an area which has combined character formed by the residential areas to the east and south of the site and the commercial uses associated with the town centre to the west and north.

7.02 The site has no formal boundary to the adjacent vacant land to the north and west. The boundary to the south is formed by Jubilee Road. Eastern boundaries are formed by a mixture of boundary treatments and vegetation forming the boundaries to dwellings upon Manor Drive.

7.03 The Proposed Development

The proposals provide for the redevelopment of this vacant site via the erection of 14No. 3 bedroom, 2 storey dwellings. The scheme also proposes the creation of a new point of vehicular access to the site from the adjacent Jubilee Road.

7.04 The Main Issues

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

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

7.05 Principle of Development

Within the UDP, Buckley is classified as a Category A settlement where most housing growth is expected to occur. The site is sustainably located with access to bus services, the nearby town centre, together with other local services and infrastructure.

7.06 Concerns have been raised in response to consultation in respect of the fact that this site was allocated within the UDP for a community facility (health centre). However, this facility has been developed elsewhere in the settlement so this allocation is no longer required.

Accordingly I consider it appropriate to view the site as vacant land within the settlement boundary.

7.07 I am also mindful of a number of studies undertaken within Buckley which have considered this land in the context of its relationship to the nearby town centre. The Buckley Masterplan identified the site as being suitable for housing. The Buckley Investment Strategy also advocates a mixed use for the land assemblage to the east of Precinct Way (within which this site is located) for a mixed use of retail and residential. However, the Strategy recommends higher levels of residential development than considered in the Buckley Masterplan. Given that this site is the most easterly of the parcels of land within this area, and therefore the most distant from the town centre, I do not consider the development of this site for residential purposes would be harmful to the aims of the Strategy.

7.08 Accordingly, the principle of the development of this site is established via the policy presumption in favour of development of this type in this location.

Design

7.09 The design of the scheme has been influenced by the character and appearance of nearby residential development within the surroundings of the site. Notwithstanding that the scheme seeks to create a cul-de-sac with a central access way into the site, the scheme seeks to engage with the street frontage. The Wexford house type upon Plot 14 presents a frontage to Jubilee Road with its principal elevation fronting the street. In addition, the edge of the public and private realm is demarcated with a 1m brick wall topped with wrought iron railings.

7.10 The application is accompanied by a design statement setting out the rationale behind the current design, the content of which I concur with. The site is developed at an appropriate density, at 35 dwellings per hectare. This is reflective of both national and local planning guidance which seeks to make the best and most sustainable use of land.

7.11 A palette of materials has been suggested for the external finishes of the scheme to enhance the visual impact of the buildings and to complement the character of the area. These include details such as the use of a white render in combination with a main red coloured facing brick and concrete roofing tiles in a mixture of grey or red, with contrasting ridge tiles. The scheme also provides full details of the materials to be used in the formulation of the landscape within which the dwellings sit.

7.12 The proposed scheme would redevelop a vacant site within the centre of Buckley and would not be out of character with the site and its surroundings and is of a design, utilising good quality materials which would enhance the overall appearance of the area.

Impacts upon Residential Amenity

7.13 The scheme provides for dwellings with adequate separation distances not only to those dwellings abutting the site from Manor Drive, but also those facing the site frontage across Jubilee Road. There is also adequate separation provided between the proposed dwellings themselves. The proposed dwellings achieve 11 metres of garden depth and all provide an area of private amenity space in accordance with LPGN 2 – Space around Dwellings. I am therefore satisfied that future occupiers of these units will have an adequate degree of amenity space.

7.14 Taking account of the drainage easements and in order to ensure that the amenity distances are not compromised in the future, I propose to remove rights to alter roofs and make extensions to the dwellings, thereby placing such alterations within the control of the Local Planning Authority in the interests of the safeguarding of future amenity.

Highway Impacts

7.15 The proposals provide for a new point of access to the site to be created. This provides access to an adoptable turning head, with pedestrian footways to both sides of the new road. Whilst car parking spaces are provided at a level in accordance with Policy AC18, it is noted that the location of the site close to the town centre places future residents in close proximity to education, employment and retail facilities, with easy access to public transport facilities. Accordingly, the scheme does not present an over reliance upon the car as a mode of transport.

7.16 The scheme has also taken account of a public desire line which was evident crossing the site from Manor Drive to the east, westward towards the town centre. This route is formalised via footways from the eastern and western site edges, across the highway footway to the northern edge of the estate road. It must be noted however, that this route is not a Public Right of Way.

7.17 The proposals have been the subject of consideration by the Highway Authority who do not raise any objection to the proposals, subject to the conditions. I have considered the range of conditions suggested and have summarise and condensed these requirements within the conditions suggested in Paragraph 2.01 of this report.

Drainage

7.18 The site lies entirely within Zone A as defined within Welsh Governments Development Advice Map. Accordingly, the site is not considered to be at risk from flooding. The application details indicate that foul flows from the site will discharge into the public sewer system. Surface water created from the newly created road is also proposed to discharge into the public system.

- 7.19 The application details suggest that surface water from the impermeable surfaces within the plots themselves (roofs, paths etc) will be disposed of via soakaways. However, experience with this surface water disposal method in Buckley, given the preponderance of clay within the underlying geology raises concerns as to the viability of this as a solution to the disposal of surface water.
- 7.20 The proposals have been the subject of consultation with Dwr Cymru/Welsh Water (DCWW), NRW and the Lead Local Flood Authority (LLFA).
- 7.21 No objection to the drainage proposals are raised by NRW. DCWW raise no objection and acknowledge that both foul and surface water flows are permitted to communicate with the public sewer system. The conditions requested specify the points of connection and require the submission and agreement of the detailed drainage scheme. LLFA have not responded at the time of writing this report.
- 7.22 I have considered the conditions requested by DCWW. The conditions specifying the proposed point of connection seek to replicate the safeguards which exist or are provided via other regulatory functions and legislation, namely S.106 of the Water Industry Act 1991 and Building Regulations. Taking account of the guidance in Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management, in respect of the duplication of other legislative powers, I conclude these conditions are neither reasonable, relevant or necessary and therefore I do not propose to impose them. However, in view of the geological constraints which exist in respect of surface water disposal methods, I consider the request for the final drainage scheme to be submitted and agreed to be reasonably related to the propose development and therefore I propose to add such a condition.
- 7.23 Infrastructure Implications - Education and Recreation
Notwithstanding responses to public consultation raising a perception of a lack of capacity within the existing educational infrastructure to accommodate the pupils arising from the proposed development of a further 14 dwellings, 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.
- 7.24 The capacity at the nearest primary school (Westwood C. P School) stands at 273. There are presently 196 pupils attending the school. Accordingly the school has 28.21% surplus of spaces for additional pupils. The proposals would give rise to an additional 3 pupils. This would not erode capacity below the 5% margin which is sought to be protected as set out in SPG23 guidance. Accordingly, no contribution is sought for primary educational purposes as a consequence of this development.

- 7.25 The capacity at the nearest secondary school (Elfed High School) stands at 1037. There are presently 620 pupils attending the school. Accordingly the school has 40.21% surplus of spaces for additional pupils. The proposals would give rise to an additional 2 pupils. This would not erode capacity below the 5% margin which is sought to be protected as set out in SPG23 guidance. Accordingly, no contribution is sought for secondary educational purposes as a consequence of this development.
- 7.26 Consultations with the Public Open Spaces Manager has revealed that rather than formal provision within the site for play, a commuted sum should be sought to be utilised in connection with projects for play and recreation within the community.
- 7.27 The consultation has established that the sum requested should be used in connection with a project to enhance the provision of toddler play facilities at Lyme Grove Children's Play Area, off Jubilee Road, Buckley.
- 7.28 Accordingly and in line with LGPN 13: Open Space Requirements, I recommend that a contribution equivalent to £1100 per dwelling (total of £15,400) is sought via a S.106 agreement to satisfy this requirement. Such sum to be paid upon occupation of 50% of the approved dwellings. 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.
- 7.29 Other Matters
Badgers
Consultations responses raised queries in respect of the use of the site by badgers. The application was accompanied by a Phase 1 Habitat Survey which identified that there was no evidence of badger activity upon the site. These findings were confirmed following a detailed site visit by the Council Ecologist.
- 7.30 **Rats**
In addition, much comment was made in relation for the site to be the source of rats in the vicinity. This issue has been investigated outside of the application process by colleagues within the Environmental Health Pest Control department. These investigations have established that such comment is unfounded and no evidence of rats nests upon the site has been found.
- 7.31 **Health Infrastructure**
Objections have also been advanced in respect of the perceived impact upon existing local health care facilities. Members will be aware that responsibility for planning services to meet the needs of the community in this regard rests with the Local Health Board.

However, I would remind Members that a new healthcare building, providing doctors, dental and local health board services has been constructed upon land at Middle Common.

8.00 CONCLUSION

8.01 I consider that the proposal is acceptable in both principle and detail and the development proposed would be acceptable at this location meeting the Council's requirements. I therefore recommend approval accordingly subject to the conditions and prior completion of the Section 106 obligations referred to at paragraph 2 of this report.

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.

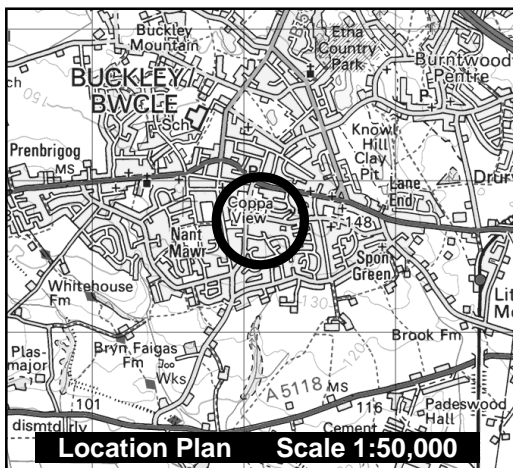
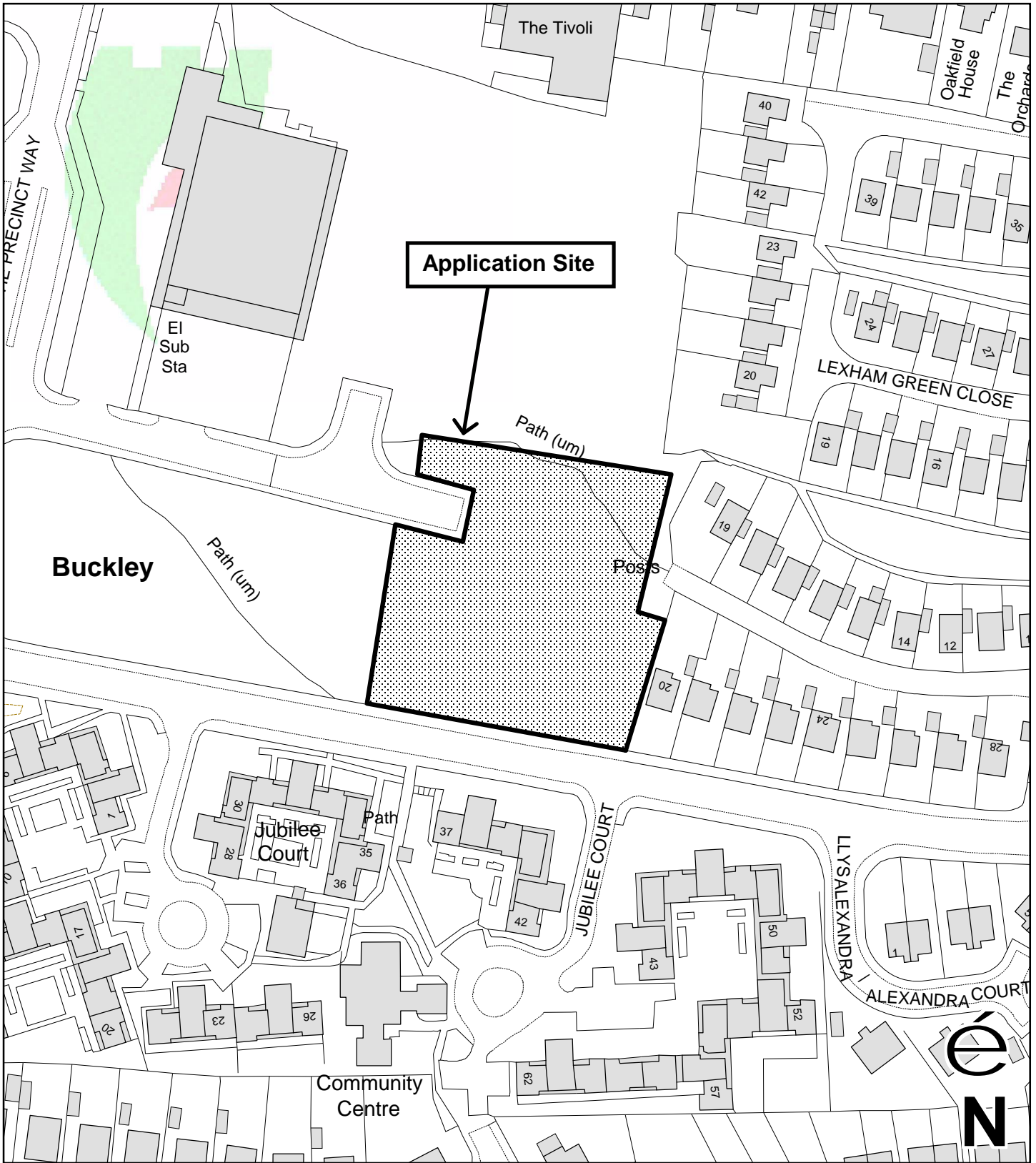
8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

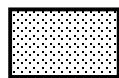
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2863

Planning Application **56524**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

SUBJECT: **PART DEMOLITION TO FACILITATE INTERNAL RE-CONFIGURATION AND NEW EXTENSION TO EXISTING SCHOOL BUILDING, TOGETHER WITH EXTERNAL ALTERATIONS, ASSOCIATED EXTERNAL REALM, CAR PARKING AMENDMENTS, PROVISION OF TEMPORARY CLASSROOMS AND CONSTRUCTION STORAGE AREAS AT CONNAH'S QUAY HIGH SCHOOL, GOLFTYN LANE, CONNAH'S QUAY**

APPLICATION NUMBER: **056851**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **YSGOL UWCHRADD CEI CONNAH/CONNAH'S QUAY HIGH SCHOOL**

APPLICATION VALID DATE: **12TH APRIL 2017**

LOCAL MEMBERS: **COUNCILLOR A. DUNBOBBIN**
COUNCILLOR P. SHOTTON

TOWN/COMMUNITY COUNCIL: **CONNAH'S QUAY TOWN COUNCIL**

REASON FOR COMMITTEE: **SCALE OF PROPOSAL**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the multi-faceted re-development of the current school complex at Ysgol Uwchradd Cei Connah/Connah's Quay High School, off Golftyn Lane, Connah's Quay. The scheme incorporates the demolition of existing unsuitable buildings, erection of new facilities, enhancement of the school

entrance realm and enhancement to the external appearance of both the school and the adjacent leisure centre. The scheme is submitted as a master plan with the various elements intended to be provided upon a phased basis.

- 1.02 The application has been submitted following the mandatory Pre-Application Consultation Process having been undertaken. The application is accompanied by a report detailing this process, the feedback received and how this has been addressed through the proposals or, if not addressed, provides the details for this.

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

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

Conditions

1. 5 year time limit
2. In accordance with specified plans
3. No development until a scheme of Reasonable Avoidance Measures for bats and GCN has been submitted and agreed.
4. Ecological watching brief during trees works.
5. Samples of all proposed external finish materials and colours to be submitted and agreed prior to first use.
6. Final details of boundary treatments to be submitted and agreed prior to erection.
7. Final planting proposals and timings to be submitted and agreed.
8. Implementation of planting proposals.
9. Temporary Classrooms to be removed following the occupation of the new school facilities.
10. Final Travel Plan to be submitted with requirements for public transport access and cycle storage arising to be submitted and agreed prior to first use of extended school.

3.00 CONSULTATIONS

3.01 Local Members

Councillor A. Dunbobbin

Fully supportive of the scheme. Considers the proposals to be a positive development which accords with the latest guidance in respect of education provision.

Councillor P. Shotton

No response at time of writing.

Connah's Quay Town Council

No objections.

Highways DC

No objection. Requests that conditions be imposed.

Pollution Control

No adverse comments.

Dwr Cymru/Welsh Water

No adverse comments. Advises of the need for the imposition of conditions.

Natural Resources Wales

No adverse comments. Advises of the need for conditions requiring the submission, agreement and implementation of Reasonable Avoidance Measures in respect of Bats and Great Crested Newts.

4.00 PUBLICITY

- 4.01 The application has been publicised by means of site notices, press notices and neighbour notification letters. At the time of writing a single response has been received which requests that concerns in respect of traffic management, especially and pick up and drop off times, is noted.

5.00 SITE HISTORY

5.01 **96/313**

Siting of 2no. mobile double classroom units
Permitted 12.8.1996

97/745

Temporary siting of a mobile double classroom unit
Permitted 20.8.1997

99/441

Erection of a 2 storey extension and creation of access
Permitted 28.7.1999

99/858

Alterations to vehicular access, new access road and car parking
Permitted 5.10.1999

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR8 - Built Environment

Policy GEN1 - General Requirements for Development

Policy D1 - Design Quality, Location & Layout

Policy D2 - Design

Policy D3 - Landscaping

Policy D4 - Outdoor Lighting
Policy D5 - Crime Prevention
Policy WB1 - Species Protection
Policy TWH1 - Development Affecting Trees & Woodland
Policy AC1 - Facilities for the Disabled
Policy AC13 - Access and Traffic Impact
Policy AC18 - Parking Provision and New Development
Policy SR4 - Protecting Recreational Open Space
Policy CF1 - Retention of Existing Facilities
Policy CF2 - Development of New Facilities
Policy EWP2 - Energy Efficiency in New Development
Policy EWP3 - Renewable Energy in New Development

Planning Policy Wales
TAN 12 – Design

7.00 PLANNING APPRAISAL

7.01 Site and Surroundings

The site comprises some 2.29 hectares of land is presently occupied by Ysgol Uwchradd Cei Connah/Connah's Quay High buildings, with the remainder of the site and other land within the school complex but outside of the planning application site, used for the recreation and sports facilities at the school.

7.02 The site is located within the Settlement Boundary of Connah's Quay, in an area of the town which is characterised mainly by existing large scale housing areas. However, the adjacent Sixth Form Campus and nearby Deeside College ensure that the western side of Golftyn Lane has a distinct character associated with these educational institutions.

7.03 The existing school building is laid out in a finger block plan form at the northernmost area of the school site slope. The building is arranged to provide a mixture of 2 and 3 storey accommodation. The impacts of the topography historically have been that the facilities appear arranged in 2 long linear blocks with interconnecting corridors linking the adjacent blocks. Land to the south of the school building is used a sports pitches and hard surfaces recreation/sports areas. It should be noted at this stage that these proposals do not involve any works to the existing 3G MUGA shared sports facility to the south of the school. Vehicle parking and turning facilities are located predominantly to the north of the school buildings although a small service and delivery area is located to the south of the school buildings.

7.04 The site boundaries are formed by a variety of forms, comprising metal fencing along the northern boundary of the site, abutting the adjacent Sixth Form Campus. The eastern fringe of the site to Golftyn Lane is also marked by metal fencing , although this is in combination with certain areas having mature and established associated

hedgerows interspersed with mature trees. The southern and western boundaries of the of the school site are marked by a belt of hedges and trees. A watercourse runs adjacent to the western boundary of the site. The site occupies a north facing slope which slopes downhill in this direction. This slope is gradual across the north - south axis of the site and is reflective of the general landform in the locality.

7.05 The site is currently accessed from 2 points in the north eastern corner of the site. Vehicular and pedestrian access is currently derived from the sole vehicular access point to Golftyn Lane. Pedestrian access presently exists via a gated link to the highway footway and pedestrian crossing on Golftyn Lane.

7.06 The Proposals

This application is submitted by the Council as Local Education Authority as part of the 21st Century Schools Band a programme and proposes the following;

- the demolition of the existing design, technology and art block at the rear of the school premises, and the demolition of the three storey administration block to the front of the school ;
- the construction of a new 2 storey Design, Technology and Art block which also includes the provision of a main hall and activity studio;
- the internal reconfiguration of existing built form upon the school site to provide for a new entrance and admin/staff hub and Learning Resource Centre;
- the improvement of external areas to provide external seating, recreation, dining and circulations spaces;
- the improvement of the school entrance approach and car parking/servicing areas;
- the improvement of the tired façade of both the school and the leisure centre through a new external finish treatment; and
- the provision of 3No. double classroom units on a temporary basis to enable the continued delivery of the curriculum whilst the redevelopment works are undertaken.

7.07 The Principle of Development

The proposed site is located within the Connah's Quay settlement boundary where the principle of development is generally accepted. Relevant UDP Policies are SR4 and CF2.

7.08 Policy SR4 of the UDP does not preclude per se the development of recreational open space however there needs to be adequate recreational open space in the surrounding area and the Council needs to be satisfied the land will not be required in the longer term for the school or community use. The land upon which the new extension is to be built is an overgrown area of ornamental trees and scrub and serves little function in terms of recreation. Furthermore, the associated demolitions encompassed within the scheme enable

the creation of new recreational space within the site which will be of far more beneficial use.

7.09 Policy CF2 is supportive of new educational facilities on suitable sites within development boundaries. When considering both policies there appears to be a reasonable case for the loss of recreational land and the redevelopment of the site for educational purposes and therefore the proposed development is considered acceptable in principle.

7.10 Design and Appearance

The design approach taken in respect of this scheme recognises that the objective behind the scheme is the need to improve the school facilities via the provisions of accommodation which is substandard and the replacement of unsuitable existing accommodation, together with improvements to the access and circulation arrangements within the school itself. The proposals are also designed to provide an increase in the school capacity to cater for up to 1280 students.

7.11 The design evolved to allow the levels changes within the school as existing to be resolved to address access issues for those with mobility issues and also ensure that the massing of the proposed 2 storey element upon a higher part of the site does not impact unacceptably upon either the landscape or the function of the existing parts of the school to the north of the extension site.

7.12 The scheme in relation to solely the school is proposed to be delivered such that the existing DTA block is demolished and temporary classroom accommodation sited. The works to create the new extension, new hall and activity studio and refurbishment of existing ground floor accommodation within the northernmost finger block at the school to provide the new admin and staff hub are then proposed to be undertaken. Once complete, this will allow the demolition of the existing admin/staff area and the creation of the external car park and plaza, together with the other external space arrangements. The external envelope arrangements to the façade of the school and the leisure centre form the last phase of the project, together with the removal of the temporary classrooms.

7.13 The extensions and façade improvements result in a design which has a contemporary feel and will produce a building which relates well to the modern Sixth Form Campus to the north. External materials are proposed to be coloured aluminium cassette panels in a range of colours which whilst striking in relation to the current tired 'flat' exterior of the school, have a robust simplicity to them which serve to have a minimalistic appearance from a distance but has greater warmth, depth and texture when viewed closer. These coloured panels will serve to break the mass of the elevations. The simple palette also comprises blue/black brickwork and grey window and door surrounds.

- 7.14 The extensions are also designed to meet the sustainability criteria required via BREEAM. The extension seeks to utilise passive house principles in terms of natural light and ventilation and solar PV arrangements are proposed to be sited upon the roof of the new extensions to further complement the existing energy generation contribution from PV arrangements already sited upon the school roofs. The scheme seeks to achieve a BREEAM rating of 'Very Good'.
- 7.15 I consider the design to be the most appropriate response to the site topography. Locating the extension in its proposed position serves the dual purpose of cleverly using the topography as part of the internal function space of the extension and wider school building but also allows the massing of the extension to not appear overstated in the landscape or overbearing in relation to the existing school.
- 7.16 Landscaping and Outdoor Spaces
The proposals provide opportunities to develop and enhance the outdoor landscape associated with the school and those remaining external spaces within the site are proposed to be arranged as either landscaped spaces, spaces for outdoor education and play by school children or realm spaces leading up to the school entrances.
- 7.17 A wide area is created between the school and the adjacent Sixth Form Campus as a result of the demolition of the existing 3 storey extension which presently encloses the western end of the school approach realm. The design response to this opportunity seeks to create a plaza which serves not only to provide an increased visual impact of this area, but also creates a space through which the school can be seen as a distinctly separate entity to the Sixth Form Campus and allows both buildings to breathe. The area is proposed to be treated such that planting is introduced throughout the space, breaking up the impact of the car park. The apron outside the newly created school entrance is laid out with raised planting areas, seating and cycle racks. As part of the drainage solution for the site, an attenuation pond is created to the western end of this plaza which, whilst not open to unfettered access, will serve to reinforce the sense of progression from this site to adjacent open countryside in visual terms.
- 7.18 The redevelopment of the Technology, Design and Art (TDA) facilities, together with the creation of the new hall, activity studio and Learning Resource Centre has allowed for the current enclosed courtyard adjacent to the school dining facilities to be improved such that it now offers opportunities for outdoor dining for staff and pupils alike. In addition, the new TDA block creates a further courtyard abutting the western boundary of the site and lying between the new existing built form at the school. This space affords linkage opportunities between the adjacent school wings, provides formal and informal break out space and serves as an open way in which to enable the traversal of the levels difference across the site is this

area. The planting adjacent to this spaces serves to reinforce the links to the mature existing vegetation to the site boundaries. The western extreme of this area also houses the subterranean surface water drainage attenuation tank.

- 7.19 The area currently occupied by the existing TDA block is proposed to be transformed to create an outdoor hard surface recreational space for pupils. The steep levels difference of 1.9 metres which exists between the new area and the existing hard surfaced sports courts is utilised to create a stepped amphitheatre which not only provides a stepped link between the two areas, but also affords tiered sitting areas for pupils to congregate and socialise during break periods. This arrangement also affords opportunities for an outdoor performance space, with informal viewing facilitated by the grass 'seats' formed by the tiers.
- 7.20 The modelling of the topography in this area also allows for the creation of a ramped link to the upper sports areas and the grassed areas beyond. This area will be segregated by means of a secure fencing arrangements from the adjacent service and delivery turning areas in the interests of safety.
- 7.21 Highway and Access
The school is currently served by a 44No. space car park (inc. 2no. disabled spaces) across 2 locations along the schools northern façade. The community car park to the east of the site provides parking facilities in connection with the 'Quay Clubhouse' and the shared community/school 3G sports pitches to the south of the site. This car park is outside of the application site and therefore no alterations are proposed to this area.
- 7.22 The proposals provide for a consolidated car parking area in the northern part of the site, adjacent to the new entrance plaza. This car park is intended for both staff and visitors and provides 87No. spaces (inc. 4 disabled spaces) which is proposed to be barrier controlled. The proposals indicate a 40No. cycle storage area within the entrance plaza proposals, representing a 100% increase upon existing provision. However, the final proposals in respect of cycle storage will be informed by the required Travel Plan. Service areas are located to the south of the existing building and are also proposed as a barrier controlled access.
- 7.23 In response to consultation, the Local Highway Authority Has advised that there is no objection to the proposed scheme. It is noted that the proposals will result in no change to the existing vehicular and pedestrian access arrangements. The increase in pupil numbers will result in additional vehicular and pedestrian traffic but no direct adverse impact upon the public highway is envisaged.

The submitted transport assessment identified the need for a Travel

- 7.24 Plan to be submitted and agreed and this is proposed to be conditioned. The outcomes and recommendations of the Travel Plan will in turn inform the requirements in respect of access and turning for school bus transport and cycle storage requirements. This aspect is also recommended to be addressed via condition.

Impacts upon the Natural Environment

- 7.25 The site is not within any statutorily protected sites and there are no such sites within 1km of the site. The application is accompanied by both an ecological assessment report and an arboricultural report. The site is predominantly school buildings, hard surfaced areas and amenity grassland which is of little ecological value. Mature broad leaved trees and hedges within and upon the boundaries of the site are considered to have ecological value and these are to be retained and protected during the course of development.

- 7.26 The report concludes that the school buildings afford little suitable opportunity to support roosting sites for bats. The report advises that a scheme of Reasonable Avoidance Measures be developed to ensure that bats are adequately safeguarded should they be encountered during any demolition/construction work.

- 7.27 The only suitable sites for bat roosts were considered to be those mature trees which are to be retained. In these circumstances, no further bat surveys are required. Should any of those trees require work or removal, an ecologist will need to be present to oversee the work and ensure there is no compromise to any bats which may be found.

- 7.28 No evidence of Great Crested Newts within the site was found. It is noted that 3No. pools are located some 500 metres from the site and these have the potential to support GCN populations. The report advises that a scheme of Reasonable Avoidance Measures be developed to safeguard against adverse impacts upon GCN during construction works.

- 7.29 In respect of both issues, and in response to Consultation, NRW have confirmed that they concur with the need for the above suggested RAMs and ecology watching brief in respect of bats. I therefore propose to condition accordingly.

Drainage and Flood Risk

- 7.30 The site lies entirely within Zone A as defined within Welsh Governments Development Advice Map. Accordingly, the site is not considered to be at risk from tidal flooding. The application is accompanied by a Drainage Strategy which indicates the foul flows from the site will continue to discharge into the public sewer system. The Strategy indicates that surface water create from the newly created impermeable areas will be directed to the watercourse which runs to the west of the site and will discharge at greenfield rate. This

rate of discharge is to be achieved via the provisions of subterranean geo-cellular units and a surface water attenuation pond which will serve to regulate the flow of water to the watercourse.

7.31 The proposals have been the subject of consultation with Dwr Cymru/Welsh Water (DCWW), NRW and the Lead Local Flood Authority (LLFA).

7.32 No objection to the drainage proposals are raised by NRW. DCWW raise no objection but request the imposition of conditions restricting surface water discharge to the public sewer system and requesting that a detailed scheme be submitted and agreed before works commencement.

7.33 I have considered the conditions requested by DCWW but note that in each case, these conditions seek to replicate the safeguards which exist or are provided via other regulatory functions and legislation, namely S.106 of the Water Industry Act 1991 and Building Regulations. Taking account of the guidance in Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management, in respect of the duplication of other legislative powers, I conclude these conditions are neither reasonable, relevant or necessary and therefore I do not propose to impose them.

8.00 CONCLUSION

8.01 I consider the proposal to acceptable as matter of planning policy principle. I am satisfied that the proposed development takes account of the applicable planning policies and represents the correct balance between the various issue which relate to this site. I am satisfied that with the application of appropriate conditions, the scheme is acceptable in all other respects.

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

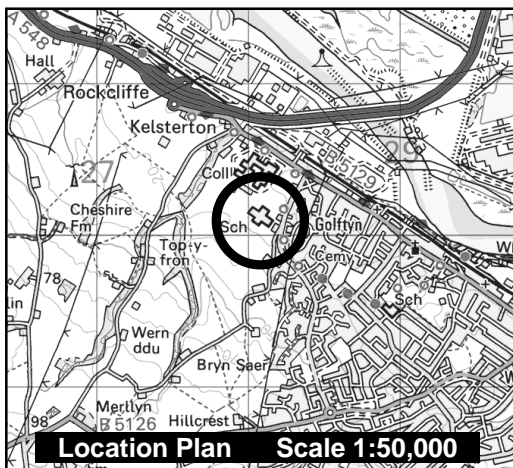
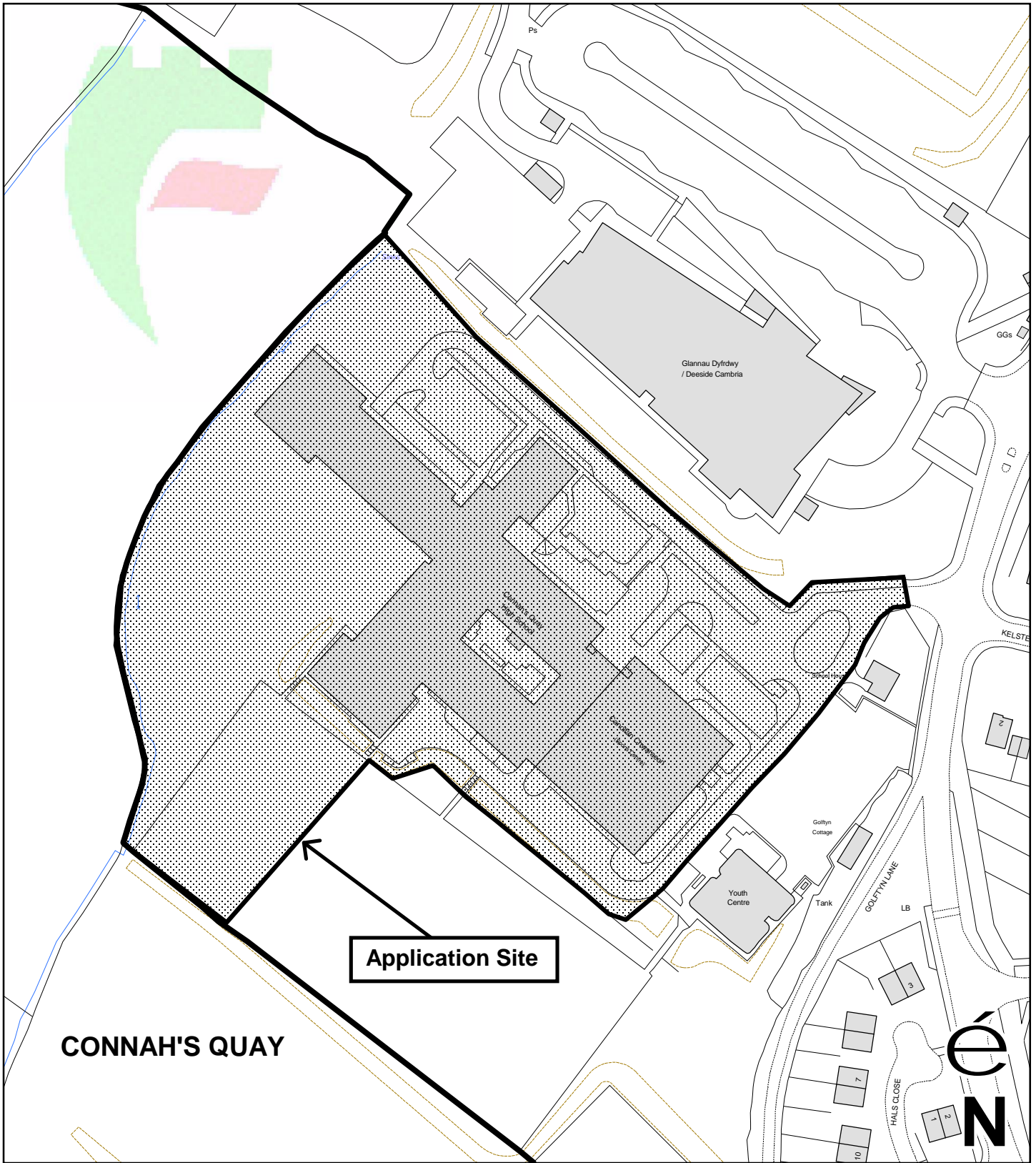
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1500

OS Map ref SJ 2870

Planning Application **56851**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

SUBJECT: **FULL APPLICATION – IMPROVEMENTS AND EXTENSION TO FARM TRACK, LAYOUT OF HARDSTANDING FOR THE PARKING AND MANOEUVRING OF VEHICLES, IMPROVEMENT OF TOILET, WASHING AND BATHING FACILITIES, PROVISION OF HOOK UPS FOR POTENTIAL VISITORS (INCLUDING A GREY WATER DISPOSAL POINT) AND LANDSCAPING ALL IN SUPPORT OF A PROPOSED CERTIFICATED SITE TO BE SUBMITTED TO THE CAMPING & CARAVAN CLUB (IN RETROSPECT) AT YNYS HIR FARM, PICTON ROAD, PICTON.**

APPLICATION NUMBER: **055871**

APPLICANT: **MR. P. EDWARDS**

SITE: **YNYS HIR FARM, PICTON ROAD, PICTON**

APPLICATION VALID DATE: **27TH SEPTEMBER 2016**

LOCAL MEMBERS: **COUNCILLOR G. BANKS**

TOWN/COMMUNITY COUNCIL: **LLANASA COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application for improvements and extension to the farm track, layout of hardstanding for the parking and manoeuvring of

vehicles, improvement of toilet, washing and bathing facilities, provision of hook ups for potential visitors (including a grey water disposal point) and landscaping for a touring caravan and camping site to be a certificated site by the Camping and Caravan Club at Ynys Hir Farm, Picton Road, Holywell. As the works have already been completed, the application is in retrospect.

1.02 The main issues to be considered within the determination of this application are:-

- Principle of the development.
- Highway implications.
- Effects upon the character and appearance of the area.
- Effects upon the Public Right of Way.
- Impact upon the amenities of adjoining residents.

1.03 In terms of the principle of the proposed works in planning policy terms, they are considered acceptable given that they form an extension to an existing tourist accommodation. The use, with regard to the touring caravans and tents does not require permission.

1.04 With regard to the detailed matters, it is considered that the developments do not have a significant detrimental impact upon highway safety, the landscape, the public right of way and the amenities of the adjoining residents.

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

2.01 Conditions

1. In accordance with approved plans.
2. Within two months of the date of this permission a drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of surface and land water and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details.
3. Within two months of the date of this permission, visibility sightlines of 2.4 m x 25 m shall be provided in each direction measured to the nearside edge of the adjoining carriageway over land within the control of the applicant and/or highway authority and within which there shall be no obstruction to visibility in excess of 1 m above the nearside channel level of the adjoining highway.
4. Within two months of the date of this permission, facilities shall be provided and retained within the site for the parking and turning of vehicles.
5. The development hereby approved shall be implemented in accordance with the submitted Highway Management Plan

submitted on 9th December 2016.

3.00 CONSULTATIONS

3.01 Local Member

Councillor G. Banks

Requests committee determination due to concerns of the adverse impact on the amenities of adjoining occupiers and the adverse impact on roads in the locality. Also requests a site visit to view the above.

Previous Adjoining Ward Member

Councillor N. Steele-Mortimer

Objects on the ground of the adverse impact of the developments on the landscape. Wishes the application to go to committee on this ground.

New Adjoining Ward Member

Councillor Andrew Holgate

Requests application goes to Planning Committee and a site visit is undertaken as this proposal will have an impact on residential amenity due to hours of use, noise, traffic and the resulting over dominance and loss of privacy.

Objects to the application on the grounds of:-

- Unacceptable impact upon residential amenity. Residents have bought houses in the area for peace and tranquillity.
- Site is on greenfield land which is for agricultural use.
- Residents rear that their privacy will be invaded which will include fire and smoke and a danger to hedgerows. Unsupervised children and noise will impact on their tranquillity.
- Kites may be flown next to electricity pylons.
- Insufficient services to cope with potential influx of visitors and roads are already too busy or even too narrow to accommodate caravans. Well known area for livery and will impact on hours riders, cyclists and pedestrians because there are no facilities for sidewalks.
- Track appears to have been created specifically. Google Earth pictures for 2002, 2006, 2009 and 2015 reveal that there is no track specific to the site.
- Works have already been carried out.

Llanasa Community Council

Objects to the application on the following grounds:-

- Access and Road Safety – proposed camp-site would lead to an increase in traffic volume on narrow single track lanes, which are unsuitable for caravans.
- Fire Risk – Electric hook up points have been situated next to

hedgerows. During 2016, fires have been lit next to hedgerows, increasing fire risk. Kits have been flown under electricity cables.

- Will change the character of Picton from a quiet agricultural area to a noisy area during summer months.
- Numerous other camp-sites and touring caravan sites throughout the area situated in areas with suitable access to major roads.
- Loss of Privacy – Campers would be at liberty to wander next to their gardens where children are playing. Also complaints of noise nuisance throughout the days and late into the evening.

Head of Highways Development Control

Refer to the Transport Statement received in connection with the proposal as confirms that the outstanding issue relating to the proposed route have now been addressed.

If minded to grant planning permission, recommends any permission includes the suggested conditions.

Environment Directorate

(Rights of Way)

Public Footpath 21 crosses the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

Head of Public Protection

No adverse comments to make.

Natural Resources Wales

No objection to the scheme.

The Ramblers Association

Do not believe this will affect the nearby Right of Way and have no detailed comments to make.

The Coal Authority

Application site falls within the defined development high risk area.

The works proposed will not require substantial foundations or earthworks, and consequential loading placed on the ground by these will be less than for other forms of development. Therefore do not consider that requiring a coal mining risk assessment would be proportional to the scale and nature of development proposed in this particular case and do not object. Advises a note put on any consent granted.

Dwr Cymru/Welsh Water

If minded to grant consent for the above development that the suggested notes and conditions are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's Assets.

Wales & West Utilities

No apparatus in the area.

SP Energy Networks

Have plant and apparatus in the area. Developer be made aware of this prior to starting any development.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

24 letters of objection received. The grounds of objection being:-

- Never been a farm track where new track is.
- Improvements to toilet etc were not in existence pre-campsite. Not improvement, it is about creation of 'new' facilities.
- New campsite leading to increased volumes of traffic on Picton Road, etc. Clear issue of road safety. Narrow winding lanes totally unsuitable for caravans.
- Campsite radically changed the character of the hamlet of Picton from a quiet, tranquil, beautiful agricultural area to a noisy and unsightly area during spring and summer months. Farm track clearly visible from Picton Road, Picton, New Road, Gwespyr and Tanrallt Road, Gwespyr, half a mile away.
- Noise nuisance during night and day. Experience loud music and shouting coming from the campsite and the smell of outdoor barbequing.
- Risk of fire an issue. Electric hook ups are situated next to the hedgerows. Fires have been lit in fire pits situated very close to the hedgerows. Kites have been flown close the electricity cables.
- Residents unable to enjoy their gardens for quiet relaxation due to noise, outlook and smell of burning.
- Vast amounts of camping and caravanning sites all along the coast within easy access of the A55 and A548. No need for any more sites at the expense of losing green belt agricultural land and causing traffic issues.
- No reference on plan to where storage of refuse and re-cycling will be sited.
- No screening of track, tents and caravans.
- Detrimental to the wildlife of the area.
- Public Footpath cuts directly through the field where walks and dog walkers have to walk right through the fields in the middle of the people and children on the campsite.
- Access road has a detrimental visual impact on open countryside

being clearly visible, a scar on the landscape.

- Proposal does not contain sufficient information to allow proper assessment and is very questionable as to whether proposal contains sufficient and necessary information for validation.
- Proposal is contrary to policies T6, T7, STR6, STR7, AC1 and AC13.
- If minded to approve, request conditions to contain with fencing the camping/touring caravans to limit use to that area and prevent overspill and use of wider agricultural area, preclude the recreational use of the wider agricultural land area around the application site to protect residential amenity. These conditions being to limit the detrimental impact of the application site use on the residential amenity of nearby dwellings.
- Application to the Caravan & Camping Club has not been accepted.

5.00 SITE HISTORY

5.01 055434

Improvements and extension to farm track (partly retrospective) – Withdrawn – 30th August 2016.

047996

Conversion of and alteration to existing farm outbuilding to provide short-term letting holiday accommodation – Granted 24th January 2011.

046547

Conversion, alteration and extension of existing farm outbuilding to provide short-term letting holiday accommodation – Refused 9th November 2009 – Dismissed on appeal 6th September 2010.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR6 – Tourism

STR7 – Natural Environment

GEN1 – General Requirements for Development

GEN3 – Development in the Open Countryside

D1 – Design Quality, Location & Layout

D2 – Design

D3 – Landscaping

L1 – Landscape Character

AC2 – Pedestrian Provision & Public Rights of Way

AC13 – Access & Traffic Impact

RE5 – Small Scale Farm Diversification

T2 – Serviced Tourist Accommodation

EWP12 – Pollution

EWP13 – Nuisance

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 13: Tourism (1997)

Technical Advice Note (TAN) 23: Economic Development (2014)

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises part of an existing modern agricultural building, 3 pasture fields and an existing stoned track at Ynys Hir Farm, Picton Road, Holywell. The farm comprises of 40 acres of pastureland which is grazed by sheep and cattle. Hay and silage are also taken to feeding this stock. A traditional stone and slate farm building on the farm has been converted to a holiday let (047996)

7.02 The proposals seek retrospective planning permission for an extension to the existing toilet, (these works are all internal) washroom and shower facilities within the modern agricultural building, the provision of hook-ups for the caravans along the southern boundary of the proposed site, water disposal point within the South-Eastern corner of the Certificated site, improvements and extension to the existing farm track leading to the proposed site, to provide access onto the fields for farm machinery, planting of trees along both sides of part of the track and the creation of hardstanding in front of the modern agricultural building for the parking and turning of vehicles. The purpose of which is to provide an additional income to support the farming business.

7.03 All the above works have been undertaken upon fields to the east of the existing site access to be used for five touring caravans and ten tents as a Certificated site by the Camping & Caravan Club. So long as it is used for no more than 28 days per year, then planning permission for the use is not required.

7.04 Issues

The main issues to be considered within the determination of this application are:-

- Principle of Development.
- Highway Implications.
- Effects upon the character and appearance of the area.
- Effects upon the public right of way.
- Impact upon the amenities of adjoining residents.

7.05 Background

This application is as a result of enforcement complaints initially about the works to the track and use of the land for camping and caravanning,

thereafter, the works within the existing modern agricultural building.

7.06 Principle of Development

The site is located outside of any recognised settlement boundaries and within open countryside as defined by the Adopted Flintshire Unitary Development Plan. Therefore Policies GEN3 and RE5 apply.

7.07 The works are considered acceptable in planning policy terms as they support the extension of existing tourist accommodation at the location which accord with Policy T3. The use of the site itself does not require planning permission because the site is to be used in connection with a proposed Certificated site by the Camping & Caravan Club for only 5 touring caravans and 10 tents for no more than 28 days in any calendar year (which does not require the benefit of planning permission) which require an open countryside location. Also they are part of a farm diversification scheme (an outbuilding is currently used as a holiday let – 047996), with policies encouraging tourism accommodation benefiting the rural economy. Policy T6 and T7 relate to the provision of a new caravan or camping site and as the use does not require consent this policies are not relevant.

7.08 Highway Implications

Access to the land is via the existing vehicular access to the land and buildings off Picton Road.

7.09 The access route in which users to the site are advised to take to the farm have been submitted and confirmed as being acceptable by the Head of Highways Development Control. This is in the form of a Highways Traffic Management Plan which advises that all potential users of the site who have a trailer, caravan or large camper van will be asked on all marketing details and direct inquiries that the preferred route is to the site from the Coast Road with a pre-planned and agreed arrival and departure time. These times will be staggered sufficiently to avoid the possible conflict with other road users particularly at road junctions and especially those on main roads.

7.10 The Head of Highways Development Control advises that conditions should be placed upon any planning permission granted requiring the existing visibility sightlines to be improved to the suggested requirements and that details should be provided within the site for the parking and manoeuvring of vehicles. These have been placed upon the recommendation to grant planning permission.

7.11 Character & Appearance of Area

The works to the building to extend the washing and toilet facilities are within the existing building. No external works have been undertaken or are proposed to the building. The hardstanding is in front of the building and is amongst other existing development. It is assimilated into the existing built development on the site and does not have a significant detrimental impact upon the landscape in this area.

- 7.12 The works to upgrade the existing track have involved a minor increase in the width and new material put down. The extension of the track into the proposed Certificated site is approximately 60 metres in length.
- 7.13 The hook ups are small in size and are well screened by the existing hedgerows along the Southern boundary.
- 7.14 There will be a maximum of 5 touring caravans and ten tents upon the most eastern field which will be used only for 28 days a year. It will be a Certificated site by the Camping & Caravan Club and does not therefore require the benefit of planning permission.
- 7.15 Given the above, it is considered that there is no a significant increased detrimental impact upon the character and appearance of the area and the proposal is therefore in accordance with policies STR1, STR6 and STR7 as the development incorporates high standard of design, whilst both enhancing the tourism in the Country and protecting the features of that location.
- 7.16 Public Right of Way
Public Footpath 21 crosses part of the existing track close to the existing farm complex of Ynys Hir and is unaffected by the development.
- 7.17 The Ramblers Association have been consulted on the application who comment that because the development do not affect the right of way they have no detailed comments to make.
- 7.18 Amenities of Adjoining Occupiers
The nearest adjoining properties are located approximately 150 m to the south of the proposed campsite. The use of the site does not require the benefit of planning permission. In addition no complaints in terms of noise and smell have been received to the Council's Public Protection Section.
- 7.19 Given the above it is considered that there is no significant detrimental impact upon the living conditions of adjoining residents in terms of loss of privacy, noise and smell or disturbance caused from the physical works.
- 7.20 In terms of fire risk from the hook-ups this is a matter that would be covered by the Camping & Caravan Club in order for the site to be Certificated. This also applies to the issue of litter on the site.

8.00 CONCLUSION

The site for the use of 5 touring caravans and 10 tents as a Certificated site by the Camping and Caravan Club does not require the benefit of planning permission.

It is considered that the works to make the site Certificated are acceptable in principle in planning policy terms and do not have a significant detrimental impact upon the character and appearance of the landscape.

8.01 Other Considerations

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

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

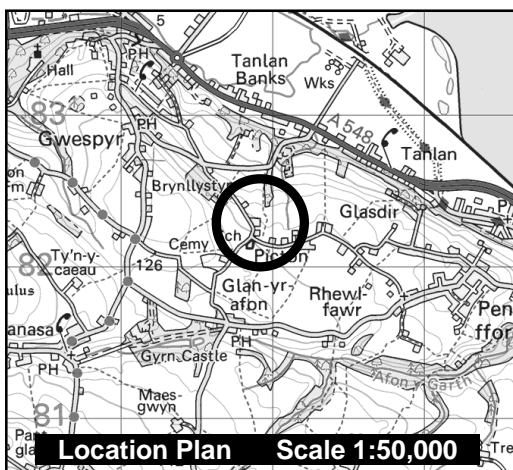
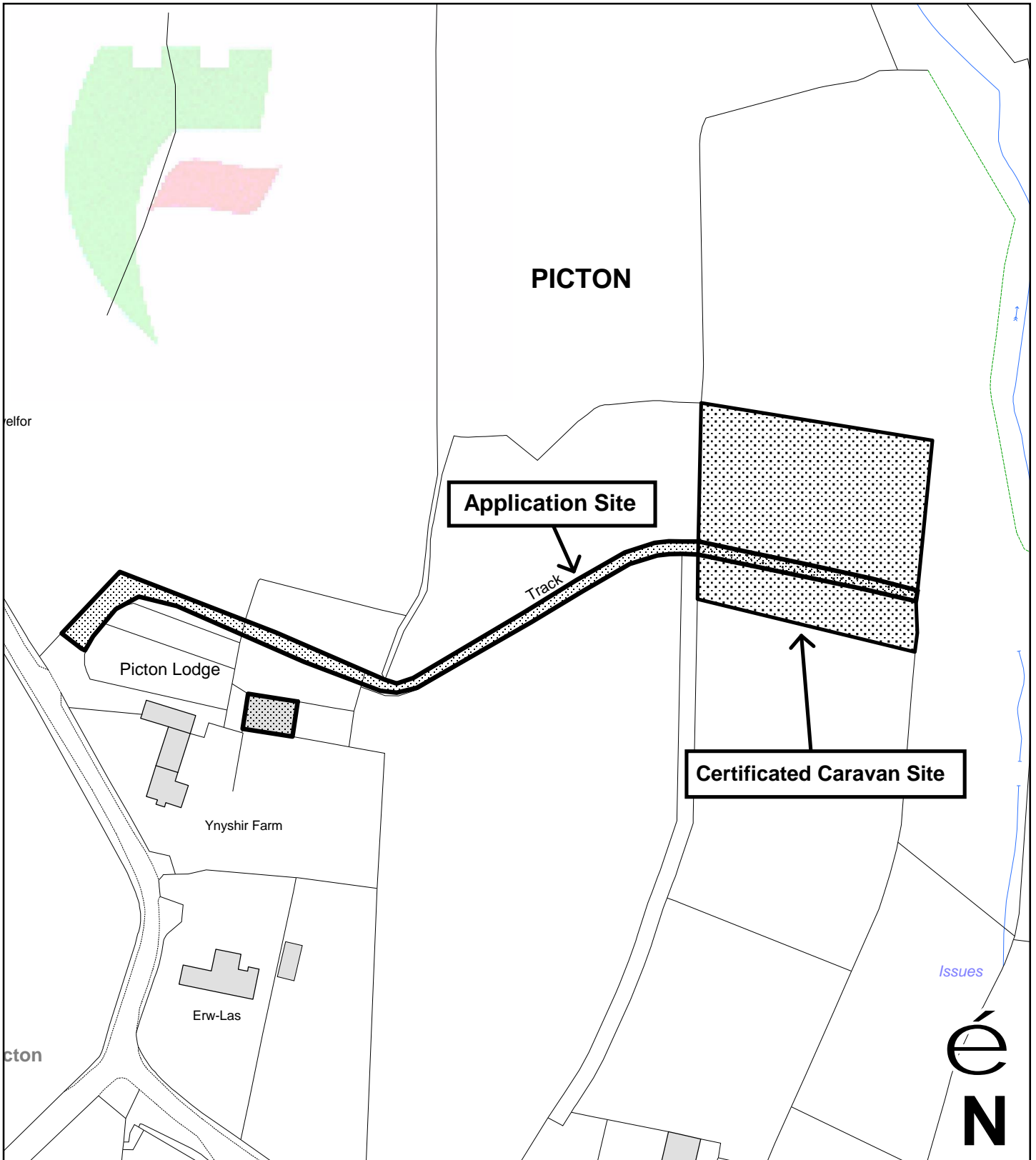
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS



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

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



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

Legend

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

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| Planning Application | 55871 |

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

SUBJECT: **FULL APPLICATION – INSTALLATION OF 17.5 M
MONOPOLE SUPPORTING 2 NO. ANTENNAS
WITHIN A SHROUD, 2 NO. EQUIPMENT CABINETS
AND ANCILLARY DEVELOPMENT AT RUTHIN
ROAD, GWERNYMYNYDD**

**APPLICATION
NUMBER:** **056757**

APPLICANT: **CTIL & VODAFONE LIMITED**

SITE: **RUTHIN ROAD,
GWERNYMYNYDD**

**APPLICATION
VALID DATE:** **20TH MARCH 2017**

LOCAL MEMBERS: **COUNCILLOR K. HUGHES**

**TOWN/COMMUNITY
COUNCIL:** **GWERNYMYNYDD COMMUNITY COUNCIL**

**REASON FOR
COMMITTEE:** **CONCERNS REGARDING VISUAL IMPACT,
INTERFERENCE WITH SIGHTLINES FOR TRAFFIC
ON A494. PROXIMITY TO DWELLINGS THAN
RECOMMENDED IN ICNIRP GUIDELINES**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application for the installation of one 17.5m high monopole, 2 antennas within a shroud and 2 equipment cabinets and ancillary development.
- 1.02 The proposal is to improve the level of coverage in the vicinity. The main issues to consider are the impact on visual amenity and the impact on the highway.

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

2.01 Conditions

1. Time limit.
2. In accordance with approved plans.
3. Details of finish and colour of monopole and cabinets to be agreed prior to installation.
4. Land to be restored after site is no longer in use for telecommunications.

3.00 CONSULTATIONS

3.01 Local Member

Ex-Councillor N. Matthews

Prior to 5th May 2017 Request for committee determination based on visual impact, impact upon highway networks and potential impact upon residential amenity and potential health concerns.

Councillor K. Hughes

The newly elected member for the ward, consulted on application. Confirmed that having spoken on behalf of the Community Council at a previous planning committee I am aware that some members felt that the ICNIRP guidelines were out of date.

The issues do not just refer to the ICNIRP guidelines, although the proximity of some dwellings are very close to the site of the mast contrary to those guidelines.

I also want the Planning Committee to consider the visual impact of the proposed mast and the interference with the sight line for traffic on the A494 trunk road should the mast go ahead.

Gwernymynydd Community Council

Objects most strongly to application on the following grounds:-

The mast at 17.5m is too high, would be clearly visible from all sides and would be obtrusive in a rural landscape. The location is in Area of Outstanding Natural Beauty and would therefore be out of place.

There are major concerns expressed with regard to radiation emissions, no valid explanation of the amount emitted and there are uncertainties given worldwide as the said radiation levels are still being investigated. The Council is aware of similar installations in France have been vetoed over concerns of high radiation levels. The World Health Organisation (WHO) recommends caution on the siting of masts, particularly when such locations are close to houses.

It is accepted that detailed research is poor and inadequate due to minimal statistics, but papers submitted by Powerwatch, voice concerns about clusters of ill health of persons living in close proximity to telecommunications masts.

The proposed location of the mast is close to residential properties both to the rear and opposite the proposed site, this factor needs to be earnestly considered and the application rejected. The height of the mast is in line with neighbouring properties and therefore the radiation splay would bathe those houses near to the mast.

The proposed location of the mast lies within the former site of the Welsh Chapel, the Chapel was demolished some time ago in order to provide better vision lines for traffic along the busy A494 Trunk Road, consultation needs to undertake with the Welsh Governments Trunk Road Agency on this matter.

The Council and the residents of Gwernymynydd are aware that there are underlying mineshafts in and around the proposed location and this factor needs to be considered as any subsidence or collapse would lead to a serious situation on the busy A494. Also this Council is aware of that to date there has been no response to the proposed mast site by the Trunk Road Agency, this needs to be taken in to account.

Employees working on similar masts are governed by strict health and safety regulations and codes of practice, they are not allowed to work close to the installation unless the telecommunication workings are switched off. This safeguard is adhered to because of high radiation levels, these levels would exist to the nearby properties.

The Community Council appreciates that improvements in technology needs such types of equipment, however this installation is too close to housing and is in the wrong place, there are more appropriate locations that may be considered well distanced away from communities that may be affected.

The Community Council and the residents in the village of Gwernymynydd wish refusal of the application.

Head of Assets and Transportation

As the site falls on the A494 Trunk Road, the proposal is to be assessed by Welsh Government Department of Economy, Science and Transportation.

Welsh Government Department of Economy, Science and Transportation

The Welsh Government as highway authority for the A494 trunk road does not issue a direction in respect of this application.

Head of Public Protection

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

Coal Authority

The site does not fall within a defined Development of High Risk Area and is located within a defined Development Low Risk Area and there is no need for the Coal Authority to be consulted. It will be necessary to include The Coal Authority's Standing Advice within any decision notice as an informative in the interests of public health and safety.

Defence Infrastructure (MOD)

Ministry of Defence has no safeguarding objections to this proposal.

Airbus

The proposed development does not conflict with safeguarding criteria accordingly, we have no aerodrome safeguarding objection to the proposal.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

4 Objections received on the following grounds:

- - The proportions/scale of the mast, at least double the height of existing lampposts/telegraph poles.
 - The mast is too near to residential areas, and due to the elevation of the hill to the rear, the site would level with houses behind, in front of windows and in line of sight of dwellings
 - The mast is located in the middle of the village, opposite a new housing estate.
 - It does not fit in with the street scene
 - The development will devalue the existing and new dwellings
 - Not enough know about the health risks, to make this judgement and do not want the mast so close to property and where children are playing
 - The mast is out of keeping/character with the village which is an Area of Outstanding Natural Beauty.
 - The trees to the rear of the site are topped from time to time and would leave the mast totally exposed, which would be an eyesore to our homes and the village.
 - Adverse effects on radio waves
 - The monopole and cabinets are not suitable for a roadside site, due to potential impact by vehicles, as there already telegraph poles and signs on the verge. Land at Highfield has resulted in the existing bus shelter being replaced by perspex see through type, to enhance visibility, to place cabinets on the grass verge will negate.
 - Applicant should consider sites at a higher altitude to give better coverage and peace of mind to residents, and should not go for the easiest and cheapest options.

5.00 SITE HISTORY

5.01 None.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
AC22 - Locations of Installations
GEN1 - General Requirements for Development

Planning Policy Wales (Edition 9)

Technical Advice Note 19 Telecommunications (2012)

7.00 PLANNING APPRAISAL

7.01 Introduction

This application is for the erection of one 17.5m high monopole, supporting 2 antenna, (housed within a shroud), 2 equipment cabinets and associated ancillary development on an existing grass verge area adjacent to the A494 a trunk road. The site is not within an Area of Outstanding Natural Beauty.

7.02 Planning Policy

Flintshire County Council Unitary Development Plan seeks to control the location of telecommunications installations via Planning Policy AC22. This policy requires that any new development is subject to a feasibility study to assess if suitable alternative sites are available.

7.03 The application has been supported by documentation, evidence of the site selection process. A desk top search identifies other existing telecommunications installations. With supplementary information identifying site selection and roll out consultation process responses with the Local Planning Authority, (during which no issues were raised). These consultations were inclusive of the local ward Member, Gwernymydd Community Council and the local Member of Parliament.

7.04 The applicant has submitted an assessment of alternative sites, which were considered and why they were unsuitable. The assessment shows that alternative sites would not provide an improved phone signal in the area where it is required, hence the submission of the monopole application in this particular location. The need for the improved network coverage, to cover the existing indoor coverage gap for 2G coverage, has been demonstrated and justifies the proposal.

7.05 Technical Advice Note No 19 Telecommunications provides advice on the material planning considerations to be taken in to account as part of determining a planning application. Particular reference is made to the potential impact on public health. TAN 19 states that where

transmissions meet the Non-Ionizing Radiation Protection ICNIRP guidelines it is unnecessary for a Local Planning Authority to consider the future health aspects and concerns when considering such a planning application. The application documents include a Declaration of Conformity with ICNIRP Public Exposure Guidelines.

7.06 Visual Impact /Residential Properties

Due to the height of the monopole at 17.5m high it will be visible in its location on the existing open grass verge adjacent to the A494 Trunk Road. However this is mitigated to some extent due to the existing sites topography, with the rear of the site rising steeply and being set against a back drop of mature trees. Concerns have been raised with regard to the visual impact the mast will have on residential properties to the rear of the site. Residents have stated that due to the topography of the site the mast will be level and in the line of sight to residents. However the scale of the development due to the limited width of the pole and the shroud enclosing the antennas is considered to be of a diminutive scale and the nearest property to the rear being located 25m away from the proposed mast it is not considered to be significantly detrimental to visual amenity to residents or the wider area. Objections have been received on grounds of devaluation of property, this is not a material planning consideration which can be given weight in the planning balance.

7.08 In addition there are other existing vertical structures within the immediate street scene and wider site area consisting of telegraph poles at 9m high and lighting columns which are higher, as such the proposal will not introduce an alien form of vertical development.

7.09 Views of the mast are obscured to the properties located to the rear of the site, which are set at a higher level by the mature trees to the rear of the site. The properties opposite the site, currently under construction, but not yet occupied, are located across two lanes forming the A494 the Trunk Road and are separated from the site by 25m.

7.09 Design and Scale of the Proposal

The monopole while being 17.5m high is a simple design, with the column being 324mm in width and the shroud being slightly wider being 480mm in width. The equipment cabinets are 1.9m high and 0.77m in width, due to the scale of these features, they are considered to be of a similar scale to BT broad band cabinets, and appear as street furniture. As such the development is not considered to have a significant visual impact on the existing street scene. The site is not located within an Area of Outstanding Natural Beauty. The finish and colour of both the monopole and cabinets will be agreed by condition, prior to the erection of the monopole, which will further reduce any potential visual impact of the proposal.

7.10 Highway safety/Welsh Government Department for Economy and

Infrastructure

The applicants have submitted the requisite Technical Note in relation to the A494 Trunk Road. The Welsh Government have confirmed that the development will not impact upon traffic on the A494. Despite concerns raised with regard to sightlines on the A494.

7.11 Public Health

There have been numerous concerns raised with regard to potential health concerns. However, there is a requirement under TAN 19 advice that applications for the type of telecommunications development proposed are to be accompanied by a declaration that the equipment will operate in full compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines.

7.12 TAN 19 states that where transmissions from a proposal meet the ICNRP guidelines, it is unnecessary for a Local Planning Authority to consider further health aspects and perceived concerns, when considering such applications.

7.13 The application documents include a Declaration of Conformity with ICNIRP Public Exposure Guidelines. This takes account of the cumulative effect of emission from the proposed installations and all radio base stations present at, or near, the proposed locations.

7.14 In light of the above and given that there is no demonstrable harm on public health arising from the proposed development, concerns of impact on public health, have limited weight in the consideration of this application in relation to the application and the concerns raised.

8.00 CONCLUSION

8.01 It is considered that the proposed telecommunications monopole and associated development is in accordance with the relevant planning policies of the adopted Flintshire Unitary Development Plan. The siting of the equipment meets both local and national planning policy and the advice offered in TAN 19 and Planning Policy Wales and would not have an adverse impact upon residential amenity, visual amenity, the highway network or public health.

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

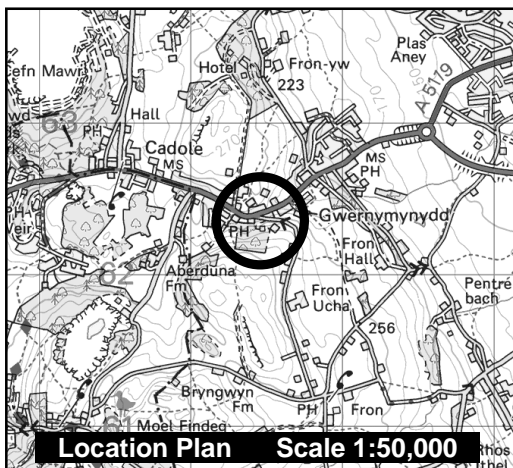
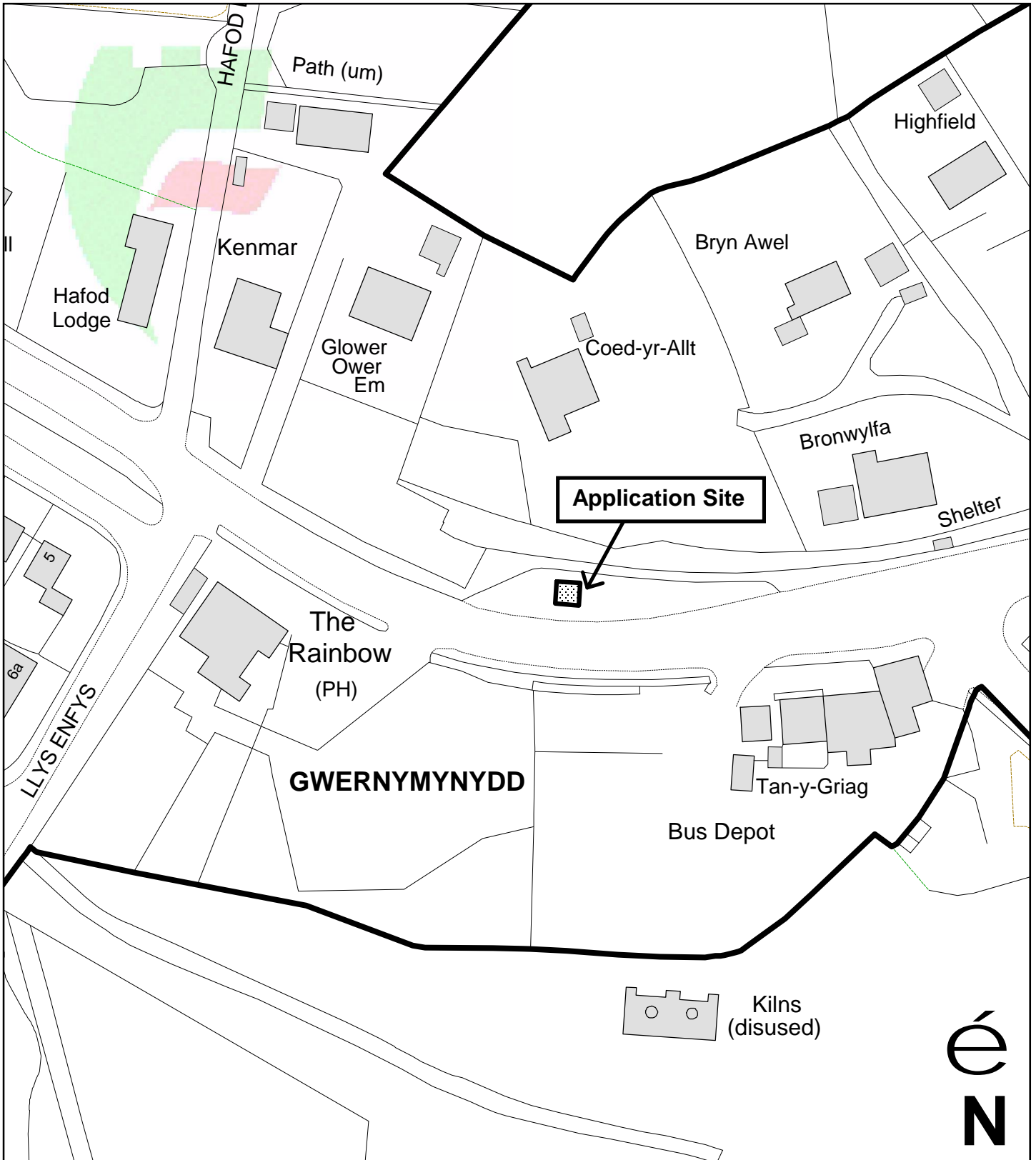
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation



Responses to Publicity

Contact Officer: Barbara Kinnear
Telephone: (01352) 703260
Email: barbara.kinnear@flintshire.gov.uk



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

Legend

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

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

SUBJECT: **FULL APPLICATION – ERECTION OF FARM SHOP AND ASSOCIATED WORKS, FORMATION OF NEW VEHICULAR AND PEDESTRIAN ACCESS AT COPPY FARM, CILCAIN ROAD, GWERNAFFIELD.**

APPLICATION NUMBER: **056664**

APPLICANT: **MR. & MRS DICKIN**

SITE: **COPPY FARM, CILCAIN ROAD, GWERNAFFIELD**

APPLICATION VALID DATE: **3RD MARCH 2017**

LOCAL MEMBERS: **COUNCILLOR AJ DAVIES-COOKE**

TOWN/COMMUNITY COUNCIL: **GWERNAFFIELD AND PANTYMWYN**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO THE IMPACT ON RESIDENTS, TRAFFIC GENERATION AND CONCERNS ABOUT THE ACCESS LOCATION.**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 It is proposed to erect a building to house a farm shop including the creation of a new access and access track at Coppy Farm Gwernaffield. It is considered that the proposal for a small scale shop is acceptable in this location and complies with the relevant policies S4 and RE5 and national guidance on these matters. The new access is necessary to facilitate the development and can be conditioned to ensure that the appearance does not have a detrimental impact on the character of the area.

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

- 2.01
1. Time Commencement
 2. Plans
 3. Drainage scheme – surface water and foul if required
 4. Surface of track
 5. Fencing details
 6. Detailed design and levels for access
 7. The gradient of the access shall be 1 in 24 for a minimum distance of 10m and 1 in 10 thereafter
 8. Visibility splays of 2.4 m x 58m measured in a westerly direction along the nearside edge of the adjoining carriageway and 2.4m x 102m measured in the easterly direction to the carriageway centreline
 9. Access shall be completed prior to the farm shop being brought into use
 10. Landscaping and hedge replanting scheme
 11. Hours of opening Monday to Friday 08.00 – 18.00, Saturday 08.00 – 14.00 Closed on Sundays and Bank Holidays
 12. No removal of hedgerow within the bird breeding season
 13. Details of cladding to building
 14. No trees to be removed
 15. Arboricultural Method Statement – no dig for access

3.00 CONSULTATIONS

3.01 Local Member

Councillor A J Davies-Cooke

Requests committee determination and a site visit on the grounds of;

- Impact on the residents close to Coppy Farm – hours of use, loss of privacy, over dominance, noise and traffic
- Diversification is for farmers adding a business activity to traditional farming – do not consider this is the case
- Impact on the character and appearance of the area
- Impact on highway safety, pedestrian safety, parking of residents and their visitors
- Traffic generation – could have hundreds of cars
- Noise and disturbance from the scheme
- Smells
- Residents rights to quiet enjoyment of their property and surrounding area
- Concern about visibility splays on a section of road within the national speed limit

- Impact of HGV's and other delivery vehicles

Gwernaffield and Pantymwyn Community Council

Object on the grounds of;

- A lack of consultation and notification
- Impact on the character and appearance of the area due to the removal of the hedgerow will change the visual approach to the village
- Impact on highway safety, will lead to parking on the road and reduced visibility at the entrance. Cars enter the village at speed and the new access will be a hazard.
- Residents do not believe this is a working farm and little produce is grown on site so it will all be imported
- Concern about viability of proposal and cost of building the road

Highways Development Control Manager

No objections subject to conditions covering:

- Detailed design and levels for access
- The gradient of the access shall be 1 in 24 for a minimum distance of 10m and 1 in 10 thereafter
- Visibility splays of 2.4 m x 58m measured in a westerly direction along the nearside edge of the adjoining carriageway and 2.4m x 102m measured in the easterly direction to the carriageway centreline
- Access shall be completed prior to the farm shop being brought into use

Public Protection Manager

No adverse comments to make.

Welsh Water/Dwr Cymru

No objection subject to drainage condition covering foul, surface water and land drainage.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

8 objections on the grounds of;

- Increase in traffic on the road
- Concern about siting of access in a 60mph road
- The farm is non-productive and therefore produce would be bought in which is unsustainable
- The village is close to Mold so doesn't need a shop
- Impact of the access and loss of hedgerow
- Allowing public access in the field increases security threat to surrounding properties
- Impact on adjoining neighbours privacy
- No information on measures for waste collection

- No information on foul sewerage or washing facilities
- The access is outside the settlement boundary
- MIN8 – there are mineral rights on the land
- There is no need for the development
- The land is a candidate site in the DP for housing and feel this will set a precedent for future development
- Increase in noise

5.00 SITE HISTORY

5.01 055767 Erection of farm shop and associated works. Withdrawn.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

GEN1 – General Requirements for Development

GEN3 – Development in the open countryside

AC13 – Access and Traffic Impact

AC18 – Parking Provision and New Development

S4 – Small Scale Shopping Development

L1 – Landscape Character

TWH2 – Protection of Hedgerows

RE4 – Small Scale Rural Enterprise

RE5 - Small scale Farm Diversification

D1 – Design Quality Location and Layout

D2 – Design

D3 - Landscaping

WB1 – Species Protection

MIN8 – Protection of Mineral Interests

Planning Policy Wales: Edition 9 November 2016

TAN6 – Planning for Sustainable Rural Communities

TAN18 - Transport

7.00 PLANNING APPRAISAL

7.01 Introduction

It is proposed to erect a building to house a farm shop including the creation of a new access and access track at Coppy Farm Gwernaffield.

7.02 Site Description

Coppy Farm is located on the eastern edge of the village of Gwernaffield. Access to the farm is off Cilcain Road between the residential properties of 1 Ash Grove and Woodville. The farm complex is bounded by a number of dwellings to the south west and south east. To the north, west and east of the farm is agricultural

land. The application site is the front garden of the farm house and is bounded by a row of pine trees and a dry stone wall to the east.

7.03 Proposed Development

It is proposed to erect a building to house a farm shop including the creation of a new access and access track at Coppy Farm Gwernaffield. It would be sited within the existing farm complex within an area currently used as garden for the farm house. There is a poly tunnel sited on the site. A 1.2 metre high timber fence would divide the farm shop from the farm yard and residential area. An area for the parking and turning of vehicles will also be provided to accommodate 5 cars, along with the provision for bicycles.

7.04 The proposed building is 10 metres x 6 metres and 4.2 metres in height. It is a pitched roof building clad in timber with a grey profile sheet roof. The creation of the access and required visibility splay involves the removal of hedgerow. Within the site the creation of the access point will require the removal of a section of dry stone wall and some internal garden hedgerow.

7.05 The proposed new access would be to serve the farm shop only with the existing access retained for use by farm vehicles and for the residential use.

7.06 The shop would sell provide an outlet for the goods produced on the farm. These would include meat, eggs, milk and vegetables. In addition the shop would sell other essential items and newspapers.

7.07 History

This is a resubmission of application 055767 which was withdrawn due to concerns over the increased use of the existing sub-standard access for the proposed use. The existing access had inadequate visibility and inadequate width for the simultaneous passage of two vehicles for an increase in vehicle movements associated with the proposed use. In addition to the technical highways objections the use of the existing access to the farm would also have had a detrimental impact on the amenity of the other residential properties which are served off the access.

7.08 Speed surveys have since been undertaken and discussions with highways have led to the submission of this application with a new access point to the east of the existing dwellings on Cilcain Road which is considered acceptable.

7.09

Principle of Development

The application site for the farm shop is located within the settlement boundary of Gwernaffield while the access track and access are located outside the settlement boundary in the open countryside.

Policy S4 of the UDP deals with the provision of new small scale retail

7.10 developments within settlements. The proposal is assessed against the criteria below.

- i) It is below 300 square metres gross or in exceptional circumstances up to 500 square metres;

The proposed shop would have a floorspace of 60 square metres.

- ii) It is to meet local everyday needs and relates to the role, scale and character of the centre and the community it is intended to serve;

The shop would sell provide an outlet for the goods produced on the farm. These would include meat, eggs, milk and vegetables. In addition the shop would sell other essential items and newspapers. There is no shop in Gwernaffield or the adjacent villages of Cadole or Gwernymynydd. The farm currently sells eggs, potatoes and vegetables in season at the end of the current access.

- iii) It is located within or adjacent to a local or village centre or if no sites are available within the nearest centre, it is within the settlement boundary and accessible by a variety of means of transport

The shop is sited on a farm within the settlement boundary on the eastern edge of the village. It is connected to the farm use and is justified on that basis. Cycle storage facilities are being provided.

7.11 Policy RE5 of the UDP deals with 'Small Scale Farm Diversification'. This policy allows for small scale farm diversification subject to the following criteria permitted where:

- a. the proposed diversification activity is run in conjunction with the main farm enterprise;

The proposed shop is within the farm complex and is an outlet to sell produce produced on the farm, along with other goods. The shop area is separated from the farm yard by a 1.2 metres high fence to avoid any conflict with farm activities.

- b. the proposal would not have a significant adverse impact on features or areas of landscape, nature conservation or historic value;

The building is small scale and is within the settlement boundary within an area currently used as garden. No features are therefore affected. The new access requires the removal of hedgerow but subject to appropriate conditions to ensure its removal outside the bird breeding season and compensatory planting this should not have an impact on any nature conservation interests.

- c. the proposal would be accessible, wherever possible, by a

choice of modes of travel, particularly by foot, cycle or public transport;

The location of the shop is on the edge of the village and is therefore accessible by foot. Cycle facilities are also provided. There are public transport facilities which serve the village.

- d. any retail proposals are small scale, related to the farm operation or farm diversification scheme, take place within an existing farm building and do not unacceptably harm local shops or centres;

The proposed shop is small in scale in keeping with its location and the scale of the village. There is no other shop in the village or the adjacent villages.

- e. the proposal does not involve external storage or operations which would be harmful to residential amenity or the character and appearance of the area;

The proposed shop is small in scale and would not involve any activities which would have a detrimental impact on residential amenity. There is an external waste storage area which would be small in scale due to the nature of the proposed use.

- f. satisfactory provision is made for on-site parking, servicing, and manoeuvring space for the nature and volume of traffic likely to be generated which is capable of being served satisfactorily by the highway network;

A parking area is provided on the site. A separate access is proposed in order to provide an access which suits highways requirements and this will also reduce any disturbance to the residents which live on the current access to the farm at Sunny Bank.

- g. in the case of conversions:

- i. the building is suitable for the specific re-use; and
ii. any inherent traditional historic or architectural features of merit are retained; and

Not relevant.

- h. in the case of new build the buildings are of a scale, siting, design and materials appropriate to the site and surroundings and are well related to existing buildings in the main farm complex.

The proposed shop is small in scale and is sited within the farm curtilage but separate from the current farm buildings. The building is proposed to be clad in timber with a grey metal profile roof. The site would be separated from the farm yard by a 1.2 metre high close boarded fence and the existing boundary vegetation would remain. The separation is to ensure that the activity with the farm shop does not conflict with farming activities. It is therefore considered to be appropriate

to the site and its surroundings.

7.12 Technical Advice Note 6: Planning for Sustainable Rural Communities. Paragraph 3.8.1 states *“If a farm shop is used only for the sale of goods produced on that farm, with a minimal quantity of other goods from elsewhere then it is a use which is ancillary to the use as a farm and does not require specific planning permission¹⁵. However, use as a farm shop selling a significant amount of produce from elsewhere is a separate use that requires planning permission.”*

7.13 Paragraphs 3.8.2 *“Planning authorities, when considering planning applications for farm shops, should only limit the broad types of produce sold where an unrestricted retail use would result in a significant adverse effect on a village shop. Where there are no other shops in the locality, planning authorities should support a diversity of retail services, for example a sub post office, to help to meet essential needs of the community.”*

7.14 The village has a number of facilities and services including a school, church, church hall and public house. There is however no shop in the village or in any of the nearby villages. Residents therefore need to travel into Mold for any convenience goods. The site of the shop building is within the settlement boundary. The new access is outside the settlement boundary however it is necessary to have a new access in order to meet the highways requirements of a suitable access to serve the proposal. The new access and separation of the farm shop and farm activities also prevents conflict between visitors to the shop and farming activities. It is therefore considered that the proposed development complies with both national and local planning policies.

7.15 Highways
Concerns have been raised about the creation of a new access and the highway safety implications. The proposed access is to the east of the farm on Cilcain Road and is approximately 100 metres in length with three passing places. It is therefore single track for the majority of its length with the exception of the initial 10 metre section where the road joins the highway which will be in a bitumen finish for this part only. 50 metres of roadside hedgerow will need to be removed to create the access and visibility splay. It is proposed to replant the hedge 1.5 metres set back from the visibility splay.

7.16 Two speed surveys were undertaken to determine the location of the access and achieve the necessary visibility splays. The proposed access achieves a visibility splay of 2.4 metres x 58 metres measured in a westerly direction along the nearside edge of the adjoining carriageway and 2.4m x 102m measured in the easterly direction to the carriageway centreline.

The applicant initially undertook a speed survey as part of the

7.17 previous application 055767 which established the 85th percentile speed of traffic leaving the village, travelling towards Mold (eastbound) as being 37mph. However, the location at which the speed of traffic was measured was not appropriate to determine the speed of traffic approaching the access from Mold (westbound). Consequently the need for a second speed survey was identified. This recorded the 85th percentile speed of westbound traffic towards Mold as 40.2mph.

7.18 A mix of design standards has therefore been applied to assess the suitability of the visibility splays achievable from the proposed access. TAN 18 and Manual for Streets advocate the use of the Annex B Table B (TAN18) standards for speeds up to 37mph. As the speed of eastbound traffic is 37mph, then this allows the use of the lesser 58m Stopping Sight Distance (SSD) as adjusted for bonnet length. Conversely, as the 85th percentile speed for westbound traffic is 40.2mph DMRB desirable min standards for the 102m sightline measured to the east have been applied.

7.19 The construction of the access is approximately 30 metres outside the settlement boundary but this is facilitating development within the settlement boundary. In terms of the visual impact of the access it is considered that this can be controlled by conditions to include landscaping, surfacing of the track and fencing. This can ensure that the access will have a rural appearance and is in keeping with its location at the entrance to the village. It is not unusual to have access tracks in rural areas as long as they are in scale and character with the surrounding area.

7.20 Within the site the access will enter the garden through the existing dry stone wall between 2 groups of pine trees. The trees are proposed to be retained and therefore conditions for their retention and protection are proposed. To access the farm shop site an internal garden hedge will need to be removed. This will be conditioned to be outside the bird breeding season.

Impact on residential amenity
7.21 The access is approximately 30 metres from the nearest residential property. The farm shop building is approximately 15 metres from the rear boundary of the nearest residential properties. However this is within the farm yard area where farming activities would take place. The proposed opening hours are Monday to Friday 08.00 – 18.00; Saturday 08.00 – 14.00; Closed on Sundays and Bank Holidays. The proposed operation is small in scale. It is therefore not considered that the level of activity would be significant or would have an adverse impact on the adjoining residents.

Concerns have been raised about the impact of delivery vehicles and HGV's. This would be small in number and would not be significantly different to traffic associated with a farm.

7.22

Other Matters raised in representations

The permission for a new access track does not set a precedent for future development of the land which has been put forward as a candidate site for consideration as part of the Local Development Plan Process. The access track will be designed to be agricultural and conditioned to be in keeping with the rural area in terms of fencing and surfacing.

7.23

The nature of the proposed development would not prejudice the protection of mineral interests under policy MIN8 of the UDP. It is only the access track that crosses the minerals safeguarded area.

7.24

Details of a waste and recycling area for the shop have been shown to the rear of the building on the plans. Waste generation is not expected to be high due to the small scale of the proposed use. It is unlikely there would be issues with odour due to the scale and nature of the goods to be sold. The method of waste collection is not specifically a planning matter, however this could be in conjunction with the domestic collection or done privately.

7.25

The submitted floor plans do not show any need for sewerage disposal as there are no toilet or washing facilities. Any that may be provided would be small in scale and could be connected to the domestic system. A condition can cover this requirement if they decide to install them at a later date.

7.26

The application was advertised in accordance with the relevant statutory requirements which involved a site notice and consultation with residents adjoining the application site along with notification to the Community Council and the Local Member.

7.27

8.00 CONCLUSION

It is considered that the proposal for a small scale shop is acceptable in this location and complies with the relevant policies S4 and RE5 and national guidance on these matters. The new access is necessary to facilitate the development and can be conditioned to ensure that the appearance does not have a detrimental impact on the character of the area.

8.01 Other Considerations

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

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

aims of the Act and the Convention.

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

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

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

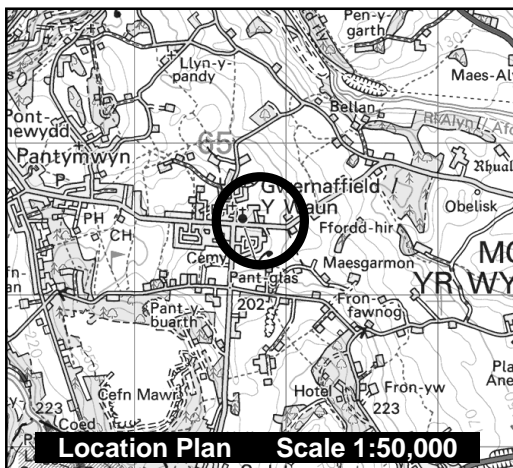
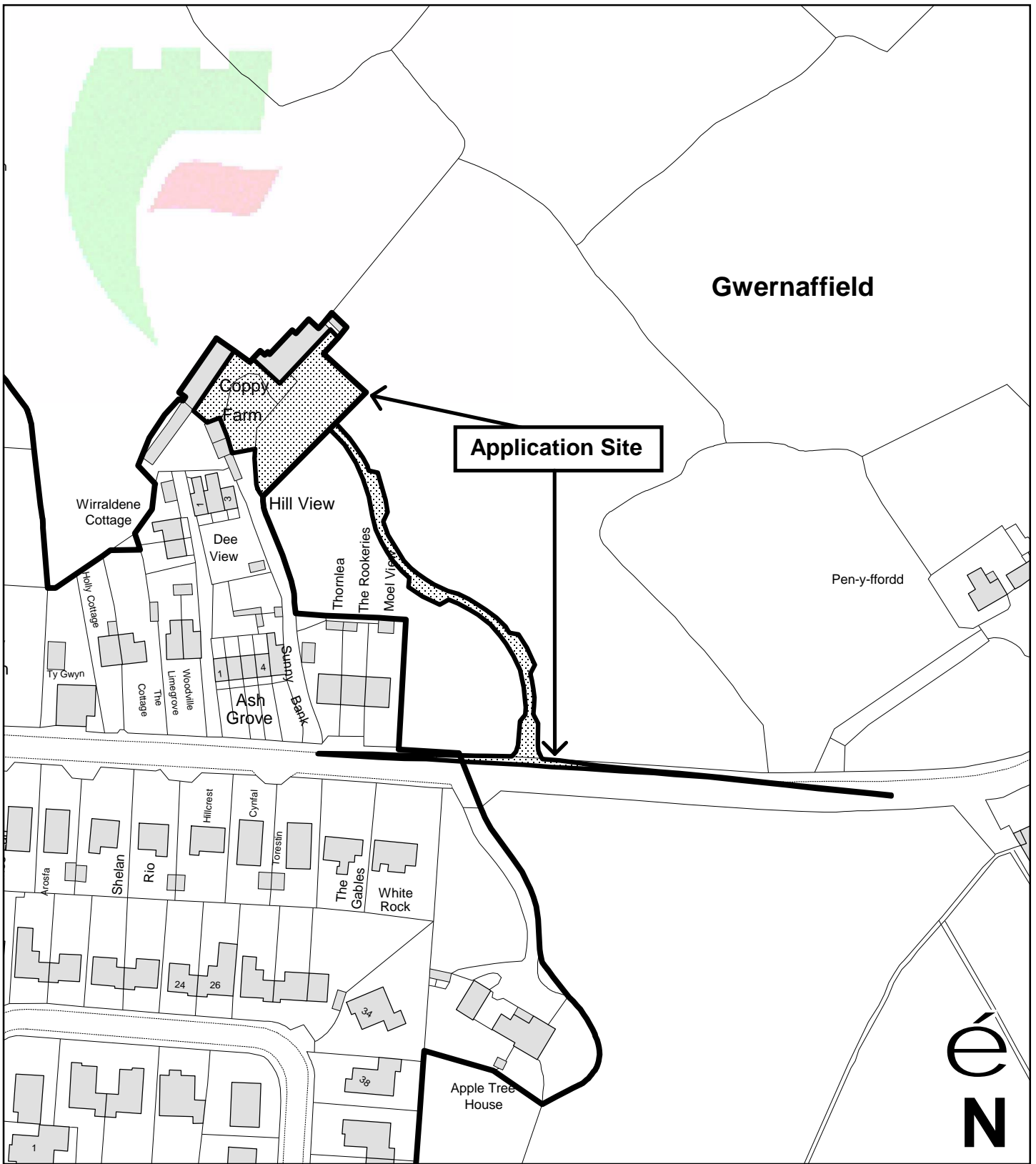
National & Local Planning Policy

Responses to Consultation

Responses to Publicity



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

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

Legend

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

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

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

APPLICATION NUMBER: **055736**

APPLICANT: **HERCULES UNIT TRUST**

SITE: **BROUGHTON SHOPPING PARK, BROUGHTON**

APPLICATION VALID DATE: **31ST AUGUST 2016**

LOCAL MEMBERS: **COUNCILLOR BILLY MULLIN**

TOWN/COMMUNITY COUNCIL: **BROUGHTON**

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

SITE VISIT: **NO**

This application was deferred from consideration at Planning and Development Control Committee on 16th November 2016 in order for further discussions with the land owner in terms of a long term approach to parking at the retail park after Members expressed concern about the loss of car parking due to this proposed development.

One of the suggested highways conditions was for a parking occupation strategy for 12 months including peak periods following the uses being brought into use. As the park has been under a period of refurbishment including the public realm areas and car parking, areas of the car park have been out of use as the works have been phased across the park. This has led to a reduction in the car parking available by 15% during these works. This work to the car parking areas is now completed and the applicants instructed Atkins to undertake a 'Review of Public Car Park Usage' survey in order to demonstrate the levels of usage currently

at the park. The survey was undertaken on two days a Friday and a Saturday in February 2017. The survey showed that the car park by the cinema (car park 3) can become full when a surplus of spaces are available in other parts. The results across the park as a whole from the Friday show a 61% occupancy at peak occupancy with 810 empty spaces. The Saturday results show a 85% occupancy with 306 empty spaces. The surveys indicate that even when making allowance for the loss of spaces from this development there would at peak times still expect to be a surplus of approx. 200 spaces with the park operating at 90% occupancy.

The survey was put out for re-consultation and no further comments were received.

It is considered that the submitted information is adequate to demonstrate that there is sufficient capacity within the car park to provide for the A3 units. The previous parking occupation strategy is not required. Any future applications which have an impact on car parking would have to be supported by relevant up-to-date evidence. In terms of the long term strategy for the park the applicants are still considering a master plan approach for the park as a whole along with the newly acquired land to the east of the park.

It is therefore considered that a condition is imposed on this permission to ensure that the car parking remains available at all times and is not used for temporary events such as markets etc. which can limit capacity at peak times. A similar condition was imposed on the cinema and restaurant development.

1.00 SUMMARY

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

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

- 2.01
1. Time commencement
 2. Plans
 3. Materials – buildings
 4. Materials – hard landscaping, paving and planter, seating
 5. Soft landscaping, and management
 6. Public art design and location
 7. Drainage scheme
 8. No occupation prior to October 2017 unless waste water treatment works upgrade is completed.

9. Removal of permitted development rights Part 4 in relation to the siting of temporary structures and temporary events to the car parking areas
10. Bird hazard management plan

3.00 CONSULTATIONS

3.01 Local Member

Councillor W Mullin

No response received at time of writing.

Broughton Community Council

No objection.

Highways Development Control Manager

No objections subject to conditions covering parking occupation survey.

Public Protection Manager

No adverse comments to make.

Welsh Water/Dwr Cymru

An upgrade is currently being undertaken to the Chester wastewater treatment works which flows from this development.

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

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

Airbus

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

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

4.00 PUBLICITY

4.01 Press Notice and Site Notice, Neighbour Notification

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

1 letter of support on the grounds that;

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

3 letters of objection on the grounds of;

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

5.00 SITE HISTORY

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

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

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

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR5 - Shopping Centres and Commercial Development

GEN1 - General Requirements for Development

S3 - Integrating New Commercial Development

S8 - Hot food take-ways restaurants and cafes

D1 - Design Quality Location and Layout

D2 - Design

D3 - Landscaping

D4 - Outdoor Lighting

D6 - Public Art

AC1 - Facilities for the Disabled

AC2 - Pedestrian Provision and Public Rights of Way

AC3 - Cycling Provision

AC4 - Travel Plans for Major Traffic Generating Developments

AC12 - Airport Safeguarding Zone

AC13 - Access and Traffic Impact

The application compliance with the above policies is assessed below.

7.00 PLANNING APPRAISAL

7.01 Introduction

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

7.02 Site Description

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

7.03 Proposed development

This is a full planning application for the erection of two A3 restaurant units along with landscaping and public realm works to create a sense of place and to enhance the current visitor experience as part of the current modernisation works at the park. The units are 232m² (2,500sqft) and 306.6m² (3,300sqft) respectively.

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

7.05 It is proposed to create a flexible and multi-functional area through hard and soft landscaping. This includes planters, seating areas and garden areas, along with children's play areas. An element of public art is also proposed which would be a project between British Land and the community.

7.06 Principle of development

The application site is situated between but outside the defined settlement boundaries of Broughton to the west and Bretton to the

east. It is therefore outside any town centre, however it is within an established out of centre retail park. The park has been established since the 1990's and has recently been through a period of modernisation and enhancements. This has included an extension to the retail park with complementary uses in the form of the cinema and restaurants. The retail park itself is being transformed through new glazed shop fronts and public realm improvements to the pedestrianised and car parking areas. This work is ongoing and is in the final phases. The refurbishment has been phased with the aim of minimising disruption to retailers and shoppers alike.

7.07 The addition of two A3 uses in an existing retail park. There is no policy requirement to demonstrate 'need' unlike for out of centre retail developments. The units are centrally located within the park and therefore would not necessarily get 'passing trade'. The restaurants would add to the existing food offer on the park and encourage visitors to stay longer. The principle of development is therefore acceptable.

7.08 The site of the proposed two units is currently partially a pedestrianised area and partially car parking. The car parking area within this part of the park has not yet been modernised and has consent to be remodelled as part of 052624. The impact on these two areas is addressed below. The most relevant development plan policy is Policy S8 which requires;

a) *such proposals to ensure the amenity of local residents, including residents living above the property, is not unduly harmed*

There are no residents within the shopping park and it is wholly a commercial retail park.

b) *on-site provision is made for the disposal of casual litter and wastes;*

Provision for service refuse and on site refuse disposal is provided.

c) *the use will not result in traffic hazards or disturbance arising from street parking.*

The use would not lead to on-street parking. The highways implications are addressed below.

7.09 Highways and parking

A Transport Statement prepared by Vectos was submitted with this planning application and to support a Non-Material Amendment (NMA) application relating to the pedestrian, parking and road layout outside the Tesco Extra store. (055965)

7.10 The main highways issue in relation to this proposal is the impact on the parking provision. While the new uses may lead to an increase in visitors to the park it is considered that this would be negligible and that the majority would be linked trips with other uses. The impact on the highway network is therefore not considered to be an issue.

- 7.11 The proposed uses however does have an impact on the current parking provision. The eastern unit will lead to the loss of 15 disabled spaces in the existing car park and also the potential for an increased pressure for parking as visitors may extend their stay. The western unit is located on an existing pedestrian area.
- 7.12 The current parking provision on the site is 2408 car parking spaces. This is made up of 2099 public spaces predominately in a central area and 309 staff spaces which are located to the rear of the units. The NMA application involved changes to the pedestrian area and road layout in front of the Tesco store to ensure that layby set down area remains and the pedestrian circulation space is enhanced. This leads to the loss of 25 parking spaces, 2 of which are disabled and 2 parent with child. This equates to the loss of 1% of the total spaces. It was not considered that this change was material. This proposed development along with the NMA leads to the loss of 44 car parking spaces which would be 1.8% of the total. A total of 2055 will then be provided at the park; of which 136 would be disabled and 98 parent with child which are pepper potted around the park.
- 7.13 A demand /capacity was undertaken at the park in June. The results of which are within the Transport Statement. This indicated a current demand of 88.76%, it is envisaged with the proposed changes the new development would increase this to 90.6%. At occupancy rates of over 90% car parking users can find it difficult to find a space and queues can arise as people look for spaces.
- 7.14 Assessed against the Councils maximum parking standards all the uses on the park individually would require 2,583 spaces, this includes un-built mezzanine floor space. With the new uses this increases to 2,671 spaces. However the park operates as a whole and not individual units, the park is also well served by alternative modes of transport to the car.
- 7.15 There are four pedestrian routes into the park which link to the existing community and the current new housing developments. There are also 44 cycle spaces around the shopping park pepper potted around. The park modernisation has recently improved the bus stop facilities in the park which offers regular services within and outside Flintshire. The site is therefore a highly accessible location to and from areas within and outside Flintshire.
- 7.16 The Highways Development Control Manager has no objection subject to conditions covering a Parking occupation survey following the uses being brought into use. This should be for 12 months and cover in particular peak periods. This will provide the Local Authority with an up-to-date picture of how parking on the site is used into order to inform any further developments.
- 7.17 Public realm improvements and design

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

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

7.19 Airbus

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

7.20 Welsh Water

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

8.00 CONCLUSION

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

8.02 Other Considerations

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

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

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

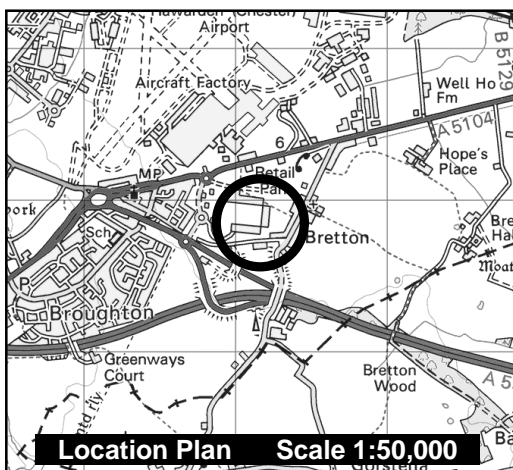
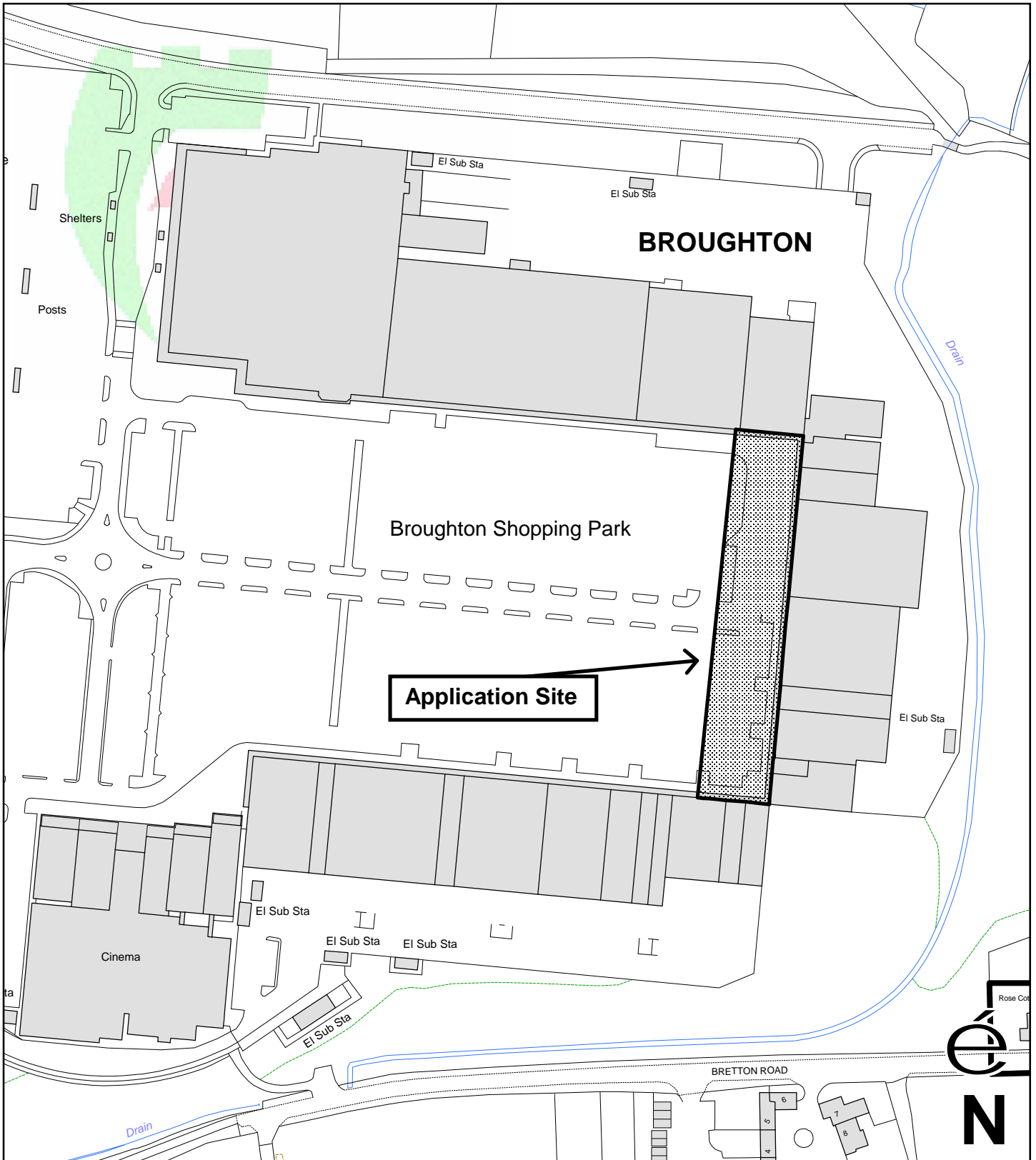
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2000

OS Map ref SJ 3563

Planning Application **55736**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

SUBJECT: **FULL APPLICATION – PROPOSED DEVELOPMENT OF 25 NO. DWELLINGS (PHASE 3) AT CAE EITHIN, VILLAGE ROAD, NORTHOP HALL.**

APPLICATION NUMBER: **055774**

APPLICANT: **ANWYL HOMES**

SITE: **CAE EITHIN, VILLAGE ROAD, NORTHOP HALL**

APPLICATION VALID DATE: **27TH JULY 2016**

LOCAL MEMBERS: **COUNCILLOR L A SHARPS**

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

REASON FOR COMMITTEE: **NUMBER OF DWELLINGS AND DEPARTURE**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection 25 dwellings on land at Village Road, Northop Hall. This would be Phase 3 of this development site known as St. Mary's Park by Anwyl Homes.
- 1.02 The application site is located in the open countryside, outside any recognised settlement boundary in the adopted Flintshire Unitary Development Plan, where there is generally a presumption against new development.

While this site is outside any defined settlement boundary it is

1.03 considered that it is a sustainable location and is well related to the pattern of development and the adjacent settlement of Northop Hall. The allocated site which this site is adjacent to did not deliver the expected number of dwellings and therefore the three phases of development in total now deliver the original allocated number. The scale of development can therefore be accommodated within the village. It is therefore considered that the lack of a 5 year land supply and the sustainability of the site outweigh the fact that the site is located in the open countryside. The proposal is therefore in accordance with both PPW and TAN 1.

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

2.01 Subject to entering into a S106 agreement unilateral undertaking or early payment for the following contributions;

- To gift 3 two bed dwellings to North East Wales Homes to be used as affordable housing
- To provide a commuted sum of £1,100 per dwelling in lieu of on-site open space provision towards a Multi Use Games Area at Lllys Ben Recreation Ground
- To provide a contribution of £73,876 to provide new hard standing games area/tennis courts at Hawarden High School
- Great crested newt avoidance and mitigation measures commuted sum of £1,850 per plot to off - site mitigation
- Management company for parking court to serve plots 85-91 and communal landscaping areas

1. Time commencement 2 years
2. In accordance with plans
3. Landscaping scheme to retain western hedgerow
4. Materials
5. Land drainage, surface water and foul details
6. Foul water connection shall be made between manhole reference number SJ27672501 and SJ 27673502.
7. Garages set back 5.5m behind the back of the footway
8. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
9. Positive means to prevent surface water run-off on to the highway
10. Parking and the gradient of the access road shall be a maximum of 1 in 15.
11. Land contamination – validation verification
12. Great Crested Newt – Reasonable Avoidance Measures
13. Arboricultural Method Statement
14. None of the trees shown to be retained shall be removed

If the Obligation pursuant to Section 106 of the Town & Country

Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member

Councillor L A Sharps (at the time of consultation)

No response received.

Northop Hall Community Council

No objections.

Highways Development Control

No objection subject to conditions covering;

- Parking provision to be provided and retained
- Garages to be set 5.5metres behind the footway
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads
- Gradient of the access road shall be a maximum of 1 in 15
- Positive means to prevent surface water run-off onto the highway
- S106 agreement for the management of the private parking court which serves plots 85-91 as this is not laid out to adoptable standard

Public Protection Manager

A Geo-environmental report by Robert Fry was submitted with the application. This adequately deals with the potential sources of land contamination on the site and only a validation verification condition is required.

Welsh Water/Dwr Cymru

No objection subject to conditions specifying the connection point to the public sewerage system and a standard drainage condition.

Natural Resources Wales

No objection;

Flood Risk

The application site lies entirely within Zone a as defined by Welsh Government's Development Advice Map under TAN15 and therefore outside the extreme flood risk outline.

The applicant indicates it is their intention to dispose of surface water runoff at restricted rates to a ditch on the southern boundary of the site. Further information on this is required to ensure it is suitable.

Protected Species

The application site is located within 1km of the boundaries of the Deeside and Buckley Newt Sites Special Area of Conservation. These sites support a nationally important population of great crested newts. The development is not likely to be detrimental to the favourable conservation status of the GCN populations provided that any consent is subject to conditions or a UU/S106 covering;

- Submission and implementation of great crested newt avoidance and mitigation measures – Reasonable Avoidance Measures (RAM's)
- Licence is required under Regulation 53 of the Conservation of habitats and Species Regulations 2010

The Coal Authority

The application falls within the defined Development High Risk Area, therefore within the application site and the surrounding area there are coal mining features and hazards which need to be considered.

A Geo-environmental report by Robert Fry submitted within the application identifies that there are two recorded mine entries (shafts) present within close proximity to the site. The report confirms that the mine entries not to be within influencing distance of the development. Other than precautionary measures no further remedial measures are proposed.

Housing Strategy Manager

The SARTH (Social Housing Register) has 94 applications identifying Northop Hall as an area they are seeking affordable housing. There is an identified level of interest for intermediate products; affordable ownership and rent in Northop Hall. There are 9 applicants on the register wanting affordable ownership (e.g. shared equity); 2 applicants requiring 1 bed; 2 requiring 2 beds and 5 requiring 3 beds and 5 applicants requiring 2 beds houses for affordable rent.

Play unit

In lieu of one site open space provision to provide a commuted sum of £1,100 per dwelling in lieu of on-site open space provision towards a Multi Use Games Area at Llys Ben Recreation Ground

Education

The nearest Primary School is Northop Hall County Primary School which currently has 13.33% surplus places at present. A contribution is therefore not required.

Primary Calculation

School capacity 210 x 5% = 10.50 (11)

210 – 11=199 Trigger point for contributions is 199 pupils

(No. of units) 25 x 0.24 (primary formula multiplier) = 6 No. of pupils generated) x £12,257 per pupil (Building Cost multiplier) = £73,542

Actual pupils $182 + 6$ (from the multiplier) = 188 does not meet trigger

The nearest Secondary School is Hawarden High School which has -2.36% surplus spaces. A contribution is therefore required in accordance with LPGN 23. The development would generate 4 pupils using the secondary formula multiplier which would equate to £73,876.

School capacity of $1145 \times 5\% = 57.25$ (rounded up or down) 57
Capacity $1145 - 57 = 1088$ Trigger point for contributions is 1088 pupils

(No. of Units 25×0.174 (secondary formula multiplier) = 4.35 (4 No. of pupils) generated $4 \times £18,469$ per pupil (Building Cost multiplier) = £73,876.00

Actual pupils $1172 + 4 = 1176$ meets trigger of 1088

Contribution requirement would be £73,876.00 towards creating new hard standing games area/tennis courts at Hawarden High School. This would make available space between the current turf pitch and the school for an additional informal play area which would mean that the school would be creating a safer play environment to serve the increased capacity of students at the school.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

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

4 objections on the grounds of;

- Overdevelopment of the site
- Extra traffic on the estate roads would be excessive
- There is only one entry in and out
- Impact on the junction of Hero's Place and Village Road where parked cars cause safety concerns
- No open space on the development
- No access for emergency vehicles if Hero's Place is blocked
- Request traffic calming on Hero's place

5.00 SITE HISTORY

5.01 None relating to this site only the adjoining housing development. The principle applications were;

048855 - Residential development consisting of 51no. dwellings,

new road and creation of mitigation land in relation to ecology.
Appeal against non-determination. Allowed on appeal 31.01.13

052388 - Erection of 20 dwellings Approved after completing a legal agreement. 26.01.16

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR 4 - Housing

GEN1 - General Requirements for Development

GEN3 - Development In the Open Countryside

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG8 - Density of Development

SR5 - Outdoor Playing Space and New Residential Development

EWP14 - Derelict and Contaminated Lane

EWP17 - Flood Risk

Planning Policy Wales Edition 9 November 2016

Technical Advice Note 1 Joint Housing Availability Studies 2015

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection 25 dwellings on land at Village Road, Northop Hall. This would be Phase 3 of this development site known as St. Mary's Park by Anwyl Homes.

7.02 Site Description

The application site is to the south of the Cae Eithin development off village road Northop Hall. To the west of the site is the wildlife mitigation land for phases 1 and 2 of the development. To the east of the development is undeveloped land and a public right of way runs from north to south between this land and the existing residential properties. To the south of the site is agricultural land and then the road which links to Stamford Way.

7.03 Proposed development

It is proposed to erect 25 houses on a 0.8 hectare site. This is an amended proposal from 27 dwellings due to concern about the impacts on the trees on the site. The development consists of 11 two bedroom houses, 8 three bedroom houses and 6 four bedroom houses of varying house types. 3 of the two bedroom houses would be gifted to NEW Homes as the affordable housing provision. This

meets the necessary 30% requirement as one gifted home is equivalent to at least 3 units managed by another provider. All the dwellings are two storey and are a mixture of brick and render external finishes with tiled roofs. Access to the site is via the main spine road into St. Mary's Park off Village Road and Hero's Place. Each dwelling has parking provision and rear private gardens. There is a landscaped area in the south east of the site to accommodate a mature oak tree. Along the northern boundary of the site the existing hedge is being retained to provide a wildlife corridor between Phase 2 and 3. There are a number of trees within his hedgerow to be retained.

7.04

The application was accompanied by a;

- Geo-Environmental Investigation Report
- Coal mining Risk Assessment
- Extended Phase 1 Ecological Survey
- Transport Assessment
- Drainage Strategy
- Tree and Hedgerow Survey
- Sustainability statement

7.05

During the course of the planning application a further detailed Tree Survey was also submitted.

7.06

Principle of development

Cae Eithin or St. Mary's Park as it is now known was an allocated site within the Unitary Development plan for 93 dwellings. Permission was granted through various applications as listed in the history for Phases 1 and 2 which comprises 73 dwellings. Phase 1 of the development is completed and occupied. Phase 2 which is 20 dwellings is under construction and only 4 units remain unsold. The allocated site included land to the west and south the of the Black Lion pub which has not come forward due to land ownership uncertainties.

7.07

The proposed development is for a further phase of this development and is outside the defined settlement boundary for Northop Hall. The application is therefore a departure from the development plan and constitutes development in the open countryside.

7.08

Although the UDP Plan period expired at the end of 2015, it still remains the development plan until the LDP is adopted and will therefore continue to be afforded weight, subject to its policies and proposals remaining in general conformity with guidance in PPW/TAN's.

7.09

In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings,

residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type. The proposed development does not fall within or is justified to fall with any of those categories.

7.10

The dwellings are proposed in the context of the lack of a 5 year land supply and it's siting within a sustainable location. A statement justifying it in relation to the Council's Guidance note on Speculative Housing Development has been submitted.

7.11

TAN1 and PPW

It is acknowledged that, on the basis of the residual method of calculating housing land supply, the Council has a 3.7 year supply as at April 2014 which represents a decrease from the previous figure of 4.1 years. In the light of guidance in PPW and TAN1 it is accepted that there is a need to increase housing land supply through considering applications for appropriate sustainable development.

7.12

Welsh Government Technical Advice Note 1 states that "*The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study..... The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.*"

7.13

It is clear from national planning guidance that considerable weight should be attached to the lack of a 5 year housing land as a material planning consideration. Furthermore, decisions must also be made in the context of the Welsh Governments 'presumption in favour of sustainable development'.

7.14

Welsh Government Advice and National Planning Policy Planning Policy Wales Edition 9 paragraph 4.2.2 states "*The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time,*" when taking decision on planning applications."

7.15

Planning Policy Wales Edition 9 paragraph 4.2.4 states "*A plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2) Where;*

- *There is no adopted development plan (see 2.6) or*
- *The relevant development plan policies are considered outdated or superseded (see 2.7) or*
- *Where there are no relevant policies (see 2.7)*

7.16 *there is a presumption in favour of proposal in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.”*

7.17 Paragraph 4.2.5 states *“In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4,4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision.”*

Sustainable development and capacity of the settlement

7.18 Northop Hall is a Category B settlement as defined by the UDP. Total growth up to April 2015 was 13.7%. This was within the timeframe of the housing strategy for the UDP up to 2015. The application site has been submitted as a candidate site for consideration as part of the Local Development Plan.

7.19 Para 4.7.8 of PPW states *‘development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access and habitat and landscape conservation...new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled’*. It is considered that the proposal does meet this element of national planning guidance as it is directly adjacent to the settlement of Northop Hall and is well served in terms of infrastructure and access. The proposed mitigation means that there would be limited impact on habitat. It is therefore considered that this is a sustainable site.

Affordable Housing

7.20 It is proposed to gift 3 two bed dwellings to NEW homes; plots 98 to 100. These would be for intermediate rent.

7.21 The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units. This identifies a need for 14% 1 bed, 31.6% 2 bed, 28.5% 3 bed. This need is split between social rented (56.2%) and intermediate (43.8%) tenures.

The SARTH (Social Housing Register) has 94 applications identifying Northop Hall as an area they are seeking affordable housing. There is an identified level of interest for intermediate products; affordable ownership and rent in Northop Hall. There are 9 applicants on the register wanting affordable ownership (e.g. shared equity); 2

applicants requiring 1 bed; 2 requiring 2 beds and 5 requiring 3 beds and 5 applicants requiring 2 beds houses for affordable rent.

7.22

It is therefore considered that the proposed affordable housing meets the identified need in the area.

7.23 Trees

There are a number of mature trees around the perimeter of the site and a mature oak in the southern part of the site. There are a number of smaller trees in the woodland area in the north east of the site.

7.24

The layout has been revised in order to retain the mature oak and some of the other key trees on the site. The majority of the boundary trees will remain apart from two oak trees in the western boundary that need to be removed in order to accommodate the drainage easement. Replacement planting is proposed in the form of strategic landscaping. It is now considered that the impact of the development on the trees is acceptable subject to the planting proposals proposed. Conditions will secure the retention of the trees and the replacement planting.

7.25

Ecology

The development area consist of an area of grassland formally used as a grazing paddock and an area of mixed woodland and dense scrub and areas of ruderal herbs. Two ponds are located within the north western corner of the paddock area however they are overgrown with grasses and low water levels.

7.26

The site is approximately 800m from Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) which are designated for great crested newts. These sites support a nationally important population of great crested newts. An extended Phase 1 habitat survey was submitted with the application.

7.26

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public 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 and provided that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.27

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive`s requirements above, and a licensing

system administered by the Welsh Ministers.

- 7.28 Planning Policy Wales Edition 9 2016 paragraph 5.5.11 advises Local Planning Authorities that “The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its Habitat.”
- 7.29 TAN 5 (2009) states at paragraph 6.3.6:- “Regulation 3(4) of the Habitats Regulations requires all local planning authorities, in the exercise of their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by the exercise of those functions. Consequently, the Directive’s provisions are relevant in reaching planning decisions where a European protected species may be affected and it is therefore important that such planning decisions are reached in a manner that takes account of, and is consistent with, the Directive’s requirements. Those requirements include a system of strict protection for European protected species, with derogations from this strict protection being allowed only in certain limited circumstances and subject to certain tests being met.
- 7.31 These requirements are transposed by the provisions of the Habitats Regulations. The issues of whether development could give rise to a breach of the Regulations’ requirements, and whether there may be a potential need for a licence to avoid such a breach, are therefore a material consideration in a relevant planning decision, and where a licence may be needed, the three licensing ‘tests’ required by the Directive should be considered by the local planning authority.
- 7.32 Paragraph 6.3.7 then states:- *“It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) licence are likely to be satisfied.”*
- 7.33 The site is considered to be of a good quality habitat for amphibians with a mix of woodland and semi-improved grassland. There are a number of mature trees mainly within the boundaries of the site. The western hedgerow is the most species rich with hawthorn, blackthorn, hazel, holly, honeysuckle and oaks. The existing ponds are considered to be in poor condition and have become grassed over. There are great crested newt records for phases 1 and 2 of the development and within the Phase 3 area records of great crested newts existing from 2007.
- 7.34 NRW’s key concerns in relation to the adjacent development were related to the possible indirect effects on the SAC due to increased recreational pressures and the need to provide informal recreational

areas. The application site is located within 1km of the boundaries of the Deeside and Buckley Newt Sites Special Area of Conservation.

7.35 The previous two phases of development on the site have identified a potential impact on great crested newts and reasonable avoidance measures were undertaken along with a mitigation scheme on adjoining land. A compensation scheme is required to address the loss of amphibian habitat and the increased recreational pressures on the SAC. As no further compensatory land is available it is proposed to offset the impact on this phase with a commuted sum on a plot by plot basis secured by a legal agreement. This has been accepted by NRW. In addition to that in order to retain as many of the key wildlife features on the site a landscape plan should be submitted to retain the boundary hedgerows. This will be secured by condition.

7.36 In terms of other species a badger sett was relocated from Phase 1 of the development site into the mitigation area which is to the west of the current application site. No evidence of badgers has been recorded on the application site.

7.37 The proposed development and mitigation proposals have been assessed and it is considered that the development is not likely to have a significant effect on protected species or the adjacent SAC and SSSI. It is considered that this application satisfies the three tests required by the Habitats Directive. The Council does not have a 5 year land supply of housing and therefore development of this site would bring economic and social benefits in terms of bringing forward a site for residential development to meet the County's needs for housing growth. The development of the site would bring about environmental benefits in the form of commuted sum to be spent on wildlife projects around the SAC. This site is a logical extension of an allocated site in a sustainable settlement. The main impacts in this case are the indirect recreational impacts which are being met through the commuted sum.

7.38 It is therefore considered the impact on protected species has been addressed.

Highways

7.39 The access to the site is via the access to phase 1 of the development site off Village Road into the spine road for the development which is known as Hero's Place. Highways have no objections to the proposed access to the development. The spine road through the development is of sufficient width for the traffic that would be generated.

S106 contributions and CILG compliance

7.40 The application requires commuted sums for off-site open space improvements, improvements to education provision, a management

company for a private parking court and landscaping management and a commuted sum for amphibian mitigation.

7.41 The infrastructure and monetary contributions that can be required from the Proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.42 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.

It is considered that the S106 requirements in relation to affordable housing, open space, education contribution and newt mitigation measures satisfy the regulations and circular.

Open Space

7.43 Local Planning Guidance Note No.13 Open Space Requirements (LPGN13) and Policy SR5 Play Areas and New Housing Development of the Adopted Flintshire Development Plan sets out the Council's requirements in terms of new residential development and the provision of recreational open space. Due to the existing levels of provision of open space in the locality and the proximity of them to the development the approach on all phases of this development has been for an off-site contribution of £1,100 per dwelling to be sought. In this instance this contribution will be towards the provision of a Multi Use Games Area at Llys Ben Recreation Ground. This is in close proximity to the application site and it is considered that this meets the Regulation 122 tests.

Education

7.44 The Council has adopted Supplementary Planning Guidance Note No.23 Developer Contributions to Education on 17th July 2012. The nearest Primary School is Northop Hall County Primary School which currently has 13.33% surplus places. The nearest High School is Hawarden High School which has -2.36% surplus places. As the secondary schools only has less than 5% surplus spaces an education contribution is required in line with the SPG to this school.

7.45 The formula is set out in the SPG and is as follows. (No. of Units 25 x 0.174 (secondary formula multiplier) = 4.35 (4 No. of pupils) generated 4 x £18,469 per pupil (Building Cost multiplier) = £73,876.00. Actual pupils 1172 + 4 =1176 meets trigger of 1088 Contribution requirement would be £73,876.00

7.46 The commuted sum would contribute to development of new hard games court provision, as based on Building bulletin guidance and assessment. Hawarden High school have a spatial shortfall in hard games area and the existing hard play area also has suitability issues as it also doubles up on parking and main access into the school therefore has implications on management and safeguarding.

7.47 The proposal would be to provide a new suitable hard standing games area/tennis courts on an informal part of the existing school playing field near to the current Artificial turf pitch (ATP). This has the added benefits of allowing the school to re-organise its space to facilitate additional informal play through the use of the hardstanding and car parking areas creating a safer environment for pupils staff and visitors. It is considered that this meets the Regulation 122 tests.

Ecology

7.48 As the site is in an area with known great crested newt records and has the potential to cause indirect impacts through increased recreational impacts on the SAC a compensation scheme is required to offset these impacts. This approach is set out in the draft Local Planning Guidance Note 8a Great Crested Newt Mitigation which is in the process of being adopted. The commuted sum will be spent on wildlife projects in and around the SAC areas through Building Wildlife project. It is considered that this meets the Regulation 122 tests.

Car parking court and landscape management

7.49 There are private areas within the site including a parking court which would not meet adoption requirements from a highways point of view and some strategic landscape areas including a mature oak tree. In order to ensure for the future maintenance of these areas the Council wants to ensure that these are covered by a private management company. It is considered that this meets the Regulation 122 tests.

8.00 CONCLUSION

8.01 While this site is outside any defined settlement boundary it is considered that it is a sustainable location and is well related to the pattern of development and the adjacent settlement of Northop Hall. The allocated site which this site is adjacent to did not deliver the expected number of dwellings and therefore the three phases of development in total now deliver the original allocated number. The scale of development can therefore be accommodated within the village. It is therefore considered that the lack of a 5 year land supply and the sustainability of the site outweigh the fact that the site is located in the open countryside. The proposal is therefore in accordance with both PPW and TAN 1.

8.02 Other Considerations

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

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

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

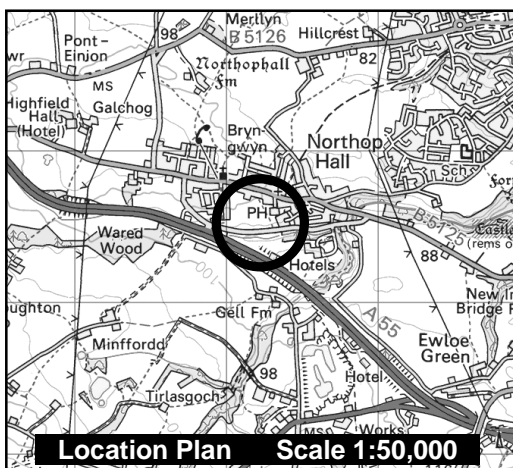
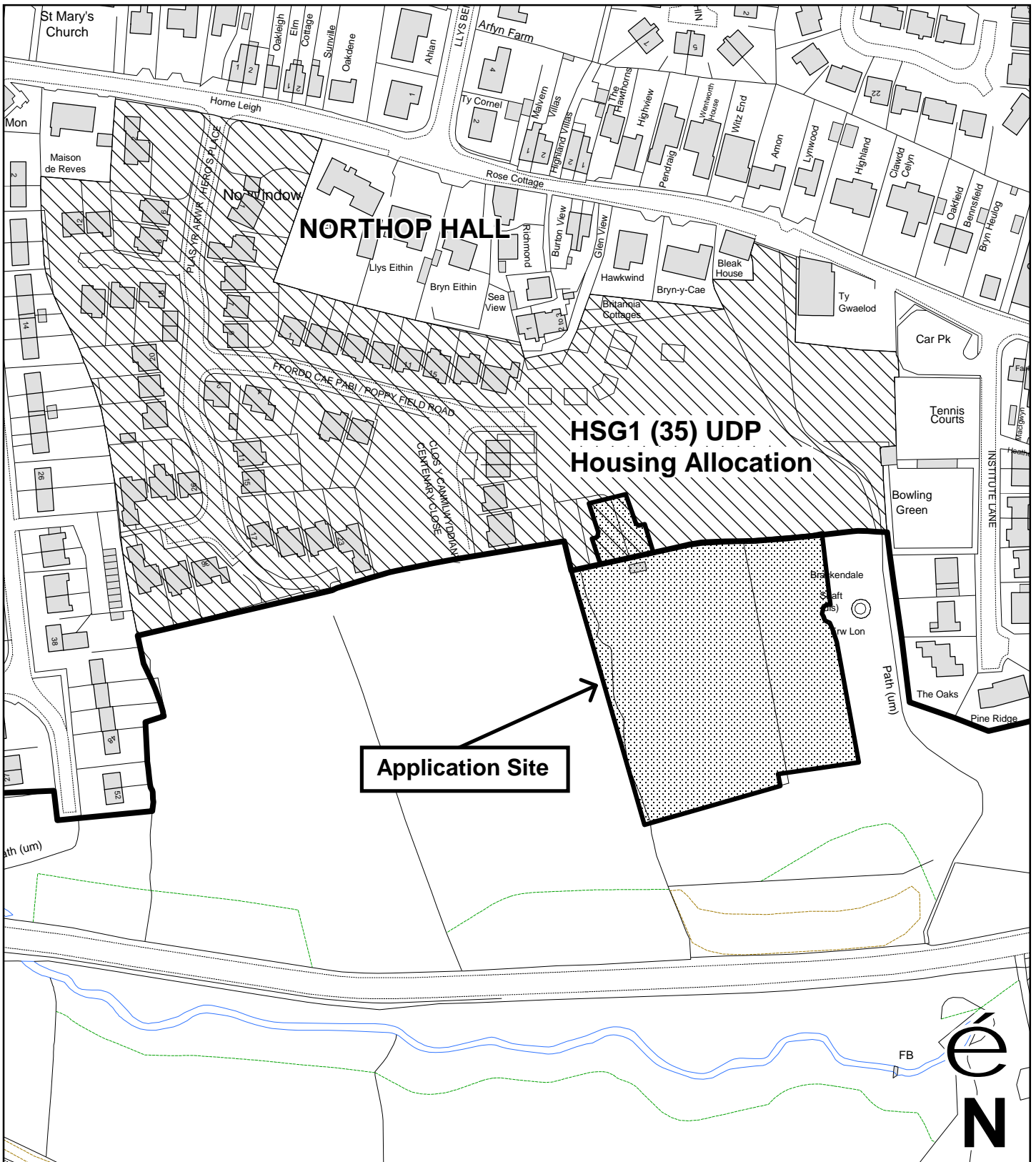
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2000

OS Map ref SJ 2767

Planning Application **55774**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

SUBJECT: **FULL APPLICATION – ERECTION OF TWO STOREY EXTENSION, LINKED GARAGE & PORCH AT 21 SPRINGFIELD DRIVE, BUCKLEY (PARTLY IN RETROSPECT).**

APPLICATION NUMBER: **056700**

APPLICANT: **MR R NICHOLS**

SITE: **21 SPRINGFIELD DRIVE, BUCKLEY**

APPLICATION VALID DATE: **10/03/2017**

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

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

REASON FOR COMMITTEE: **REQUEST OF REFERRAL OF APPLICATION TO COMMITTEE BY COUNCILLOR R. HAMPSON**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application for the erection of a two storey extension, porch and linked garage at 21 Springfield Drive, Buckley. The main issues to consider are the impact on residential amenity and the visual appearance of the proposal.

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

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

- In accordance with the approved plans

3.00 CONSULTATIONS

3.01 Local Member

Councillor N Phillips OBE JP

No response received at time of writing report

Councillor R Hampson

Requests Committee determination and Committee site visit be undertaken. Objects to the proposal on the grounds of roof height, loss of light and overbearing impact on 20 Stanley Road. Considers that the shape of the garage be looked at again.

Buckley Town Council

No observations

Highways

Advises that there is adequate area to accommodate the parking provision within the site. It is noted however, that there is only a single vehicular footway crossing and it would be beneficial for this to be widened.

Head of Public Protection

No adverse comments to make

Airbus

No aerodrome safeguarding objection

Wales and West Utilities

Wales and West Utilities has infrastructure in the area. The applicant is advised to contact Wales and West before construction works commence.

4.00 PUBLICITY

4.01 Neighbour Notification

One objection received on the following grounds:

- The owner has not followed the original plans which were agreed and built right up to the boundary.
- The boundary is different from the original application, 5 foot of the land is within the objectors property.
- Where will the surface water run off to and concerns it will run

- into objectors garden
- Loss of light to lounge, kitchen and bedroom. Half of the garden does not benefit from any sunlight.
- Overbearing impact

5.00 SITE HISTORY

5.01 048876

Erection of a two storey extension, front porch, conservatory and single garage – Approved 05/10/2011

052992

Application for a non-material amendment for change of garage design and size following grant of planning permission ref: 048876 – Refused 06/01/2015

055860

Application for a non-material amendment (change of proposed roof tiles) to planning permission ref: 048876 – Approved 04/10/2016

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN 1 – General Requirements for Development

GEN 2 – Development Inside Settlement Boundaries

HSG 12 – House Extensions and Alterations

6.02 Local Planning Guidance Note 1: Extension and Alterations to Dwelling

Local Planning Guidance Note 2: Space around dwellings

7.00 PLANNING APPRAISAL

7.01 Introduction

This application, made partly in retrospect, concerns the erection of a two storey side extension, linked garage and porch. At the time of the application the erection of the extension and porch have been substantially completed, with the linked garage partially complete.

7.02 The application site is located within the defined settlement boundary of Buckley. The property consists of a detached dwelling finished in brown brick with tiled roof. It is a traditional three bedroomed property with lounge, kitchen and dining room on the ground floor.

7.03 Background history

In 2011 planning permission was granted for the erection of a two storey extension to provide additional bedroom, front porch, conservatory and single garage. Work commenced in 2012 on the erection of the conservatory and two storey side extension.

- 7.04 An application for a non-material amendment was submitted in 2015 for the replacement of the proposed marley modern tiles on the extension and linked garage to slate. It is considered that this amendment was acceptable.
- 7.05 A further application for a non-material amendment was made in 2016. This requested that the proposed single garage be enlarged and redesigned. At that time the application was refused as it was considered that the alterations were a material change to the original scheme and formal consideration was required.
- 7.07 Complaints were received by the Planning Enforcement section in 2016 alleging that the garage which was under construction was not being built in accordance with the approved plans. Measurements show that the overall width of the linked garage is as per the approval but the height has been increased by approximately 0.2 metres. The design of the garage has been altered with a small section of the rear wall and roof pitch amended due to the proximity of the boundary of the site.
- 7.08 Upon further investigation it has been found that there is a boundary dispute between 20 Stanley Road and the application site. The rear boundary of 20 Stanley Road extends 1 metre into the application site. Whilst not a material planning consideration it does offer an explanation as to why the original design of the approved garage could not be implemented.
- 7.09 Principle
Extensions to dwellings are considered under Planning Policy HSG12 of the Flintshire Unitary Development Plan and Local Planning Guidance Note No 1; Extension and Alterations to Dwellings. Policy HSG12 states that extensions to dwellings are generally considered acceptable providing they are subsidiary to the host dwelling, respect the design and setting of the host dwelling and area and will not have an unacceptable impact on people living nearby. LPGN No1 provides additional guidance regarding the scale and design of house extensions and alterations. In this case, the principle of development has already been established by application 048876, and this application has been submitted for the alterations to the garage only. As the proposal is subsidiary to the host dwelling, respects the design of the host dwelling and does not adversely affect the living conditions of neighbouring occupiers the principle of the development is considered acceptable.
- 7.10 Design
The proposed extension will consist of both single storey and two storey elements. The application site is large enough to accommodate the development whilst retaining adequate parking and private amenity space. From the front elevation the development is in keeping with the style of the original dwelling with matching brick

and roof tiles and respects the surrounding residential development.

- 7.11 Objections have been received from both the Local Member and the resident at 20 Stanley Road concerning the overbearing impact of the design of the development and the potential loss of light. In particular the objections relate to the linked garage. Whilst the height of the proposed garage is 0.2 metres higher than previously approved as the proposed garage is located at the rear boundary of No 20 Stanley Road it has limited effect on the living conditions of the users of the dwelling-house. Furthermore, at a distance of 9 metres from the gable end of the proposed garage to the rear of No. 20 it cannot be considered that the single storey structure would be overbearing. With regard to the relationship of the garage to users of the garden area. It is not unusual for outbuildings, garage and sheds to be constructed in rear garden areas and the height and position of the garage to the common boundary is not unusual in a residential context and does not give rise to an overbearing impact on the reasonable enjoyment the users of the rear garden of No 20 Stanley Road may expect to experience.
- 7.12 With regards to the potential loss of light, Local Planning Policy Guidance Note 2 sets out guidance for sufficient distances between dwellings to ensure there is satisfactory degree of daylight between buildings. The proposal does not conflict with anything set out within the guidance. As the part of the proposal closest to No 20 Stanley Road is a gable end of a single storey garage, which is set at 9 metres from the rear of the dwelling at No 20 Stanley Road it would be difficult to for the garage, even with an increased pitched roof height of 0.20m to have an impact on the rear of that dwelling. Furthermore, as the orientation of the extension to the west of No 20 Stanley Road no morning or early afternoon daylight would be affected to the rear of the dwelling or the garden area. Any daylight lost at the end of the day to the rear garden area of No 20 Stanley Road would be due to the position of the existing host dwelling not from any further works. Whilst it is acknowledged that the dwellings and gardens of Stanley Road are set lower than the application site, the single storey element of the garage is not considered to cause any significant loss of light even with the additional 0.20m increase in roof height.
- 7.13 Overall the scale, form and design of the extension and linked garage is sympathetic to the existing dwelling. Furthermore, as the proposal does not have an adverse impact on the living conditions of neighbouring occupiers it is considered the proposal complies with policy HSG12 and LPGN 1 and 2.
- 7.12 Highways
Highways have confirmed that the extension to the property will increase the bedroom numbers to four which will necessitate the provision of three parking spaces clear of the highway. It is considered that there is adequate area to accommodate the parking

provision within the site. It is noted however, that there is only a single vehicular footway crossing serving, what will be a double width driveway. It would be beneficial for the existing access to be widened to suit.

8.00 CONCLUSION

It is considered that the proposal is in accordance with the relevant planning policies and guidance. The proposed extension, porch and linked garage meets both Local and National Planning Policy, and would not have an adverse impact on the living conditions of the neighbouring occupiers. This application only incorporates minor changes to the previously approved and partially implemented scheme.

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.

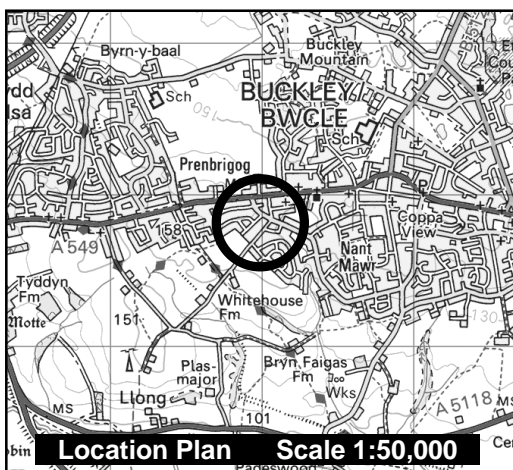
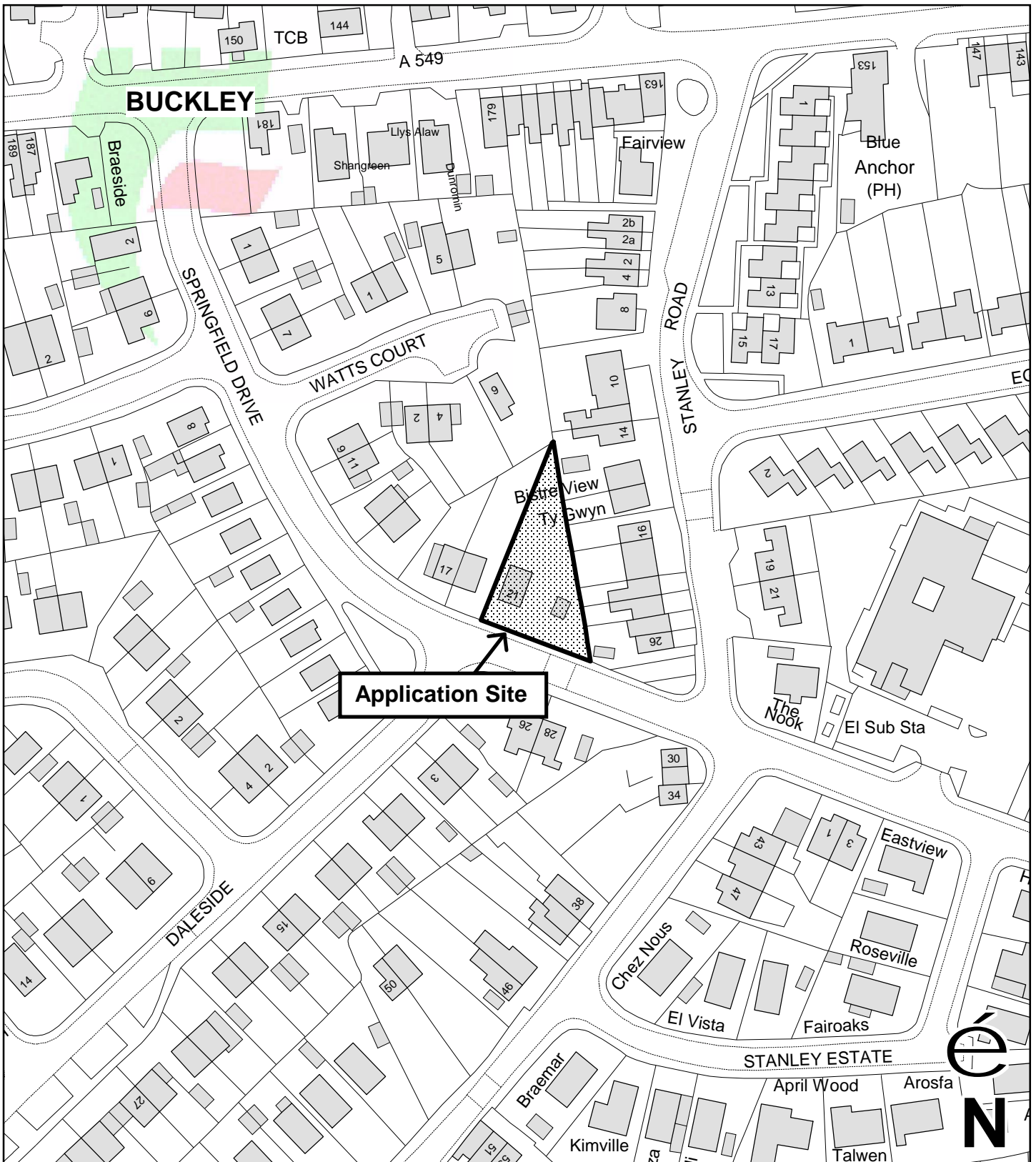
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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



Location Plan Scale 1:50,000



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **56700**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

SUBJECT: **FULL APPLICATION – ERECTION OF EXTENSION TO UNITS 1 & 2 AT NANT Y GAIN, PENTRE, CILCAIN**

APPLICATION NUMBER: **056557**

APPLICANT: **MR. D. WOLFE**

SITE: **NANT Y GAIN, PENTRE, CILCAIN**

APPLICATION VALID DATE: **7TH FEBRUARY 2017**

LOCAL MEMBERS: **CLLR O THOMAS**

TOWN/COMMUNITY COUNCIL: **CILCAIN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST – DEVELOPMENT TANTAMOUNT TO SEMI DETACHED DWELLINGS**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the erection of extensions to provide two further bedrooms to existing self-catering tourist accommodation. The proposal involves the alteration and extension to the existing building as part of the proposed scheme. The matters for consideration include the principle of the development, design, flood risk and visual amenity.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,

SUBJECT TO THE FOLLOWING:-

2.01 Conditions

1. Time limit for commencement
2. In accordance with the approved plans
3. Facilities to be provided and retained within the site for the parking/turning of vehicles

3.00 CONSULTATIONS

3.01 Local Member

Cllr Owen Thomas

Development is tantamount to a new dwelling in the open countryside.

Cilcain Community Council

No objection to the application subject to the development complying with Flintshire's planning guidelines for extensions of holiday units.

Highways Development Management

No objection subject to a condition in relation to the parking and turning of vehicles

Public Protection

No Objection

Public Rights of Way

Public Bridleway No 52 abuts the site but is unaffected by the development

Planning Policy

No objection

Natural Resources Wales

No objection

Ecology

No Objection

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

No response received

5.00 SITE HISTORY

- 5.01
- Erection of extension to existing accommodation – Approved 04/04/2016

- Conversion and alteration of utility building to tourist accommodation (retrospective) – Approved 7/01/2016
- Erection of replacement equipment store and fisherman's rest room –Approved 01/06/2011
- Change of use from light industrial to self-catering tourist accommodation (2 units) including alteration and extension to existing building – Approved 26/01/2011

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
 Policy STR1 - New Development
 Policy STR6 - Tourism
 Policy STR7 - Natural Environment
 Policy GEN 1 - General Requirements for Development
 Policy GEN 3 - Development in the Open Countryside
 Policy D1 - Design Quality, Layout and Location
 Policy D2 - Design
 Policy D3 - Landscape
 Policy L1 - Landscape Character
 Policy L2 - Area of Outstanding Natural Beauty
 Policy T3 - Self Catering Tourist Accommodation
 Policy EWP17- Flood Risk
 Policy WB1 - Species Protection
 Policy AC13 – Access and Traffic Impact

Planning Policy Wales

- TAN 12 - Design
 TAN 15 - Development and Flood Risk

7.00 PLANNING APPRAISAL

- 7.01 This is a full application for the erection of two single storey extensions to Units 1 and 2 of an existing complex of self-catering holiday units. The building is set within the grounds of two fishing lakes and one further unit of tourism accommodation.

7.02 Principle

The proposal involves the extension to an existing building which is utilised currently as 2no. one bedroom holiday lets. The proposed extension will allow for one further bedroom for each unit with en-suite facilities. Each bedroom will be access via a covered walkway on the exterior of the building. The amount of extension is approximately 130m³ which is equal to a 30% increase in the total volume of the existing building. It is therefore considered that the development is compliant with policies STR1 (New Development) as the proposal incorporates a high standard of design. Furthermore, the proposal complies with the principles of PolicyGEN1 (General Requirements

for Development) as harmonises with the surroundings due to its limited scale and that it has no adverse impact on the natural environment. The proposal also complies fully with Policy T3 of the Flintshire Unitary Development Plan (Self Catering Tourist Accommodation) as it forms an extension to an existing tourist accommodation facilities in an appropriate scale, without significant adverse impact on neighboring occupiers or land use.

7.03 Design and Visual Amenity

The proposed extensions measures 6.5 meters by 3.5 meters and extends from both sides of the existing building. The proposed roof height will be stepped down from the existing and clad in matching materials. The total increase of 31% to be subsidiary to the main building and not overdevelopment of the site. The use of natural materials by the use of cedar cladding and shingles to the walls and roof will help the development assimilate into the semi woodland and pond setting of the site and is considered to be an appropriate natural material in this rural setting and compliant with policies D1 (Design Quality, Layout and Location) and D2 (Design) of the Flintshire Unitary Development Plan and the requirements of TAN 12 Design as the proposal respects the scale of its location, it relates well to existing topography and the careful use of materials will create a positive and attractive addition to the building.

7.04 The existing buildings are set around the fisheries ponds and are unobtrusive in the existing semi woodland setting. The proposed extensions, although adjacent to a bridleway, are not prominent as it they are set at a much lower level in relation to the bridle path and the trees surrounding the site on the boundaries of the site which screen the site. The application is considered to comply with policies L1 (Landscape Character) and L2 - Area of Outstanding Natural Beauty of the Flintshire Unitary Development Plan as the development does not encroach into open countryside or Area of Outstanding Natural Beauty and is considered to enhance the character and appearance of the landscape.

7.05 Protected Species

The site has been previously assessed in relation to the possible impact on protected species on site and a number of conditions are currently in force which require the site to be monitored along with the implementation of protective measures. As the propose development is located away from the fishing lakes and near the existing development it is considered that this development has no further impact on the protected species. As such the proposal is considered to comply with Policy WB1 (Species Protection) of the Flintshire Unitary Development Plan.

7.06 Flood Risk

The site has been previously assessed in relation to potential flood risk on site and a number of conditions were imposed on the previous planning permission and are currently in force. As the proposed development is located near the existing development and is for the existing use it is considered potential for flooding has not significantly altered. Natural Recourse Wales have also confirmed that no further flood prevention measures are required. As such the proposal is considered to comply with Policy EWP17 (Flood Risk) of the Flintshire Unitary Development Plan.

7.07 Highways

The proposal utilises the existing vehicular access which serves the existing self-catering units and the fisheries use of the site, to which the highways engineer has raised no objection to. Parking and turning provision for the existing use is already secured by condition and provided in accordance with agreed details. As such the proposal is considered to comply with Policy AC13 () of the Flintshire Unitary Development Plan.

7.08 Tourism

The proposed extension of the existing building will increase the number of bedrooms within the existing self-catering units which are considered to be of a scale and type which is appropriate to the locality and will contribute to rural diversification, and the local economy as such the proposal is considered to comply with Policy STR6 (Tourism) of the Flintshire Unitary Development Plan.

8.00 CONCLUSION

The proposed development is considered to comply with the above policies and national guidance. The proposal is considered to be appropriate to its location, generating rural employment and making a financial contribution to the local area.

8.01 Other Considerations

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

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

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

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

LIST OF BACKGROUND DOCUMENTS

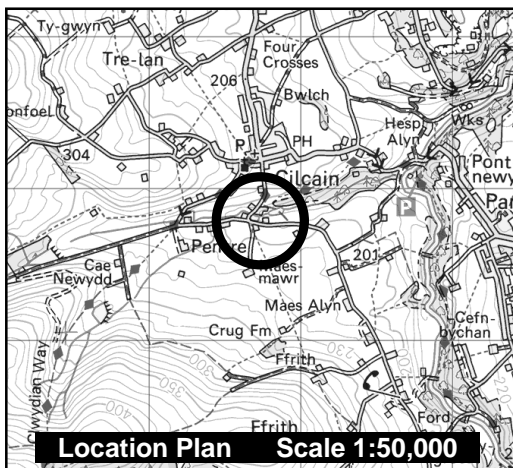
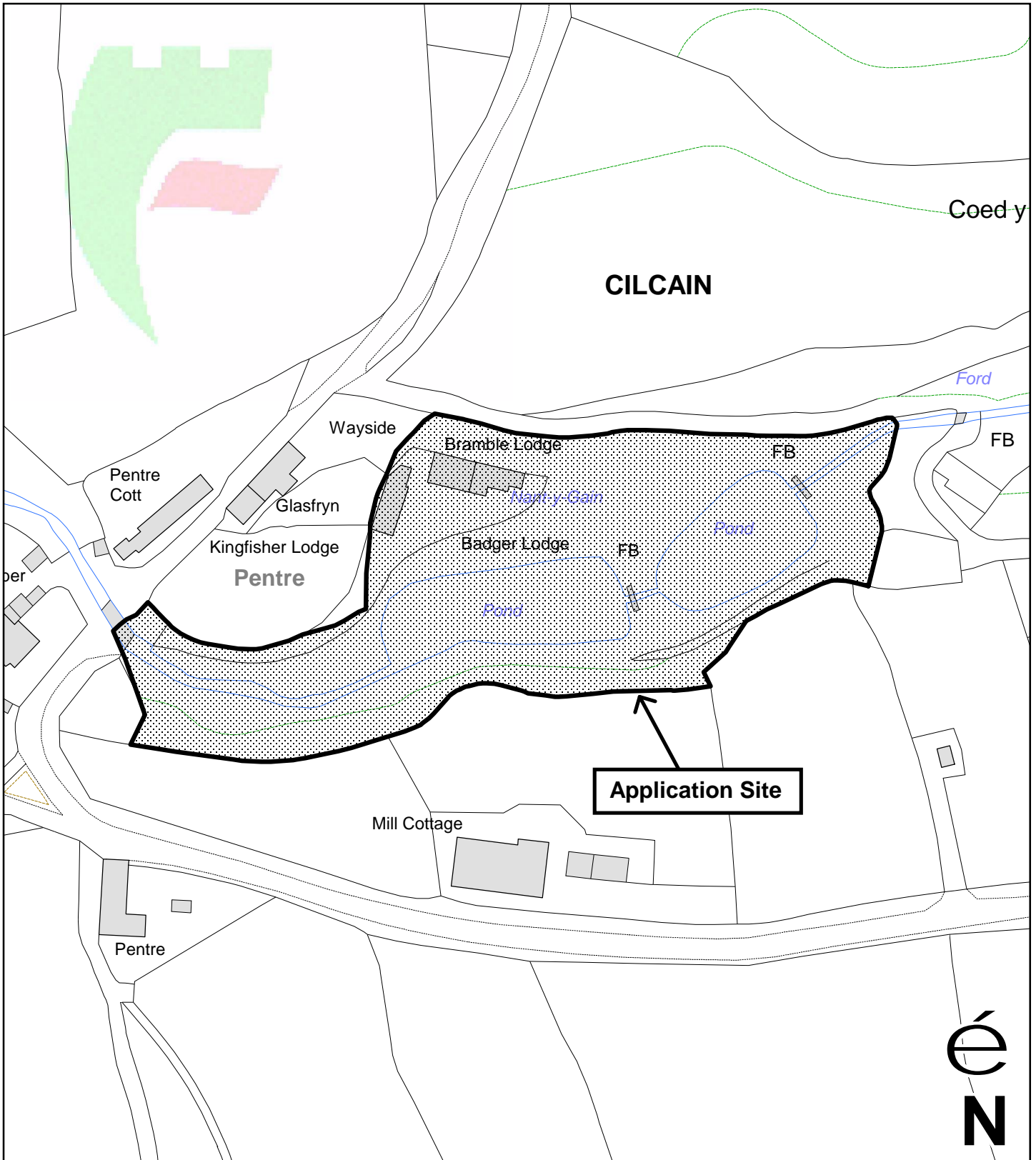
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation



Responses to Publicity

Contact Officer: Daniel McVey
Telephone: (01352) 7032
Email: Daniel.mcvey@flintshire.gov.uk



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

Legend

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

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

SUBJECT: **APPEAL BY MR. E. DAVIES AGAINST THE
DECISION OF FLINTSHIRE COUNTY COUNCIL TO
REFUSE OUTLINE PLANNING PERMISSION FOR
THE ERECTION OF A DWELLING AT LAND AT
PAPERMILL LANE & OLD PAPER MILL LANE,
OAKENHOLT – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 055447

2.00 APPLICANT

2.01 Mr. E. Davies

3.00 SITE

3.01 Land at Paper Mill Lane & Old Paper Mill Lane,
Oakenholt, CH6 5TD

4.00 APPLICATION VALID DATE

4.01 24th May 2016

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision into the refusal to grant outline planning permission for the erection of a dwelling at land at Paper Mill Lane and Old Paper Mill Lane, Oakenholt, CH6 5TD. The application was refused by delegated powers, with the appeal dealt with by way of a hearing and was **DISMISSED**. The Inspector was Joanne Burston.

6.00 REPORT

6.01 Background

Members may recall that this application was refused on 18th July 2016 by delegated powers on the basis that the proposals were inappropriate development in the green barrier and would detrimentally affect the openness and visual amenity of the green

barrier. In addition a Coal Mining Risk Assessment had not been submitted in order for the local planning authority to assess whether the stability of land from previous mine workings would be able to support a dwelling.

6.02 The Coal Mining Risk Assessment was later submitted with the Coal Authority withdrawing their objections to the application.

6.03 Issues

The Inspector considered that the main issues were whether or not the proposal amounted to inappropriate development in the green barrier, its effect on the openness and purposes of the green barrier, its effects on the character and appearance of the area; its effect on highway safety and whether there are very exceptional circumstances that outweigh the harm.

6.04 Inappropriate Development within Green Barrier

Paragraph 4.8.12 of PPW states that “the general policies controlling development in the countryside apply in green wedges” (or as in this case Green Barriers), “but there is, in addition, a general presumption against development which is inappropriate in relation to the purposes of the designation”. The circumstances under which buildings in a Green Barrier may not be inappropriate are identified in paragraph 4.8.16. The appellant asserted that the appeal proposal should be regarded as ‘limited infilling’.

6.05 UDP Policy GEN4 ‘Green Barriers’ sets out that development within Green Barriers will only be permitted where it comprises certain specified types of development, and one of these is “limited housing infill development to meet proven local housing need or affordable housing exception schemes”. The supporting text states that “limited infill housing development comprising one or two dwellings within a clearly defined group of dwellings, or affordable housing exception schemes on the edge of existing settlements, provided that the development would not unacceptably harm the openness of the green barrier”.

6.06 The appeal site is a broadly triangular shaped parcel of land, located at the junction of Paper Mill Lane and Old Paper Mill Lane. To the north is a detached bungalow and then a terrace of two storey dwellings. To the east and west, on the opposite side of the lanes are further dwellings. To the south is agricultural land. The appeal site itself currently consists of two garages, located towards the northern boundary and an area of grass and scrub used for vehicle parking bounded to the west and southwest by mature hedging and trees.

6.07 The proposed dwelling would be sited broadly in line with the neighbouring dwelling ‘Wentworth Lodge’ to the north, however the Inspector did not regard the proposal as representing a typical form

of infill development. Although there is some further development on the east side of Paper Mill Lane, it is neither a continuously developed frontage nor a focus of dwellings. This means that the development of the site for residential purposes would constitute an encroachment of development into the countryside.

- 6.08 It was not part of the appellant's case that the dwelling would meet either a proven local housing need to this particular settlement or area, or comprise an affordable housing exception scheme which are requirements of UDP Policy GEN4. Additionally for completeness the Inspector considered the approach set out in the supporting text to UDP Policy GEN4 "provided that the development would not unacceptably harm the openness of the green barrier". Given the findings on openness, as set out below, the development would still therefore be inappropriate.
- 6.09 The appeal proposal would not meet the requirements of Policy GEN4 and would amount to inappropriate development in the Green Barrier. PPW provides a presumption against inappropriate development in a Green Barrier and says that substantial weight should be attributed to any harmful impact on the Green Barrier and that planning permission should not be granted for inappropriate development except in very exceptional circumstances where other considerations clearly outweigh the harm to the Green Barrier. That is the balance to be considered in the overall conclusions below.
- 6.10 Openness & Purposes of the Green Barrier
Openness and permanence are recognised in paragraph 4.8.5 of PPW as the most important attributes of green belts and although local designations such as green barriers do not convey the permanence of a green belt, openness is still considered an important attribute.
- 6.11 The proposal would result in the removal of the existing garages and as such the appeal site is not wholly undeveloped. Nevertheless, the developed portion of the site would increase. The Inspector considered that the erection of a dwelling in this location, including any domestic paraphernalia, would have a considerably greater impact on the openness of the green barrier than the existing, much less intrusive, development within the site.
- 6.12 It was accepted that the erosion of openness in this individual case is small and would not extend beyond the limit of the existing settlement, nonetheless, if allowed such developments could cumulatively significantly erode the openness of the green barrier over time. Therefore, although the loss of openness would only be small in this case, it would harm the visual amenities, permanence and purpose of the green barrier and thus warrants substantial weight as set out in PPW.

- 6.13 Character & Appearance
Paragraph 9.2.22 of PPW states that “Many parts of the Countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings”. The appeal site is largely overgrown and somewhat unkempt, nevertheless it is part of the spacious setting of this settlement. It provides an important role in the gradual transition from the open countryside to the built up form that defines the settlement edge, which taken together with the gardens of 11 & 12 Paper Mill Lane provides a sense of openness, making a positive contribution to the character of the area.
- 6.14 The Inspector accepted that part of the site is developed, however the proposal would result in a considerably more intensive use and development of the site than existing. The erection of a dwelling as shown on the illustrative plan would result in a significant change to the site’s overall character and appearance and the important contribution that it currently makes to the local area. Accordingly, it is considered that the development proposed would be materially detrimental to the appearance of the site and the local area and would detract from its existing largely spacious character.
- 6.15 Reference was made to the landscape character of the area, with tree belts concealing buildings. In this regard the Inspector acknowledged that trees are an important part of the streetscene in this location. Those within the appeal site, particularly those on its boundaries, contribute positively to the overall verdant appearance of the area and enhance the rural character of this road. The appellant stated at the hearing that the hedge retained and reinforced the hedge and a low boundary wall constructed to the site frontage, and the Inspector was satisfied that this could be effectively controlled via a reserved matter submission.
- 6.16 Nevertheless, although the screening would materially reduce the visual effect of the proposed development in this sensitive location, this screening is a natural feature and, therefore, not a permanent one. Furthermore, the existence of screening is not a good justification to allow a development that would cause harm.
- 6.17 Overall, the Inspector concluded that the retention of the trees and hedge and the replacement and supplementary planting, would not outweigh the harm identified above to the character and appearance of the area that would arise from the proposal and, as such and for these reasons, the proposal would be unacceptably harmful. Therefore, it would be contrary to UDP Policies GEN4; and HSG5, which, amongst other matters, seek to ensure that development within the green barrier would not unacceptably harm the open character and appearance of the Green Barrier. Whilst reference was made to UDP Policies HSG4 and HSG11, these policies relate to the

development of 'rural workers dwellings' and 'affordable housing in rural areas' and were not relevant in this case.

6.18 Other Considerations

One of the 'other considerations' advanced by the appellant was that the Council does not have a five year housing land supply. In such circumstances paragraph 6.2 of Technical Advice Note 1: Joint Housing Land Availability Studies states that the need to increase supply "*should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies*". Although it is recognised that the lack of housing land carries significant weight, the site's current purpose and function as part of a Green Barrier is still relevant and material to the consideration of the appeal, particularly where, as in this case, the contribution to housing supply would be extremely modest.

6.19 The site is well located for public transport and services. There are bus stops within walking distance of the site, with regular services to nearby centres. The Inspector accepted that the proposal would generate investment and jobs in the area during construction, and future residents would be likely to support local services and businesses. It was acknowledged that the site would meet one of the PPW objectives to minimise the demand for travel, especially by private car. Nevertheless, this objective could be met by a development located outside the Green Belt. Accordingly this matter attracted only limited weight.

6.20 The Inspector noted the appellant's comments that the appeal site should be considered as previously developed land in that it historically formed part of the garden to the neighbouring property and that garages are still present on the site. Nonetheless, even if the appeal site were to be treated as previously developed land, PPW Paragraph 4.9.1 indicates that not all previously developed land is suitable for development. This may be for example, because of its location. Furthermore, whilst the land may be considered as curtilage this does not mean that the whole of the curtilage should be redeveloped. In any event, the development would introduce considerable changes to the appearance of the site and the surroundings. It would further compound the influence of the urbanising features hereabouts, which is detrimental to the intrinsic value and character of the countryside in this location. Accordingly, the Inspector attached moderate weight to this matter.

6.21 Attention had been drawn to other appeal and local authority planning decisions in the surrounding area. The Inspector did not have full details of those schemes, however from the description of the sites and the context given within the decisions, the Inspector was not satisfied that these other cases are directly comparable with the proposal before her and, as such, the Inspector gave them only very

limited weight. In any event, the existence of development elsewhere is not a good reason to allow a proposal that would cause harm.

Whether Very Exceptional Circumstances Exist Sufficient to Clearly Outweigh the Harm by Reason of Inappropriateness and Any Other Harm.

- 6.22 It was concluded above that the proposed development would amount to inappropriate development in the Green Barrier and so substantial weight should be attributed to any harm to the Green Barrier. The proposal would be detrimental to the openness of the Green Barrier, which is its most important attribute. In accordance with national policy, the Inspector attributed substantial weight to this matter. It was also concluded that the proposed scheme would be harmful to the rural character and appearance of the area, but the Inspector only attributed moderate weight to this.
- 6.23 In this case the Inspector had found that the proposal would not comply with the relevant UDP policies and whilst UDP Policy STR1 indicates that development within the open countryside may be permitted where it is essential to have an open countryside location; no evidence had been submitted to demonstrate that the proposed housing unit is justified by virtue of its rural location or would meet a proven local need.
- 6.24 On the positive side, the scheme would provide some benefits, though for the reasons explained above the Inspector attributed only modest weight to these. However, even if the Inspector were to attribute greater weight to all of the benefits they would still fall far short of amounting to very exceptional circumstances sufficient to clearly outweigh the harm to the Green Barrier due to inappropriateness, loss of openness and the moderate harm to the character and appearance of the area.

7.00 CONCLUSION

- 7.01 The Inspector considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Section 3 of the Well-Being of Future Generations (Wales) Act 2015 (“the WBFG Act”). In reaching this decision, the Inspector took into account the ways of working set out at Section 5 of the WBFG Act. In particular, that by allowing inappropriate development in the Green Barrier would run counter to the sustainable development aims that the WBFG Act seeks to promote.
- 7.02 Accordingly, the Inspector concluded that, on balance, the proposal would be contrary to development plan and national policies. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and therefore the appeal was

DISMISSED.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

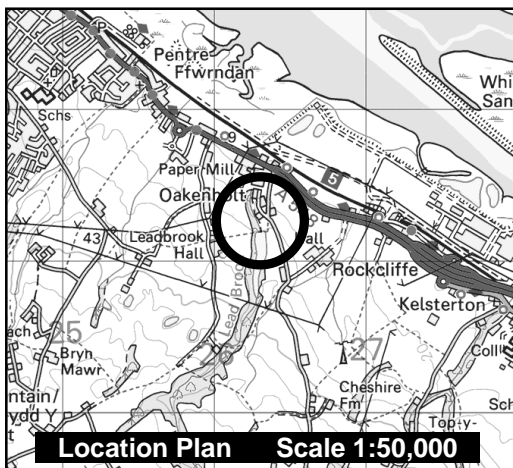
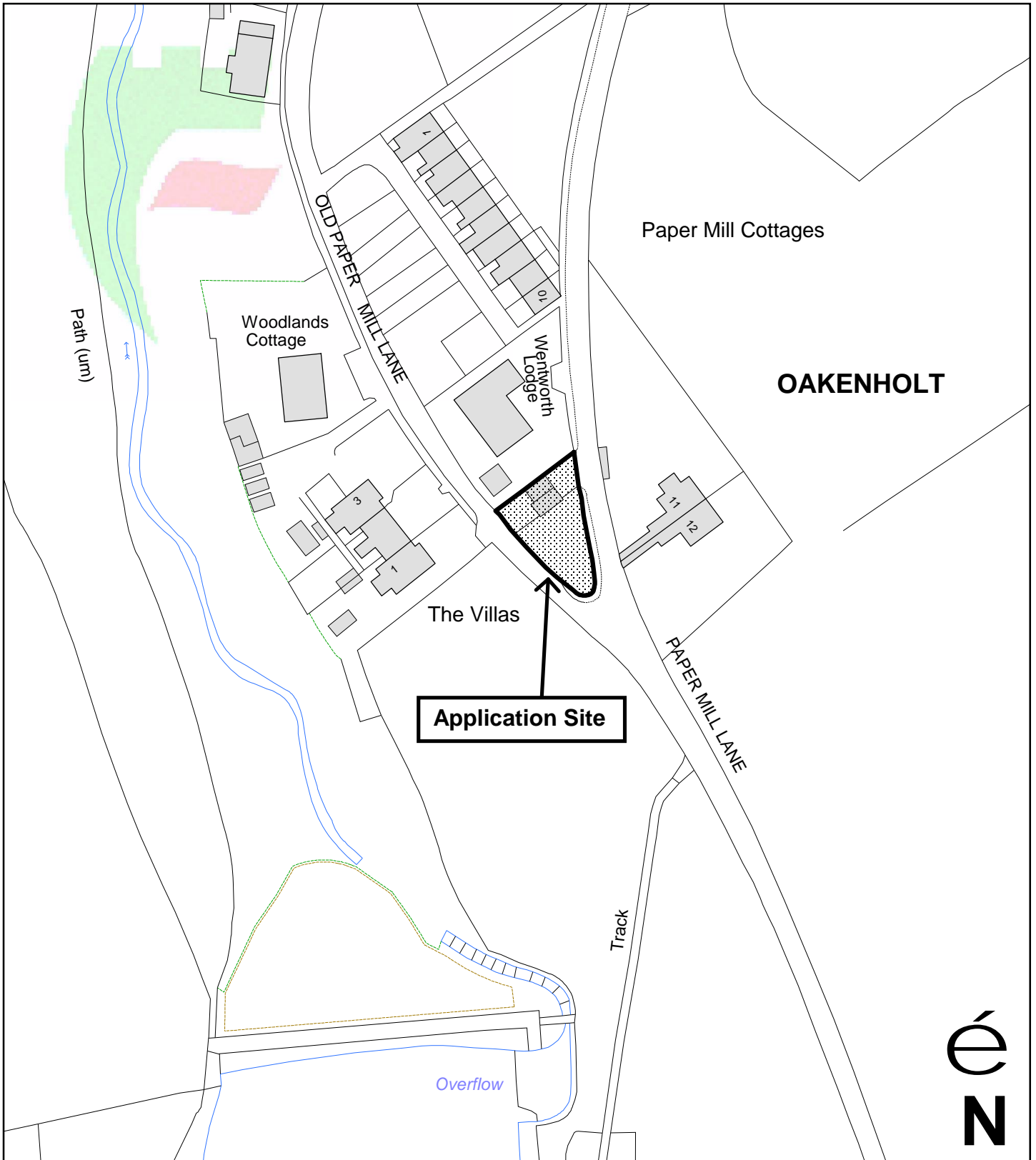
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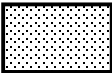

Contact Officer: Alan Wells
Telephone: (01352) 703255
Email: alan.wells@flintshire.gov.uk

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

Legend

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

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

SUBJECT: **APPEAL BY BROOMCO (3857) LIMITED AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE AMENDED DETAILS OF DWELLING TO PLOT 3 AT BRYN LLWYD YARD, NORTH STREET, CAERWYS – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 055725

2.00 APPLICANT

2.01 Broomco (3857) Limited.

3.00 SITE

3.01 Bryn Llwyd Yard,
North Street, Caerwys.

4.00 APPLICATION VALID DATE

4.01 25th July 2016.

5.00 PURPOSE OF REPORT

5.01 To inform Members of the outcome of an appeal against the refusal of planning permission for the amended details of a dwelling proposed on plot 3 of a development at Bryn Llwyd Yard, Caerwys. The application was refused by the Planning & Development Control Committee on 14th December 2016, contrary to Officer recommendation. The appeal was dealt with by written representations and the Inspector was Clive Sproule. The appeal was **ALLOWED**.

6.00 REPORT

- 6.01 The Inspector considered that the main issue in respect of the changes proposed to the siting/rear elevational treatment of the dwelling proposed on plot 3, is the effect of the development on the living conditions of the occupiers of the adjacent property Ar Tro, in relation to visual impact and loss of privacy.
- 6.02 The Inspector noted that plot 3 sits within a housing development where the other dwellings are at an advanced stage of construction and development on plot 3 has commenced. There is an issue regarding the location of the boundary with Ar Tro, although the Inspector indicates that the decision covers the appeal in relation to the proposed development, and takes no view on the matter of the boundary dispute.
- 6.03 The Inspector notes that the foundations for the dwelling on plot 3 have been developed 2.2 m closer to the hedge line with Ar Tro than originally approved through planning permission ref: 052760 such that the length of the rear garden at plot 3 would be less than the standard 11 m which is noted to be sought by Local Planning Guidance Note 2 – Space Around Dwellings. The Inspector also notes that the appeal site is located within a part of the village where historic patterns are evident, and the proposed layout of plot 3 and the associated development would reflect these to preserve both the character and appearance of the Conservation Area and the locality.
- 6.04 The Inspector draws reference to the Council Officers report on the proposal, noting that the appeal scheme critically proposed obscure glazed first floor windows in the rear elevation of the house on Plot 3, along with rooflight windows. These windows would serve two first floor bedrooms and the obscure glazing was to prevent overlooking of the rear garden at Ar Tro. It is now proposed to use clear glazed high level windows for these first floor rooms. This would provide improved living conditions for occupiers of the rooms in comparison to obscure glazed windows by enabling some aspect to be achieved out of the openings.
- 6.05 The Inspector considers that the rear amenity space at Ar Tro is already overlooked from the first floor windows of a number of dwellings on Holywell Road. He also notes that the current proposal would increase the perception of potential overlooking at Ar Tro, however this is a residential environment where a certain degree of overlooking can reasonably be expected to occur.
- 6.06 The Inspector comments that high level windows would prevent views being taken towards the amenity space at Ar Tro during normal use of the proposed first floor rooms. The exception to this would be if someone tall enough were to stand at the window, but such occasions reasonably would be expected to be rare. Accordingly, the living conditions of people using the amenity space at the rear of Ar Tro would be protected from unacceptable levels of overlooking and

resultant loss of privacy.

- 6.07 The Inspector also goes on to advise that Plot 3 has an orientation that is (to the north of and) perpendicular to the rear garden at Ar Tro, which is of considerable length. As such, the principal aspect from the rear of Ar Tro looks eastward past Plot 3 toward existing development and amenity space. Holywell Road forms the southern boundary of Ar Tro and views from the garden include existing two storey dwellings on the southern side of Holywell Road. The positioning of the proposed dwelling on Plot 3 would add to the perception of built form around the garden at Ar Tro.
- 6.08 However, within the context of the scale and position of: the proposal, the rear garden of Ar Tro and the existing development on Holywell Road, the Inspector concludes it is not apparent why the proposed positioning of the dwelling on Plot 3 would result in an overly dominant structure. Given the characteristic circumstances of the garden at Ar Tro and the aspects that would remain achievable from it (and the house), the two storey dwelling on Plot 3 would not be of such a scale, that it would be likely to be overly dominant and unacceptably harmful to the living conditions of the occupants of Ar Tro.
- 6.09 In commenting on other matters, the Inspector advises that in relation to the total area of amenity space that would be provided, the width of the proposed rear garden of Plot 3 would adequately compensate the reduced depth of amenity space. In addition the Inspector notes that the Council's reason for refusal raised no concerns about the location of a ground floor window in the front elevation of the dwelling on Plot 2 that would look toward the gable wall of Plot 3. Evidence indicates this window to serve a non-habitable room, and in any event, the proposed siting of Plot 3 would appear to result in little change to the relationship between the Plot 2 window and the approved position of the gable wall on Plot 3. Accordingly, it is not apparent that the appeal scheme would cause harm to the living conditions of the occupiers of Plot 2.
- 6.10 In addition, the Inspector advises that there is no Highway Authority objection to this proposal, or evidence that demonstrates within the context of development under way to implement planning permission 052760 that the proposed positioning at Plot 3 would cause there to be inadequate access and parking.

7.00 CONCLUSION

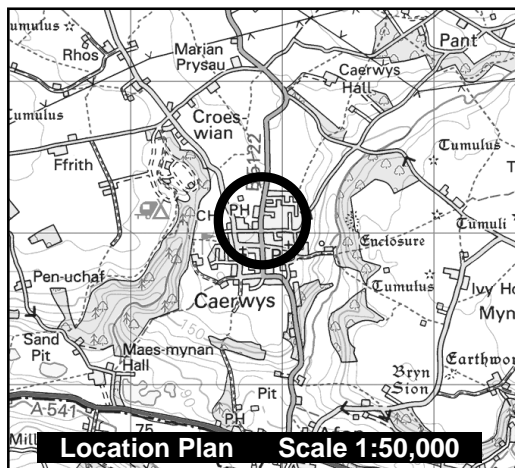
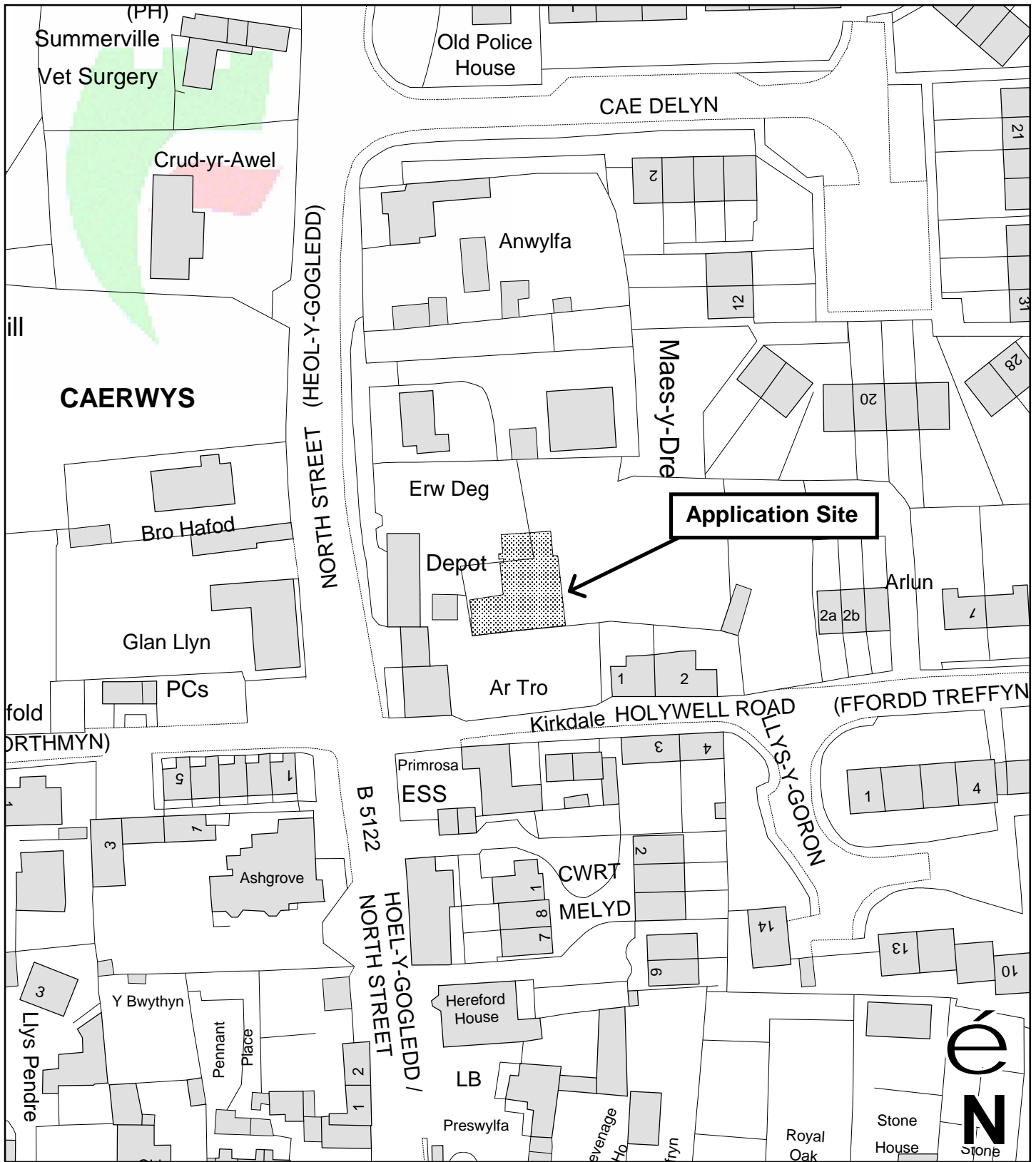
- 7.01 For the reasons given above, and having regard to all other matters raised, the Inspector concluded that the appeal should be **ALLOWED**. The decision however is subject to a number of conditions reflecting those previously imposed on planning permission 052760 together with the details of the roof light window and a scheme for the provision of high level windows that sets the sill

height at a minimum 1.7 m above the internal finished floor level of the rooms.

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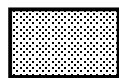
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Contact Officer: Mark Harris
Telephone: (01352) 703269
Email: Robert.M.Harris@flintshire.gov.uk



Planning & Environment,
 Flintshire County Council, County Hall,
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 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **55725**

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