

Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

Councillors: Marion Bateman, Sean Bibby,
Chris Bithell, Derek Butler, David Cox,
Adele Davies-Cooke, Ian Dunbar, Carol Ellis,
David Evans, Veronica Gay, Patrick Heesom,
Dave Hughes, Kevin Hughes, Christine Jones,
Richard Jones, Richard Lloyd, Billy Mullin,
Mike Peers, Neville Phillips and Owen Thomas

21 June 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, 28TH JUNE, 2017** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins
Democratic Services Manager

WEBCASTING NOTICE

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A G E N D A

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 14)

To confirm as a correct record the minutes of the meeting held on 7 June 2017.

5 **ITEMS TO BE DEFERRED**

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

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

REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)
TO PLANNING COMMITTEE ON 28 JUNE 2017

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	052119 - A	052119 - A - Full Application - Proposed Development of a Hospital and Re-ablement Centre for People Disadvantaged by an Autistic Spectrum Disorder and/or Learning Disability, Including Proposed Residential Blocks and Independent Living Building (Previously Approved under Planning Permission 045395) at Alyn Works (Former) & Kinsale Golf Course (Part), Mostyn (Pages 15 - 34)
6.2	056601 - A	056601 - A - Full Application - Erection of 7 No. Dwellings at Ivy Cottage, Queen Street, Leeswood. (Pages 35 - 44)
6.3	056806 - R	056806 - R - Full Application - Erection of Four Dwellings at Top-Yr-Allt, Llinegr Hill, Penyffordd (Pages 45 - 56)
6.4	056521 - A	056521 - A - Full Application - Erection of 8 No. dwellings at New Inn, Station Road, Sandycroft. (Pages 57 - 72)
6.5	056796 - A	056796 - A - Full Application - Single Storey Rear Extension at Catchpenny Cottage, Bretton Lane, Bretton (Pages 73 - 80)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.6	053466	053466 - Appeal by Mr. R. Furse Against the Decision of Flintshire County Council to Refuse Planning Permission for the Proposal for One Residential Unit on the First Floor in the North Barn Range, and Enlarging the Ground Floor Unit into the Adjacent Bay Including Removal of a C21 Stair. To Replace the Return of the Boundary Wall on the North West Corner of the Barn Range in Reclaimed Rubble Set in Lime Mortar to Match the Existing and Paint the Pair of New French Doors in the Estate Linseed Based Green. Form a Window Opening in the Existing Door on the South Elevation at Nerquis Hall, Nercwys - DISMISSED. (Pages 81 - 86)
6.7	053467	053467 - Appeal by Mr. R. Furse Against the Decision of Flintshire County Council to Refuse Listed Building Consent for One Residential Unit on the First Floor in the North Barn Range, and Enlarging the Ground Floor Unit into the Adjacent Bay Including Removal of a C21 Stair. Replace the return of the Boundary Wall on the North West Corner of the Barn Range in Reclaimed Rubble Set in Lime Mortar to Match the Existing and Paint the Pair of New French Doors in the Estate Linseed Based Green, Formation of a Window Opening in the Existing Door on the South Elevation at Nerquis Hall, Nercwys - DISMISSED. (Pages 87 - 92)
6.8	053469	053469 - Appeal by Mr. R. Furse Against the Decision of Flintshire County Council to Refuse Planning Permission for the Construction of a Building to House a Biomass Installation and to Store Farm Equipment and Materials at Nerquis Hall, Nercwys - DISMISSED. (Pages 93 - 98)
6.9	053470	053470 - Appeal by Mr. R. Furse Against the Decision of Flintshire County Council to Refuse Listed Building Consent for the Construction of a Building to House a Biomass Installation and to Store Farm Equipment and Materials at Nerquis Hall, Nercwys - DISMISSED. (Pages 99 - 104)
6.10	050788	050788 - Appeal by Mr. R. Furse Against the Decision of Flintshire County Council to Refuse Planning Permission for the Conversion and Extension of Redundant Piggeries to Store Vehicles and Garden Equipment for the Benefit of the Existing Dwelling at Nerquis Hall, Nercwys - DISMISSED. (Pages 105 - 110)

6.11	050789	050789 - Appeal by Mr. R. Furse Against the Decision of Flintshire County Council to Refuse Listed Building Consent for the Conversion and Extension of Redundant Piggeries to Store Vehicles and Garden Equipment for the Benefit of the Existing Dwelling at Nerquis Hall, Nercwys - DISMISSED. (Pages 111 - 116)
6.12	055951	055951 - Appeal by Mr. & Mrs J. Clare Against the Decision of Flintshire County Council to Refuse Outline Planning Permission for the Erection of a Dwelling at Land at Westacres, Berthen Road, Lixwm - DISMISSED. (Pages 117 - 124)
6.13	055310	055310 - Appeal by Elan Homes Ltd Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 24 No. Dwellings with Associated Garages, Parking, Garden Areas and Open Spaces with Demolition of Existing Service Station and Outbuildings at Argoed Service Station, Main Road, New Brighton - ALLOWED. (Pages 125 - 130)

PLANNING COMMITTEE **7 JUNE 2017**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 7 June 2017.

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Sean Bibby, Chris Bithell, 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, and Owen Thomas

APOLOGIES: Councillor Derek Butler

IN ATTENDANCE:

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

1. APPOINTMENT OF VICE-CHAIR

The Chairman sought nominations for the appointment of Vice-Chair.

Councillor Christine Jones nominated Councillor Ian Dunbar and the nomination was duly seconded.

Councillor Mike Peers nominated Councillor Owen Thomas and this was duly seconded.

When put to the vote the nomination of Councillor Ian Dunbar was CARRIED.

Councillor Dunbar thanked the Committee for their nomination.

RESOLVED

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

2. DECLARATIONS OF INTEREST

Councillor David Wisinger declared a personal and prejudicial interest, as he was a governor on John Summers High School, on agenda item number 7.2 – 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 (056851).

Councillor Christine Jones also declared a personal and prejudicial interest on the above item as she was a governor at John Summers High

School and had family members who attended John Summers High School and Connah's Quay High School.

Councillor Ian Dunbar also declared a personal and prejudicial interest on item number 7.2 as he was a governor at Connah's Quay High School.

Councillor Adele Davies-Cooke declared a personal and prejudicial interest in agenda item number 7.5 – Full Application – Erection of Farm Shop and associated works, formation of new vehicular and pedestrian access at Copsy Farm, Cilcain Road, Gwernaffield (056664). She said she had been granted dispensation to speak on the agenda item for five minutes and would leave the room after speaking.

3. LATE OBSERVATIONS

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

4. MINUTES

The draft minutes of the meeting held on 12 April 2017 were submitted.

RESOLVED:

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

The Chief Officer (Planning and Environment) informed Members that, following a decision at the Group Leaders' meeting on June, full minutes of the Planning Committee will no longer be produced. The webcast material will be available indefinitely and only a record of the decision taken will be produced. This position will be reviewed after six months.

5. ITEMS TO BE DEFERRED

The Chief Officer (Planning and Environment) advised that none of the items on the agenda were recommended for deferral by officers.

6. REPORTS OF THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)

RESOLVED:

That decisions be recorded as shown on the Planning Applications schedule attached as an appendix.

7. **APPEAL DECISIONS**

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 AND OLD PAPER MILL LANE, OAKENHOLT – DISMISSED (055447)

RESOLVED:

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

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 (055725)

RESOLVED:

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

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

On commencement of the meeting there were 15 members of the public in attendance.

(The meeting started at 1.00pm and ended at 4.52 pm)

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Chairman

PLANNING CONTROL COMMITTEE ON 7TH JUNE 2017

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
056524	Buckley Town Council	Full Application – Construction of 14 No. 3 bedroom detached houses and associated works at West of 19 & 20 Manor Drive, Buckley.	<p>The Planning Officer highlighted the highlighted the late observations which had been previously circulated.</p> <p>Mr. P Moren, on behalf of the Applicant, spoke in support of the application.</p> <p>The Chief Officer (Planning and Environment) to send a letter to the applicant to make them aware of the ongoing rat issue and extant notice.</p>	That conditional permission be granted, subject to the applicant entering into a Section 106 agreement, providing a unilateral undertaking or the making of an advance payment which provides for play equipment
056851	Connah's Quay Town Council	Full Application – Part demolition, to facilitate internal reconfiguration and new extension to existing school building, and external alterations with associated external realm/car parking	Having earlier declared a personal and prejudicial interest in application number 056851, Councillors David Wisinger, Ian Dunbar and	That planning permission be granted subject to the conditions listed in the report.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
		amendments and provision of temporary classrooms and storage areas during construction at Connah's Quay High School, Golftyn Lane, Connah's Quay.	<p>Christine Jones left the meeting prior to the matter being debated.</p> <p>Councillor Chris Bithell, took the Chair for the whole of item no. 056851 following appointment by the Committee.</p> <p>After the vote had been taken, Councillors David Wisinger, Ian Dunbar and Christine Jones returned to the meeting and were advised of the decision.</p> <p>Councillor David Wisinger took the Chair for the remainder of the meeting.</p>	
055871	Llanasa Community Council	Full Application –Improvements and extension to farm track, layout of hardstanding for the parking and manoeuvring of vehicles, improvement of toilet, washing and	The Planning Officer highlighted the late observations which had been previously circulated.	That planning permission be refused against the officer's recommendation.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
		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.	<p>Local Member Councillor Glyn Banks spoke on the application.</p> <p>Adjoining Local Member Councillor Andrew Holgate also spoke on the application</p> <p>Refusal reason required to be drafted. The refusal reason should focus on Policy RE5, (b) the proposal would have a significant impact on areas of landscape value.</p>	
056757	Gwernymynydd Community Council	Full Application – Installation of 17.5m monopole supporting 2 No. antennas within a shroud, 2 No. equipment cabinets and ancillary development at Ruthin Road, Gwernymynydd.	<p>The Planning Officer highlighted the late observations which had been previously circulated.</p> <p>Mrs. T. Norton spoke against the application.</p> <p>Mr J Hafiz, on behalf of the Applicant, spoke in support of the application.</p>	That planning permission be refused against recommendation

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
			<p>Councillor V Hinstridge, Gwernymynydd and Cadole Community Council, spoke against the application.</p> <p>Refusal reason required to be drafted. The refusal reason should focus on Policy A22, drawing on the language in the reasoned justification in para 10.79 regarding the harmful visual impact.</p>	
056664	Gwernaffield and Pantymwyn Community Council	Full Application – Erection of farm shop and associated works, formation of new vehicular and pedestrian access at Coppy Farm, Cilcain Road, Gwernaffield.	<p>The Planning Officer highlighted the late observations that related to the application which had been circulated.</p> <p>Mr. Richard Lloyd spoke against the application.</p> <p>Ms. K James, speaking on behalf of the applicant, spoke in support of the application.</p>	That planning permission be granted, subject to an additional condition to require removal of the road if the farm shop use ceases.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
			<p>Councillor G. Tattum, Gwernaffield Community Council, spoke against the application</p> <p>Councillor Adele Davies-Cooke spoke for five minutes against the application and left the room after speaking.</p> <p>After the vote had been taken, Councillor Adele Davies-Cooke returned to the meeting and was advised of the decision.</p>	
056700	Buckley Town Council	Full Application – Erection of two storey extension, linked garage and porch at 21 Springfield Drive, Buckley.	<p>Following agreement by the Committee agenda item 7.8 was brought forward.</p> <p>Ms C Creaney, the Applicant, spoke in support of the</p>	<ul style="list-style-type: none"> • That planning permission be in accordance with the recommendation and • a note regarding the installation of an extended drop kerb

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
			application.	
055736	Broughton Community Council	Full Application – Erection of 2 No. Class A3 units with associated public realm improvements and car parking re-configuration at Broughton Shopping Park, Broughton.	.	That planning permission be granted subject to the conditions listed in the report.
055774	Northop Hall Community Council	Full Application – Proposed development of 27 No. dwellings (Phase 3) at Cae Ethin, Village Road, Northop Hall.	The Planning Officer highlighted the late observations which had been circulated.	That planning permission be granted subject to entering a S106 agreement unilateral undertaking or early payment for the contributions as listed in the report.
056557	Cilcain Community Council	Full Application – Erection of extension to Units 1 & 2 at Nant y Gain, Pentre, Cilcain.		That planning permission be granted subject to the conditions listed in the report.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH JUNE 2017**

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

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

**APPLICATION
NUMBER:** **052119**

APPLICANT: **HOLYWELL ESTATES LTD**

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

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

LOCAL MEMBERS: **COUNCILLOR P. HEESOM**

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

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

SITE VISIT: **YES
(SITE VISIT PREVIOUSLY UNDERTAKEN 10TH
OCTOBER 2016. FURTHER VISIT REQUIRED TO
ALLOW NEW COMMITTEE MEMBERS TO VIEW
THE SITE)**

This application was deferred at the Planning & Development Control Committee on 12th October 2016, at the request of the applicant/agent in order to allow the budgetary implications of the proposed development on local health care providers to be clarified. As a result further

consultation on the application has been undertaken with the Council's Social Services Department and Betsi Cadwallader University Health Board (BCUHB) and the report has been updated accordingly.

1.00 SUMMARY

1.01 This full application proposes the development of a hospital and rehabilitation centre for people disadvantaged by an autistic spectrum disorder and/or learning disability including proposed residential block and independent living building on the site of the former Alyn Works and land to the south and east of the former Kinsale Golf Course, Mostyn.

1.02 For Members information, progression of the application has been protracted pending the receipt of consultation responses from local health care providers following the submission of additional information by the applicant.

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

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

- approval.
17. Timescale for implementation of hard/soft landscaping.
 18. Land Contamination report to be submitted and approved with remediation measures where required.
 19. Recording of former store and office to be undertaken before demolition and watching brief maintained during initial ground excavation works.
 20. No development to commence on the construction of the educational building permitted until a phasing programme for the development of the former Alyn Works and re-instatement of golf course has been submitted to and approved by the Council in writing. The development shall be carried out in accordance with the approved phasing plan and retained thereafter.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor P. Heesom
Awaiting formal response.

Mostyn Community Council

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

Clwyd – Powys Archaeological Trust

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

Highway Development Control Manager

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

Head of Pollution Control

No adverse comments.

(Rights of Way)

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

Dwr Cymru/Welsh Water

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

Natural Resources Wales

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

North Wales Learning Disability Partnership Group (NWLDPG)

Object (See main report).

Betsi Cadwallader University Health Board (BCUHB)

Object (See main report).

Social Services (Locality Services)

Object (See main report).

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

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

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

5.00 SITE HISTORY

5.01 **674/84**

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

118/93

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

98/1112

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

041549

Change of use from hotel to C2 use residential institution for establishing an independent school for young people with complex Autistic Spectrum Disorder age 10 to 19 – Permitted 3rd August 2006.

040402

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

045395

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

047095

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

046920

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

048115

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

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

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy STR1 – New Development.
Policy STR2 – Transport & Communications.
Policy STR6 – Tourism.
Policy STR7 – Natural Environment.

Policy STR8 – Built Environment.
Policy GEN1 – General Requirements for Development.
Policy GEN3 – Development Outside Settlement Boundaries.
Policy CF2 – Development of New Community Facilities.
Policy D2 – Location & Layout.
Policy D3 – Building Design.
Policy D4 – Landscaping.
Policy D5 – Outdoor Lighting.
Policy D6 – Crime Prevention.
Policy TWH2 – Development Affecting Trees & Woodlands.
Policy TWH3 – Protection of Hedgerows.
Policy TWH4 – Woodland Planting & Management.
Policy L1 – Landscape Character.
Policy WB5 – Undesignated Wildlife Habitats, Flora & Fauna.
Policy WB6 – Enhancement of Nature Conservation Interest.
Policy HE1 – Development Affecting Conservation Areas.
Policy HE5 – Protection of Landscapes, Parks & Gardens of Special Historic Interest.
Policy AC1 – Facilities for the Disabled.
Policy AC2 – Pedestrian Provision & Public Rights of Way.
Policy AC3 – Cycling Provision.
Policy AC13 – Access & Traffic Impact.
Policy AC14 – Traffic Calming.
Policy HSG4 – New Dwellings in the Countryside.
Policy SR1 – Sports, Recreation or Cultural Facilities.
Policy SR2 – Outdoor Activities.
Policy SR3 – Golf Facilities.
Policy T1 – Tourist Attractions.
Policy T4 – New Static Caravans & Chalets.
Policy T7 – Holiday Occupation Conditions.

Additional Guidance

Planning Policy Wales (PPW).
Technical Advice Note 5 – Nature Conservation & Planning.
Technical Advice Note 12 – Design.
Technical Advice Note 15 – Development & Flood Risk.
Technical Advice Note 18 – Transport.
Technical Advice Note 24 – The Historic Environment.

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

7.00 PLANNING APPRAISAL

7.01 Introduction

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

- a. The site of the former Alyn Works (previously occupied by Solar Fires) which is to the south of the A548 at Llanerch y Mor
- b. An area of land which is to the south and adjacent to Alyn

Works. This part of the site is to the north of Kinsale School and east of the former Kinsale Golf Course and

- c. The upper lodge site to the west of Mertyn Isa a Grade II listed building next to the highest part of the former golf course.

7.02 For Members information Kinsale School referred to above, is run by The Options Group and is a residential home/school which caters for up to 34 children/young (from age 10 to 19) adults who suffer from Autistic Spectrum Disorder. For clarification there is no formal link between the existing school and the current application.

7.03 The school and former golf course occupy an area of approximately 40 hectares of which the golf course covers approximately 26 hectares. The school and former golf course are approached by a private driveway which passes through open land comprising the golf course to the west and open land to the east. Whilst the Kinsale School is located within a Conservation Area, none of the development proposed as part of this application falls within this designation.

7.04 Background History

For Member's information there is a complex background of planning history relating to development at this location which is referred to in paragraph 5.00 of this report.

7.05 In summary, planning permission was allowed on appeal by the Planning Inspectorate under reference No. 040402 on 18th October 2007 for a tourism development at Kinsale Golf Course comprising: the layout of trails for walking, jogging and cycling, extension of the existing clubhouse to provide a gymnasium, swimming pool, sauna, steam room and crèche; the provision of a new putting course, tennis courts, siting of 78 holiday lodges and a sales lodge, associated access drives, car parking and modifications to the golf course.

7.06 The 78 holiday lodges are proposed to be sited in two areas, on the periphery of the golf course, these being:-

- a. The Lower Lodge site to the south of Rhydwen House alongside the main entrance driveway to the school and golf course.
- b. The Upper Lodge site to the west of Mertyn Isaf a Grade II Listed Building next to the highest part of the golf course.

7.07 At the time that the above application and appeal were under consideration Kinsale Hall, a former hotel, had been bought by the New Options Group and converted into a residential home for autistic children, this being granted under reference No. 045139 on 3rd August 2006.

- 7.08 Following the grant of planning permission in 2007 for a holiday lodge development, permission was subsequently granted under reference No. 045395 on 11th December 2008 for independent living accommodation buildings and a communal centre to replace 30 previously approved lodges, providing specialist placement for children with autism in connection with the existing school. This permission proposed the replacement of 24 previously approved holiday lodges on the upper part of the site and the replacement of 6 holiday lodges on the lower part.
- 7.09 A subsequent application submitted under reference No. 047095 for the erection of an autistic college facility including associated residential units on land to the south of the former Alyn Works was included on the agenda for consideration by the Planning & Development Control Committee meeting held on 6th October 2010. This was however withdrawn by the applicants given officer's recommendation at that time for refusal given officer concerns about the impact of development on the character of the landscape at this location.
- 7.10 The application was however resubmitted under reference No. 048115 in order to seek to address the concerns previously highlighted. This application was considered at the Planning & Development Control Committee meeting on 25th July 2012 but was refused contrary to officer recommendation given concerns about the impact of development on the character of the landscape.
- 7.11 As outlined in paragraph 5.00 of this report and in conclusion permission has previously been granted for a C2 use at this location to provide care for up to 34 children and young adults at Kinsale School. In addition to this 30 lodges have been approved on the site for independent living. The principal of a C2 use, specifically for the residential care of children and young adults with autism at the site has been well established and is a material planning consideration to which I attach significant weight.
- 7.12 Proposed Development
This application which has been submitted by Holywell Estates Ltd., proposes the development of a hospital and re-ablement centre for people disadvantaged by an autistic spectrum disorder and/or learning disability including proposed residential blocks and independent living buildings. In addition to the standard application forms and plans, the application is accompanied by:-
- A Planning Design & Access Statement.
 - Ecological Surveys.
 - An Archaeological Assessment.
 - An Arboricultural Assessment.
 - A Hydrology Assessment including Flood Consequences Assessment (FCA)

- A Transport Assessment.

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

- a. Alteration of the 3 No. existing buildings on the site of the former Alyn Works to provide a total of 44 No. hospital bedroom spaces and 24 No. step-down bed spaces with associated administration hub and ancillary support accommodation. It is proposed to utilise the footprints of the existing buildings but remodel the external appearance of the buildings which are predominantly flat roof in design by the introduction of new window openings with contrasting cladding on the external walls. It is also proposed that an area of external amenity space is provided for patient use with additional planning/landscaping undertaken in this area providing nature trails and a habitat for flora and fauna.
- b. The erection of a 2 storey H shaped monopitch educational block to the south of the former Alyn Works and an existing residential property Rhydwen House. The building would measure approximately 40 m x 37 m x 10 m high and it is proposed that it would be constructed having zinc/slate external walls. Although not forming part of the current application the educational block would be located in proximity to holiday lodges on the lower site previously allowed on appeal under reference 040402.
- c. On the upper lodge site removal of 24 No. lodges previously allowed on appeal under reference 040402 and replacement by 3 No residential blocks measuring approximately 30 m x 16 m x 5.7 m (high), a communal centre measuring 12 m x 12 m x 5 m (high) and 3 No. 2 bed units each measuring 18 m x 8.5 m x 5 m (high) linked by a corridor. It is proposed that the accommodation blocks be constructed having timber clad/stone external walls and slate roofs. For Members information these buildings were previously granted under reference 045395 on 11th December 2008 and proposed for use in connection at the time with Kinsale School.

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

- The proposal is to re-develop the former Alyn Works site to become a new 44 bed hospital and 24 bed step down unit. The step down facility comprises re-habilitation beds for patients who are discharged from the acute beds but still need additional support and treatment to re-engage with their current circumstances, lifestyle and environment within the community. Others may be admitted direct into the reablement facility from

a community placement elsewhere.

- From here the young adults will be able to access the educational building to participate in courses to provide skills to allow access to the wider community.
- The buildings to the south are residential buildings where those who move on from re-ablement services may live longer term or may be referred from their local authority. These buildings are as previously proposed and approved under application reference 045395.

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

- Principle of development having regard to the planning policy framework.
- Adequacy of access to serve the development proposed.
- Scale/design and impact on character of landscape.
- Addressing drainage/flooding risks.
- Other material considerations including the consultation responses received from the Council's Social Services Department/Betsi Cadwaladr University Health Board (BCUHB).

7.16 In commenting in detail in response to the main planning considerations outlined above, I advise as follows:-

7.17 Principle of Development

The consideration of an application for the erection of new community facilities, must be undertaken having regard to Policy CF2 of the Flintshire Unitary Development Plan (FUDP) which specifically addresses proposals for new facilities.

7.18 This policy seeks to direct such facilities to locations within defined settlement boundaries. Outside settlement boundaries such development will only be permitted through (a) the conversion of existing buildings (b) by an extension to an existing facility or (c) on land with a previous built use. The proposed facility is outside the settlement but located on land with a previous built use and therefore the proposal complies with this policy.

7.19 Consideration must also be given to Part 1 Policies STR1 and General Development Policy GEN3 of the FUDP where new development proposals outside settlement boundaries, within the open countryside and on brownfield sites can be given consideration, particularly where development is appropriate to the open countryside.

7.20 Policy STR1 part g is of particular relevance as it requires new development to be assessed in terms of a precautionary approach

whereby development proposals that would have a significant or uncertain environmental, social, economic or cultural impact, will be refused, in the absence of the best available information. Later in the report the response from North Wales Learning Disability Partnership Group, Beti Cadwallader University Health Board and Social Services will be examined and considered in light of this policy and the planning balance.

- 7.21 Policy GEN3 is a general policy addressing development in the open countryside and the proposal broadly complies with part c of this policy as the majority of development is based around the adaption and extension of the Alyn Works buildings. Furthermore, the applicant has advised that an open countryside location is beneficial for the proposed use, as residents can benefit from the recreational activities on site in addition to its tranquil environment which satisfies the requirement set out in part j of Policy GEN3. In addition, the development would not be detrimental to the character of the Conservation Area focussed around Kinsale School and would be acceptable in line with Policy HE1 and Technical Advice Note 24 – The Historic Environment.
- 7.22 Beyond local planning policy, which is the starting point for determining any planning application it is important to consider the wider sustainability credentials of the site and any other material planning considerations. It is located on a main communications route within the County (A548), and bus services on this key route which make it accessible both to those who reside locally and further afield. It is considered therefore that the proposal is in a sustainable location which offers a realistic choice to travel, not reliant on the private motor car.
- 7.23 Another significant material consideration is that the golf course on site is no longer operational, which has an adverse impact on the landscape in the vicinity. The applicant's agent has advised that it is intended to use the golf course as a facility for the therapeutic care of patients, and work to bring the golf course back into a playable condition with such work to be carried out in conjunction with the development proposed.
- 7.24 The intention to re-instate the golf course as part of the development is noted and supported, but it is my view that no development should commence on the construction of the educational building until the development on the Former Alyn Works and re-instatement of the golf course has been completed in accordance with a phasing plan to be submitted and approved and I have accordingly proposed such a condition.
- 7.25 For Members information development on the site of the former Alyn Works was previously explored as part of application 048115, but at the time development of the site was not in the ownership/control of

the applicant and there were concerns that the development would be unacceptable in economic terms, given remedial costs involved.

7.26 This current application however has addressed this particular constraint to development and bearing in mind (i) the planning history of the site (ii) its evolution since the appeal decision in respect of the policy context established by Policy CF2 and (iii) phasing of the development which would require the development of the brownfield site before undertaking other elements of the proposal as referred to in paragraph 7.24 above, it is considered that the proposed development is acceptable in principle.

7.27 Adequacy of Access

Consultation on the application has been undertaken with the Council's Highway Development Control Manager who following the receipt of a Transport Assessment (TA) does not raise any objection to the scale of vehicular movements likely to be generated by the proposal or the adequacy of parking provision to serve the development. If Members are however mindful to grant permission for the development it is recommended that any permission be subject to conditions in respect of parking and the submission of a Full Travel Plan and Transport Implementation Strategy before bringing into use the development. The proposal therefore complies with Policy STR2.

7.28 Scale/Design & Impact on Character of Landscape

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

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

7.30 In addition it is my view that current buildings on the former Alyn Works site have no architectural or heritage value and the principle of their adaption is to be welcomed on this brownfield site. It is considered that this site has long since been absorbed into the semi-urban character of the coast road and whilst the design of the buildings proposed including the educational block to the south of the former Alyn Works are contemporary in nature, the use of slate as a

cladding material seems more appropriate to an upland environment along this coastal corridor. It is considered that the visual appearance of these buildings could be improved through the use of local sandstone or limestone and the use of timber would also help to provide for a more sympathetic form of development at this location which would respect the relationship of the site to the Abakhan building on the southern side of the A548. This will it is considered help to significantly improve the visual appearance of the site which has remained vacant and unused in recent years. If Members are mindful to grant permission the use of the proposed materials can be covered by condition. It is therefore considered the proposal broadly complies with Policies STR7 and 8 and Policies TWH2, 3 and 4 and L1 of the UDP.

7.31 Drainage

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

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

7.33 Responses from Health Care Providers

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

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

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

- a. "The construction of an ASD hospital in Flintshire is not consistent in any way with the Transforming Care Agenda.
- b. North Wales already has enough hospital type provision.
- c. The construction of an institution in Flintshire does not meet

local need in terms of service commissioning.

- d. If constructed it will place additional significant burdens on local services given that it will be likely to provide placements for individuals outside North Wales.

7.36 As a result of the above response, the applicant/agent submitted further information which has subsequently been further assessed with BCUHB responding as follows:-

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

7.37 Following deferral of the application in October 2016, further consultation has been undertaken with both the Council’s Social Services Department (Locality Services) and Betsi Cadwallar University Health Board in order to seek to quantify the level of impact the development may have on the budgets of the local health care providers.

7.38 It is important to note that the policy CF2 of the UDP, which is the specific policy in relation to considering new facilities, including facilities of the kind proposed, does not require any new education, health or community facility to demonstrate whether that facility is either a) compliant with any educational, health and community care national agenda or b) whether the facility meets local need. Furthermore, there is no test or requirement set out in Planning Policy Wales November 2016, or any technical guidance notes which require evidence of managerial agenda or local need, to be weighed in the planning balance. It is therefore considered that these objections attract little weight.. However, a development proposal which would have a significant and uncertain economic impact may be refused in the absence of the best available information under part of policy STR1 (g). The consideration of this matter and its weight in the planning balance is set out below.

- 7.39 Having regard to the above, the Council's Social Services Department have advised that the proposed use would potentially impact on primary care/community service in staff resource/financial terms, both during a patients stay at the facility and post discharge, should the individuals decide to stay in Flintshire and become resident in the County.
- 7.40 To this effect Social Services have advised that the potential cost in relation to specialist/ASD purchased services could be vary from £50,000 to £100,000 depending on whether an individual receives care at home, with domiciliary support or as a day visitor of the unit or as an on-going resident. Social Services have estimated the following:-
- Day Service per person £37,000.
 - Residential Services per person £100,000.
 - Social Worker Assessment per person £5,000.
 - Domiciliary Support £14.85 per hour.
- 7.41 The concerns from Social Services is that the scale of development proposed would generate costs which would greatly exceed the Social Services' available budgets. Social Services have specifically advised that in 2016/17 that the Learning Disability Budget is fully allocated.
- 7.42 The applicant/agent has been presented with a breakdown of the above figures and the applicant challenges the calculations as being misleading. The applicant advises that 'Fees for placements will be assessed on a sliding scale dependent upon a number of factors that will inform an individual plan for each placement. The fees will be met by the placing authority. Put simply, the cost of an acute bed package is highly likely to be more than a reablement package, which in turn will be greater than a residential package. Some of the most dependant patients who are discharged from an acute bed along their individualised pathway plan will go back into the care and facilities of the placing authority, as their needs and dependence will remain high. However, these patients are more likely to be discharged into the reablement unit and maybe on to the residential unit which will provide opportunities for further education and vocational placements on site, as part of the individual pathway. By the time anyone leaves this facility at the end of their residential care package, they will no longer be high dependency. In the event that someone did choose to remain in Flintshire, they will not be a significant drain on care resources. The figures produced by Social Services and BCUHB will not and cannot ever materialise. We cannot over emphasise this point".
- 7.43 It is acknowledged that there is a significant difference of opinion between the applicant and local service providers regarding the potential impact on current and future budgets for health care provision.

- 7.44 In addition, and in order to further quantify the potential budgetary implications of the proposed use, both BCUHB and Social Services have been requested to clarify from their experience in the operation of albeit smaller scale facilities, the numbers of patients who have opted to remain in the county or adjacent authorities post discharge. Whilst this is not prescriptive, it would help in giving an indication of the potential pressure that has occurred on available budgets over a specific time period.
- 7.45 Following this request for statistical information, BCUHB have responded as follows: *“it would be impossible to provide actual figures of the number of people settled in N Wales – we know it happens but it is certainly not something we would capture”*
- 7.46 As the potential costs associated with the provision of the service cannot be quantified following 6 months of detailed consultation with the relevant services with regard to either a) the precise impact on the total annual budget/ surplus for Social Care administered by the council and b) the likely scale of post discharge stay from within Flintshire/ N Wales it is considered that every effort has been made to establish the best available information and to ensure that precaution has been made on obtaining evidence of an economic impact.
- 7.47 It is considered that empirical evidence which has been presented by Social Services, Betsi Cadwallader and North Wales Learning Disability Partnership Group in relation to significant economic costs is largely based on assumptions. To conclude, the level of residents who would continue to reside in Flintshire after leaving the unit is unknown, and there is no evidence to support if this would happen and if so how many people this would be each year. Furthermore the assumptions have all been made on 90 bed spaces requiring the continual highest standard of care. No evidence has been presented of how much funding is required from Social Services in association with smaller units which exist in Flintshire to bear out the view that the ongoing costs from day to day operation will have a significant economic impact. The evidence which has been presented is assumption based, linked to anecdotal concern and this cannot be afforded significant weight in the planning balance.

8.00 CONCLUSION

- 8.01 Having regard to the background of planning history at this location, the development as proposed on a previously developed/redundant brownfield site and part of the wider site area at this location that has previously had the benefit of planning permission for a tourist/educational facility for persons affected by Autistic Spectrum Disorder, is a significant material planning consideration which is

considered to hold significant weight in the planning balance.

8.02 The development is compliant or broadly compliant with Part 1, General and specific policies within the UDP described above and there are no objections from statutory consultees including Natural Resources Wales, Dwr Cymru/Welsh Water and the Highway Development Control Manger. This policy compliant position attracts significant weight in the planning balance.

8.03 The concerns/objections from the Social Services, NWLDPG and BCUHB are noted, which advise that the proposal would not be in line with the current approach to the provision of health care within Wales, and there would be an associated impact on available resources to support this facility. Members should be advised that licencing of the facility by Welsh Government lies outside the remit of the planning process, and the budgetary implications of the development have not been quantified and no empirical evidence has been provided which in planning balance outweighs the planning land-use merits of the proposal.

8.04 It is my view that subject to a phasing programme for the development that the scheme as proposed would sit comfortably within the planning policy framework and the original concept of a comprehensive tourist, recreational and educational environment for those people with Autistic Spectrum Disorder. I therefore recommend accordingly.

8.05 **Other Considerations**

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

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

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

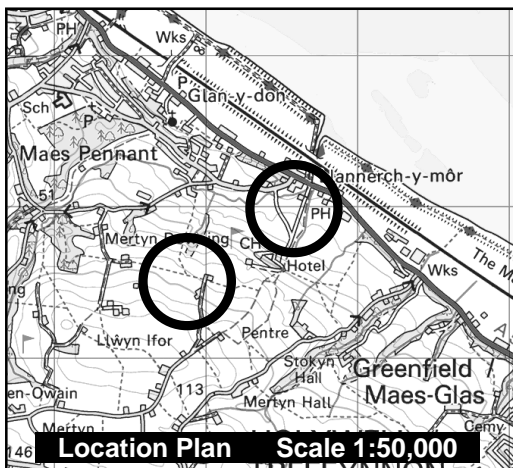
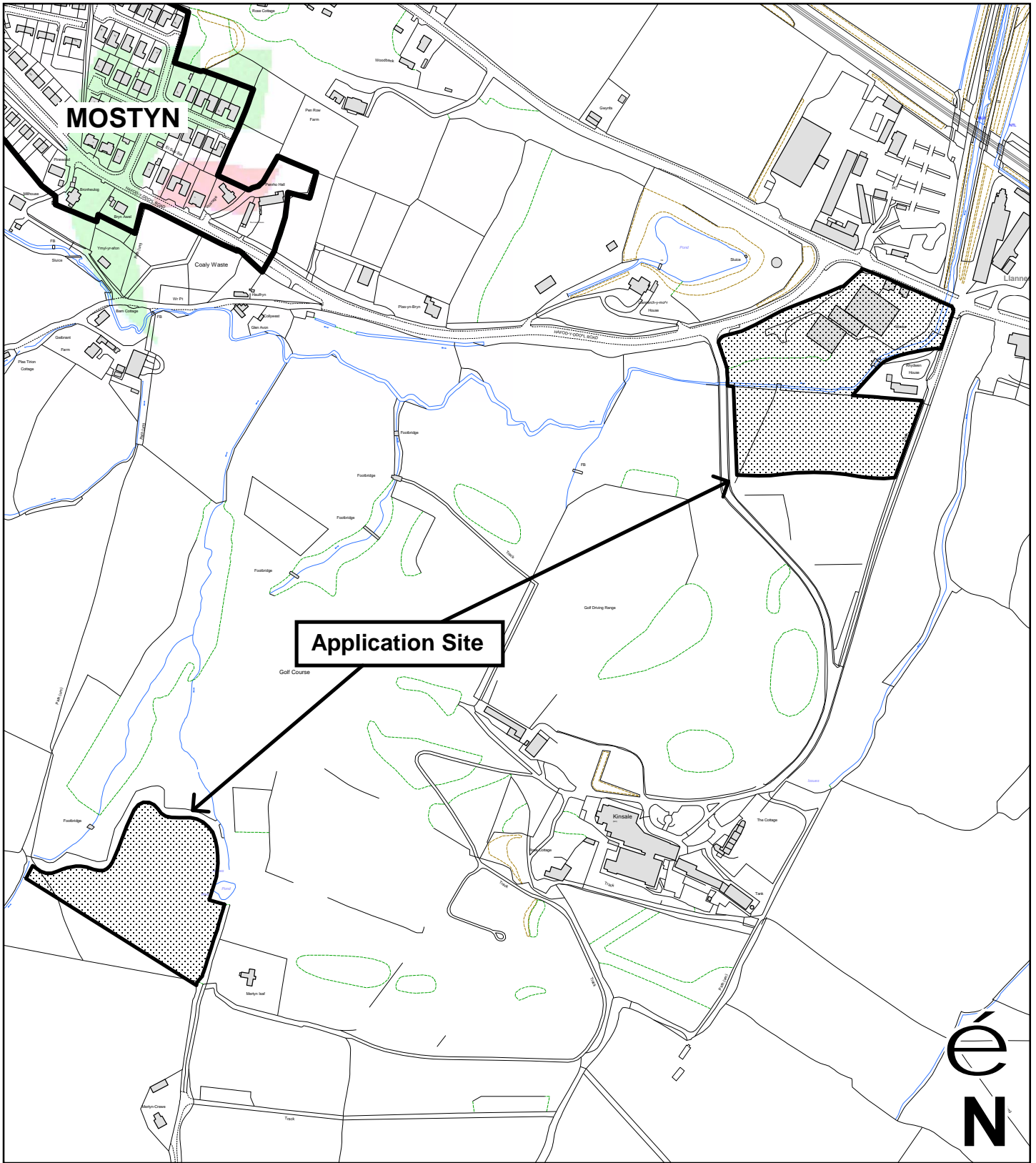
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

Responses to Publicity

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



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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OS Map ref SJ 1779

Planning Application **52119**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH JUNE 2017**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 7 NO. DWELLINGS AND RETENTION /REFURBISHMENT OF EXISTING DWELLING AT IVY COTTAGE, QUEEN STREET, LEESWOOD.**

APPLICATION NUMBER: **056601**

APPLICANT: **MR. CARL HARLEY**

SITE: **IVY COTTAGE, QUEEN STREET, LEESWOOD**

APPLICATION VALID DATE: **17TH FEBRUARY 2017**

LOCAL MEMBERS: **COUNCILLOR R. HUGHES**

TOWN/COMMUNITY COUNCIL: **LEESWOOD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ASSESS IMPACT ON HIGHWAYS**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This full application proposes the erection of a total of 7 (No.) new dwellings and the retention of an existing detached 17th Century 2 storey dwelling known as “Ivy Cottage”, on the northern side of Queen Street, Leeswood. The site amounts to approximately 0.25 hectares in area and forms the residential curtilage area associated with Ivy Cottage.

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

2.01 That conditional planning be granted subject to the applicant entering

into a Section 106 Obligation to:-

a) Secure the payment of £1,100 per new dwelling for the enhancement of the toddler play provision at Ffordd Sari, Recreation Ground, Leeswood and

b) Ensure the payment of an education contribution of £18,469 towards Information Technology at Castell Alun High School.

2.02 If the Obligation pursuant to Section 106 of the Town & Country Planning Act (as outlined above) 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.

2.03 Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Materials to be submitted and approved.
4. Re-instatement of chimney on Ivy Cottage in accordance with agreed timescale.
5. Introduction of stone mullion within gable of Ivy Cottage in accordance with agreed timescale.
6. Landscaping scheme to be submitted and approved.
7. Timescale for implementation of approved landscaping scheme.
8. Highway conditions as necessary in respect of site/access gradients and visibility.
9. Drainage conditions as necessary in respect of foul/surface water drainage.

3.00 CONSULTATIONS

3.01 Local Member

Councillor R. Hughes

Request site visit and planning committee determination in order to assess impact on highway network.

Leeswood Community Council

No response received at time of preparing report.

Highway Development Control Manager

No objection in principle, although requirement for construction details of new access road including access gradient and visibility to be submitted and approved.

Head of Pollution Control

No adverse comments.

Capital Projects & Property

Request the payment of an educational contribution of £18,469 to fund Information Technology at Castell Alun High School (See Main Report).

Public Open Spaces Manager

Request the payment of £1100 per dwelling in lieu of on-site recreational provision. The monies would be used to enhance the toddler play provision at Ffordd Pari Recreational Ground, Leeswood.

Dwr Cymru/Welsh Water

Awaiting response at time of preparing report.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

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

- Increased traffic congestion.
- Further development would have a detrimental impact on highway safety.
- Displacement of existing parking associated with residential properties at Queen Street.
- Conflict with existing HGV movements serving the existing Co-op Convenience Store which is adjacent to the proposed site entrance.
- Detrimental impact on the privacy/amenity of occupiers of existing properties by way of overlooking given the difference in site levels.

5.00 SITE HISTORY

5.01 None relevant.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy STR8 – Built Environment.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy HE4 – Buildings of Local Interest.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Policy Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites within Settlement

Boundaries.
Policy HSG8 – Density of Development.
Policy HSG9 – Housing Mix & Type.

Additional Guidance

Local Planning Guidance Note 2 – Space About Dwellings.

7.00 PLANNING APPRAISAL

7.01 Introduction

The site, which amounts to approximately 0.25 hectares in area, is located on the north side of Queen Street Leeswood, between an existing convenience store car park to the north – west, and a pair of semi -detached properties to the south east near to the junction with County Road. The southern side of Queen Street is defined predominantly by terraced properties. The site gently slopes in a northerly direction with the difference in levels from Queen Street to the northern boundary being approximately 3m.

7.02 For Members' information the site is located within the settlement boundary of Leeswood, where the principle of residential development is supported subject to the safeguarding of relevant amenity considerations.

7.03 Proposed Development

The plans submitted as part of this application propose:-

- the retention/refurbishment of Ivy Cottage an existing 17th Century 2 storey property. Although it is not a Listed Building, it is considered to be an important building locally and worthy of retention
- the erection of a pair of semi-detached dwellings between Ivy Cottage and an existing pair of semi-detached properties Hazel Dene and Arosfa
- the erection of a detached dwelling to the south east of the existing convenience store car park and north west of the new access that is proposed to be formed into the site
- the erection of 2 No pairs of semi- detached properties focussed around a cul-de-sac head

7.04 Main Planning Issues

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

- Principle of development having regard to the planning policy framework
- Proposed scale of development / house types/site layout
- Adequacy of existing highways and access arrangements to serve the scale of development proposed
- Adequacy of foul/surface water drainage

- Impact on the privacy/amenity of occupiers of existing dwellings in proximity to the site.
- Open Space/ Education Contributions.

7.05 Principle of Development

The site is located within the settlement boundary of Leeswood a Category B settlement as defined in the Flintshire Unitary Development Plan with a growth threshold of 15% over the plan period (2000 – 2015). The monitoring of growth over a 15 year period as required by HSG3 ended on 1st April 2015, and therefore the Council no longer has the ability to apply the growth threshold part of this policy to require housing for local need. The principle of development for general market housing is therefore considered to be acceptable subject to the safeguarding of relevant amenity considerations.

7.06 Scale of Development/House Types/Site Layout

The predominant character of existing development opposite the application site frontage onto Queen Street is of terraced units. On the northern side of Queen Street it is of detached properties which are more sporadic in their form/layout.

7.07 It is considered that the proposed development of 7 No. new dwellings on 0.25 hectares would not represent overdevelopment at this location. The proposed density of 28 dwellings per hectare would be below the 30dph that is expected to be achieved on allocated housing sites but this scale provides an acceptable balance recognising the site levels, frontage form of development onto Queen Street and lower density to the rear of Ivy Cottage. It is therefore considered the proposal complies with Policy HSG8.

7.08 The frontage form of development including the introduction of a detached dwelling adjacent to the new access into the site provides a focal point along Queen Street which helps to screen the convenience store car park from wider views. The combination of frontage development including the erection of new dwellings around a central cul de sac head would be sympathetic to the character of existing development at this location.

7.09 In addition the proposed scheme secures the retention of Ivy Cottage an existing 17th Century 2 storey property which is considered to be an important building locally.

7.10 Consultation on the application has been undertaken with the Council's Conservation Officer who welcomes retention of the dwelling. It is recommended, however, that any permission be subject to conditions in order to retain key features e.g., chimneys, mullions which contribute to its historic fabric.

7.11 Highways/Access

Consultation on the application has been undertaken with the Highway Development Control Manager. Whilst the objections to the development are noted, having regard to current on-street parking situation for existing residents on Queen Street and relationship of the site to the existing convenience store, the Highway Development Control Manager raises no objection to the general principle of development at this location.

- 7.12 The applicant's agent acknowledges that the formation of the new access into the development could result in the potential loss of 2 (No.) parking spaces which currently exist on Queen Street. The agent has however advised the occupiers of Ivy Cottage currently park 2 vehicles on the highway and these would be relocated to within the site as help to retain the current level of on-street parking for existing residents at Queen Street.
- 7.13 Prior to the commencement of development details of additional information with regard to the access gradient/enhanced visibility will be required. .
- 7.14 Foul/Surface Water Drainage
Prior to commencement of development details of drainage proposals utilising a connection to the Mains System will be required. .
- 7.15 Impact on Privacy/Amenity
Of particular importance in consideration of this application is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those existing properties in proximity to the site are safeguarded as part of the development.
- 7.16 The objections received in this respect are noted, and the impact of both frontage development onto Queen Street, and the development within the site on existing properties at County Road has been undertaken. The historic pattern of development at this location is such that the separation distances between the front elevations of existing properties onto Queen Street is approximately 15 m which is less than the 21 m specified in the Local Planning Guidance Note 2 Space About Dwellings (Adopted 2006). The proposed frontage development is reflective of the character of existing development at this location and the current separation distances between properties are therefore considered acceptable in light of this existing street pattern. In addition it is acknowledged that there are a number of existing properties at County Road adjacent to the site's northern boundary and whilst there is no direct interface relationship between the existing/proposed dwellings, this is a residential environment where given the difference in site levels/topography of the village, a certain degree of overlooking can reasonably be expected to occur. This has been borne out in the recent Bryn Llwyd yard appeal decision (055725) where the Inspector took the view that historic settlement patterns should be taken into account and even where a

proposal would increase the perception overlooking that can reasonably be expected to occur in a residential environment.

7.17 Open Space Requirements

Consultation on the application has been undertaken with the Council's Public Open Spaces Manager who in lieu of on-site recreational provision requests the payment of £1100 per dwelling. The required monies would be used to enhance toddler play provision at Ffordd Sari, Recreation Ground, Leeswood. This would need to be secured through the completion of a Section 106 Obligation.

7.18 Education Contributions

Consultation on this aspect of the development has been undertaken with Capital Projects of Property who advise that there is adequate capacity within Leeswood County Primary School to serve the development. The current shortfall of surplus places in Castell Alun High School having the scale of development proposed would generate the need for an additional contribution requirement of £18,649. For Members information this is calculated on the basis of the formula which is applied as follows:-

School capacity 1240 x 5% = 62.

Capacity 1240 – 62 = 1178.

Trigger point for contributions is 1178 pupils.

Number of units 8 x 0.174 (secondary formula multiplier) = 1.39 pupils (1 pupil).

1 x £18,469 per pupil (Building Cost Multiplier) = £18,469

School pupils 1240 + 1 = 1241 meets trigger of 1178

7.19 The Education Department have identified a specific project whereby the monies requested would be used to improve Information Technology provision within the school. The infrastructure and monetary contributions that can be required from the proposal have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of the 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.

8.00 CONCLUSION

In conclusion it is my view that the proposed scale/form of development would be sympathetic to the character of the site and surroundings. The proposed scheme retains Ivy Cottage, a 17th century building which is considered important in relation to the historical development of Leeswood. Whilst concerns have been raised in relation to the impact of development on existing on street parking arrangements and the servicing by HGV vehicles of the adjacent convenience store, there is no objection from the Highway Development Control Manager. In addition the privacy/amenity of occupiers of existing/proposed dwellings can be safeguarded. I therefore recommend accordingly.

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.

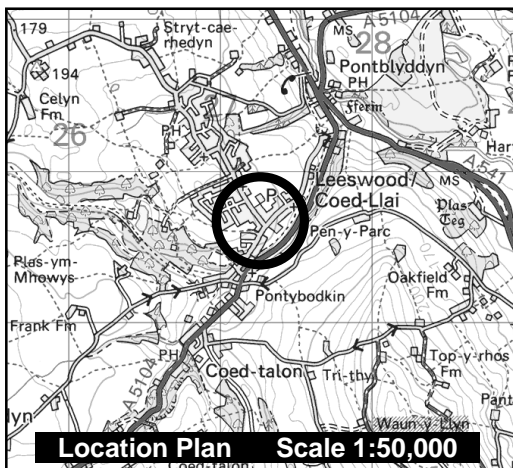
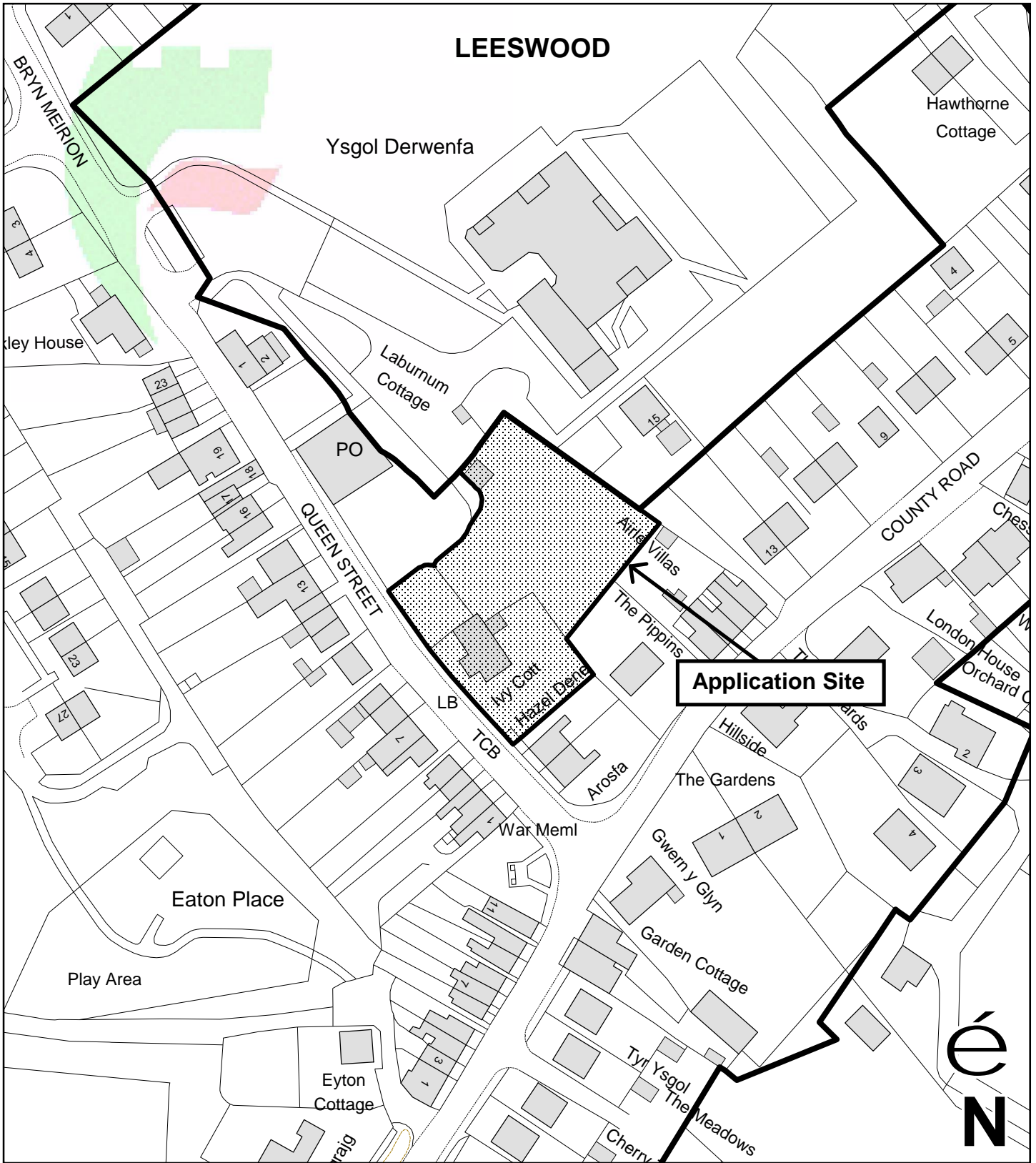
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

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

Legend

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

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Map Scale	1:1250
OS Map ref	SJ 2759
Planning Application	56601

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 28 JUNE 2017**

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

SUBJECT: **FULL APPLICATION - ERECTION OF FOUR DWELLINGS AT TOP-YR-ALLT, LLINEGR HILL, PENYFFORDD**

APPLICATION NUMBER: **056806**

APPLICANT: **MR. D. CARRISS-WRIGHT**

SITE: **LAND AT TOP-YR-ALLT, LLINEGR HILL, PENYFFORDD, HOLYWELL**

APPLICATION VALID DATE: **5TH APRIL 2017**

LOCAL MEMBERS: **COUNCILLOR G. BANKS**

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

REASON FOR COMMITTEE: **APPLICATION CONSTITUTES A DEPARTURE FROM THE DEVELOPMENT PLAN**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This full application proposes the erection of 4 No detached dwellings on land at Top – Yr- Allt, Llinegr Hill, Penyffordd, Holywell. The site the subject of this application is located outside the settlement boundary at this location. As it constitutes a departure from the development plan, the application requires Planning Committee Determination.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 The site is located outside the settlement boundary of Penyffordd,

Holywell where development would conflict with the Development Plan. The weight to be attached to increasing housing land supply is not considered to outweigh the harm that will arise from extending ribbon development on the edge of the settlement. This it is considered would be harmful to the character and setting of Penyffordd and contrary to Planning Policy Wales (PPW), Technical Advice Note 1, and Policies STR1, GEN1, GEN3, D1, D2, L1, HSG4, HSG5 and HSG11 of the Flintshire Unitary Development Plan.

- 2.02 On the basis of the plans submitted, it is not possible to establish whether adequate visibility can be provided to serve the development and allow the potential impact on an existing oak tree within the site to be assessed. This is therefore considered to be contrary to Policies GEN1 and AC13 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor G. Banks

Request site visit if application requires determination by Planning Committee.

Llanasa Community Council

Object on the following grounds, following receipt of views from the community.

- The site is outside the village envelope.
- The site will produce a dangerous access on Llinegr Hill.

Highway Development Control Manager

Consider on the basis of the plans submitted that it is difficult to establish the extent of visibility that can be achieved on the site frontage and resultant impact on existing Oak Tree within the site.

Head of Pollution Control

No adverse comments.

Welsh Water/DwrCymru

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

Natural Resources Wales

No objection. Confirm that the submitted ecological appraisal is acceptable and that protected species are not likely to be affected by the proposal

Housing Strategy Officer

See Main Report.

Public Open Spaces Manager

Request the payment of £1,100 per dwelling in lieu of on-site provision. The monies would be used to enhance toddler provision at the children's play area located at Bryn Garth.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

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

- Site is outside settlement boundary and would result in uncontrolled residential development.
- Inadequacy of access.
- Residential development at this location has previously been refused.

5.00 SITE HISTORY

5.01 919/88

Outline residential development – Refused 19th December 1988.

1118/89

Outline residential development – Refused 18th December 1989.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy GEN1 – General Requirements for Development.

Policy GEN3 – Development in the Open Countryside.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy WB1 – Species Protection.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG4 – New Dwellings Outside Settlement Boundaries.

Policy HSG5 – Limited Infill Development Outside Settlement Boundaries.

Policy HSG11 – Affordable Housing in Rural Areas.

Planning Policy Wales (PPW) – Edition 9 November 2016

Technical Advice Note 1 – Joint Housing Land Availability Studies

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 6 – Planning for Sustainable Rural Communities

7.00 PLANNING APPRAISAL

7.01 Site Description

The site the subject of this application is located on the northern side of Ffynnongroyw, Penyffordd, Holywell. It comprises approximately 0.25 hectares of gently sloping vacant land within which there are two existing mature trees. The site frontage onto Ffynnongroyw Road is defined by a well-established hedgerow. The site is located to the north east and south east of open land and to the north west by existing residential development. On the southern side of Ffynnongroyw Road are a number of existing residential properties.

7.02 Planning Policy

For Members' information the site is located adjacent to but outside the settlement boundary of Penyffordd, Holywell as defined in the Flintshire Unitary Development Plan. In such locations there is generally a presumption against new residential development, with limited exceptions to this that comprise of infill development, replacement dwellings, conversions and rural exception housing schemes.

7.03 Proposed Development

The plans submitted as part of this application propose the erection of 4 No detached 2 storey dwellings which are proposed to be constructed having facing brick external walls and concrete tile roofs. Vehicular access to serve the dwellings is proposed from four individual access points directly off Ffynnongroyw Road.

7.04 The application is accompanied by:-

- A Design and Access Statement
- A Supporting Planning Statement
- A Stage 1 Tree Survey & Indicative Arboricultural Report
- An Ecological Appraisal

7.05 In support of the application the applicant's agent has advised:-

- the proposal amounts to sustainable development in accordance with the principles set out in national policy
- the Flintshire Unitary Plan is time expired, and as such settlement limits can be given little weight
- given the current lack of a 5year housing land supply this should be given weight in consideration of this proposal
- the application is in accord with the Council's Developer Guidance Note on Speculative Housing.

7.06 Main Planning Issues

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

- Principle of development/sustainability having regard to the

national and local planning policy framework

- The inability to demonstrate a 5 year housing land supply and the weight to be attached to this.
- Adequacy of existing highways and access arrangements to serve the scale of development.

7.07 Principle of Development

The site is located outside the settlement boundary for Penyffordd, Holywell, within the Flintshire Unitary Development Plan. Penyffordd is classified as a Category C settlement with an indicative growth of 10% over the plan period 2000 – 2015. As of April 2015, the settlement had a growth rate of 6%. There were however 17 commitments on an allocated housing site/small site permissions. The settlement pattern is such that it also has a large parcel of unallocated land within the settlement boundary in addition to the allocation. The eastern part of this unallocated site has been recently completed and permission was granted in 2016 for 23 dwellings. Should this and the allocated site be developed over the Local Development Plan period, there is potentially growth of 14%.

7.08 As the proposed development is outside the settlement boundary there is a general presumption against residential development in such locations. There are limited exceptions to this that comprise new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exception schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the housing chapter on each type.

7.09 Consultation on the application has been undertaken with the Housing Strategy Officer who concludes that there is a need for affordable housing in the Penyffordd/Ffynnongroyw Ward. The applicant has not sought to meet this need or the need for a forestry or farm worker in any form and therefore the proposal does meet the exceptions as required in HSG4, HSG5 and HSG 11 with regard to specific type of occupant. Furthermore, the proposal is neither a replacement, conversion or infill and therefore cannot satisfy any of the other exceptions expressed in Policy HSG4 or HSG5.

7.10 In looking broadly at the settlement, it is clearly a rural settlement which is currently and will continue to make a contribution to meeting housing needs and also housing land supply. It is not a settlement which is failing to deliver housing and neither is it a settlement where it is necessary to look outside the settlement boundary given that there is ample provision within the boundary as referenced in paragraph 7.07.

7.11 In the applicant's Planning Statement, reference is made to the settlement audit for Penyffordd and the services and facilities are listed. The conclusion is reached that "it therefore represents a

sustainable location for modest development”. By virtue of the fact that recent development has been allocated, received permission and indeed developed in the settlement, it is clear that it is a sustainable settlement. However in taking into account the above the question to be asked is whether it is necessary or sustainable to consent a further 4 dwellings as an exception to development plan policies on greenfield land where there is ample provision for development within the settlement boundary.

- 7.12 The Planning Statement also casts doubt on the settlement boundaries in that they are unable to meet housing needs. Whilst this may be the case for some settlements which are outdated, the commitments and allocation in Penyffordd are capable of providing for the on-going needs of the settlement/community for housing. It is therefore not considered necessary that land outside the settlement boundary in this location must be developed.
- 7.13 The land within the settlement boundary is very much contained within the form/layout/pattern of Penyffordd. The white land referred to sits between a ribbon of development along Picton Road and existing development on Rhewl Fawr Road. In addition the allocated site is between development on Rhewl Fawr Road and Llys Dewi. In both instances the sites have the form of infill/rounding off where there is no extension into or harm to the open countryside. This contrasts with the application site which extends built development in a ribbon form into open countryside. This is directly in conflict with Policy GEN3 and HSG4.
- 7.14 Housing Land Supply
Planning Policy Wales & Technical Advice Note 1 requires each local planning authority to maintain a 5 year supply of housing land. The Council acknowledges that it currently falls below this requirement when using the residual method of calculation. Also the TAN prevents the Council from formally assessing its land supply until such time as the LDP is adopted.
- 7.15 Welsh Government Technical Advice Note 1 (TAN1 para. 6.2) states that *“The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study..... The need to increase supply should be given considerable weight when dealing with planning applications **provided that the development would otherwise comply with development plan and national planning policies.**”*[The Council’s emphasis in bold].
- 7.14 Planning Policy Wales Edition 9 November 2016 paragraph 4.2.2 states *“The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and*

environmental issues are balanced and integrated, at the same time, when taking decision on planning applications.”

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

- *There is no adopted development plan or*
- *The relevant development plan policies are considered outdated or superseded or*
- *Where there are no relevant policies*

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

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

7.18 Recent appeal decisions however have advised that *“There is a danger that the need to increase supply and lack of a 5-year housing land supply could be used to justify development in inappropriate locations.”*

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

7.20 The Council have set out how they will approach the issues of speculative development such as this proposal in line with the thrust of National Policy and guidance in its ‘Developer Guidance Note: Speculative Housing Development Proposals’. The note sets out the expected information to be submitted with an application in order for the Council to assess the sustainable credentials and deliverability of a site. This is not new policy as some developers have argued, rather it is simply designed to ‘sign-post’ developers proposing speculative sites to provide appropriate information to justify their un-planned proposals, in line with the requirements of adopted local and national policy and the principles of sustainable development and Well-Being. Notwithstanding the current position in respect of housing land supply, whether weight should attach to this depends on whether the

proposed development would otherwise comply with development plan and national policies.

7.21 Adequacy of Highways/Access

Consultation has been undertaken with the Highway Development Control Manager who has advised that having regard to the plans submitted that is difficult to assess the visibility that can be provided to serve the development and potential impact on an existing oak tree within the site.

7.22 In these circumstances and as the issue has not been satisfactorily addressed to date, the Local Planning Authority cannot be satisfied that the formation of access points can be satisfactorily secured. This should therefore form a reason for refusal in these circumstances, and should this issue be satisfactorily addressed in advance of the Planning Committee, Members will be advised accordingly.

8.00 CONCLUSION

8.01 In conclusion, it is acknowledged that in accordance with TAN1, that the Council does not currently possess a 5 year housing land supply. This is not the over-riding issue however when considering whether it is appropriate to release further land for proposed development, particularly where it is considered that development will have an adverse and detrimental impact on the character of the open countryside and setting of Penyffordd.

8.02 In these circumstances the contribution that the development could make towards the supply of housing land is significantly outweighed by the harm to the character of the landscape at this location. I conclude that the development is inappropriate development and would consolidate ribbon development at this location. I therefore recommend accordingly.

8.03 Other Considerations

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

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

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

The Council has had due regard to its duty under Section 3 of the

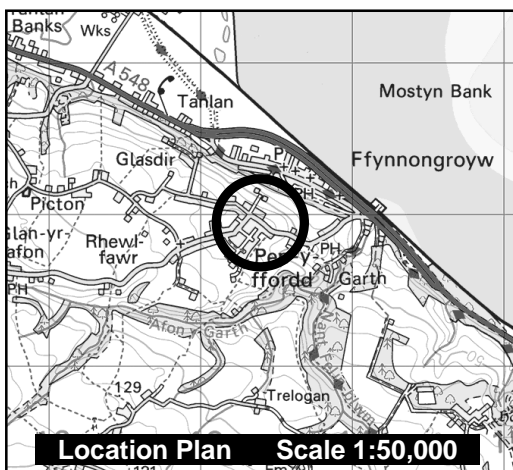
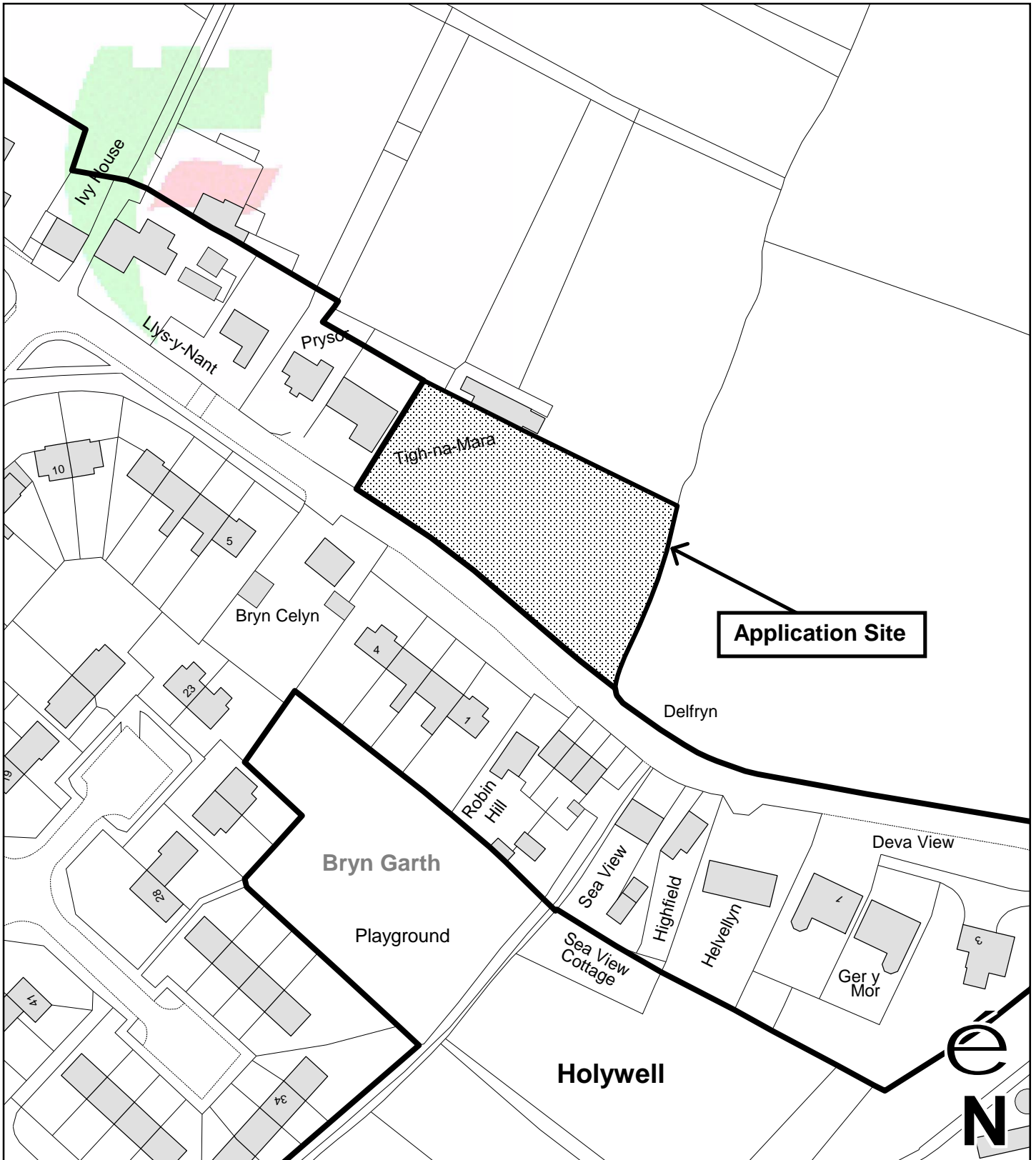
Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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OS Map ref SJ 1381

Planning Application **56806**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH JUNE 2017**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 8 NO DWELLINGS AT NEW INN, STATION ROAD, SANDYCROFT**

APPLICATION NUMBER: **056521**

APPLICANT: **JWG DEVELOPMENTS LTD**

SITE: **NEW INN,
STATION ROAD, SANDYCROFT**

APPLICATION VALID DATE: **14TH FEBRUARY 2017**

LOCAL MEMBERS: **COUNCILLOR D WISINGER**

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO CONCERNS BY RESIDENTS OVER THE HEIGHT OF THE DWELLINGS**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection of 8 dwellings on land at the New Inn, Station Road, Sandycroft. The principle of development in this location is deemed acceptable and would redevelop a brownfield site in an existing sustainable settlement in line with the principle of Planning Policy Wales. The form of development is acceptable in terms of managing the risks of flooding and complies with Local Planning Guidance Notes 2 in terms of separation distances and overlooking to adjacent properties.

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

2.01 The applicant entering into a S106 agreement, unilateral undertaking or earlier payment of

- £1,100 per unit as a contribution to the junior equipped play area at Phoenix Street, Sandycroft.
- £24,514 for Sandycroft C.P. Primary School. The contribution will be spent on: Improvement to acoustics in the nursery/reception classroom area, which has been identified in the school's Suitability Survey.
- £18,469 to be spent on IT provision at Hawarden High Secondary; and

The following conditions:-

1. Time commencement
2. Plans
3. Materials
4. Finished floor levels 5.84m and driveways at 5.69 AOD
Ground levels on all parts of the site except the dwellings and driveways should not be raised above pre-development levels
5. Drainage – surface water, land drainage and foul
6. Footway reinstated
7. Driveways to be at least 2.5m
8. Site investigation
9. Obscure glazing to stair well and bathroom windows
10. Remove permitted development rights for extensions and alterations to the roof

3.00 CONSULTATIONS

3.01 Local Member

Councillor D Wisinger

Asks for committee determination and a site visit due to concerns raised by local residents about the height of the proposed dwellings.

Queensferry Community Council

Object on the following grounds;

- The area is a flood plain
- How would the site connect to the foul sewer
- The height of the building was not in keeping with other properties in Sandycroft and the windows would be overlooking other properties nearby. Only a two storey building should be permitted.

Highways Development Control Manager

No objections subject to;

- Any redundant kerb to be reinstated
- The absolute minimum width of a driveway, where it is bounded by a hard feature such as a wall or fence, is 2.5m in order to allow for a person to gain access to a vehicle.

Public Protection Manager

The application site has been used as a public house and car park and is on 'made' ground. Whilst I have no objection in principle, the site will require investigation as regards to the potential for contamination.

Welsh Water/Dwr Cymru

No objection subject to standard drainage conditions.

Natural Resources Wales

The applicant has submitted a flood consequences assessment which was prepared for an earlier application 054062 which proposed first floor flats above underground parking.

While the development is not fully compliant with the requirements of TAN15 it is considered that subject the proposed conditions would substantially address the significant concerns that were previously identified and we would not object.

- Finished floor levels of all buildings to be set no lower than 5.84m AOD
- Driveway levels to be set no lower than 5.69m AOD
- Ground levels on all parts of the site except the dwellings and driveways should not be raised above pre-development levels

Play Unit

In accordance with Planning Guidance Note No13 seeks a contribution of £1,100 per unit as a contribution to enhance play provision in the community. This would be for the toddler play equipment at the play area on Phoenix Street, Sandycroft.

Education

Primary School: Sandycroft C.P. School

Current NOR (@ January 2017) 304 (excluding Nursery)

Capacity (@ January 2017) 320 (excluding Nursery)

No. Surplus Places: 16

Percentage of Surplus Places: 5.00%

School capacity 320 x 5% = 16 (16)

320 – 16=304 Trigger point for contributions is 304 pupils

(No. of units) 8 x 0.24 (primary formula multiplier) = 1.92 (2) No. of pupils generated) x £12,257 per pupil (Building Cost multiplier) = £24,514

Actual pupils 304 + 2 (from the multiplier) = 306 meets trigger

Actual pupils $304 + 2 = 306$ meets trigger of $304 = 2 \times £12,257 = £24,514$

Secondary School: Hawarden High
Current NOR (@ January 2017) is 1172
Capacity (@ January 2017) is 1145
No. Surplus Places is -27
Percentage of Surplus Places is: -2.36%

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 8×0.174 (secondary formula multiplier) = 1.39 (1 No. of pupils) generated $1 \times £18,469$ per pupil (Building Cost multiplier) = £18,469

Actual pupils $1172 + 1 = 1173$ meets trigger of 1088

Primary – Sandycroft C.P. Primary School – it is our intention to seek a Section 106 contribution of £24,514. The contribution will be spent on: Improvement to acoustics in the nursery/reception classroom area, which has been identified in the schools Suitability Survey.

Secondary – Hawarden High Secondary – it is our intention to seek a Section 106 contribution £18,469 to be spent on IT provision.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

2 objections on the grounds of;

- Properties will be significantly higher than the existing properties as they are being raised by 600mm and the additional storey
- Out of scale and character with the area
- Overdevelopment
- This is no different than the previous three storey development which was refused and had significant local opposition
- Windows could be added as an amendment at a later stage
- Direct overlooking from bedroom windows into gardens of adjoining properties
- Impact on privacy and residential amenity
- Contrary to GEN1
- No FCA submitted
- No details of existing levels
- Concern about any land raising and impacts on surrounding properties
- No mains sewer for foul flows
- Impact on trees in the car park

- No objection to a form of two storey development on this site

5.00 SITE HISTORY

5.01 History

98/798 Single Storey Extension to rear/ side of lounge bar.
Approved 13.10.98

552/90 Erection of a ground floor extension to house cellar and
bottle store. 04.12.90

55/19250 Outline planning application for residential. 03.04.90

052570 Residential development to provide 10No.two bedroom
apartments and 4No one bedroom apartments and associated
parking. Refused 22.12.14

054062 Demolition of existing public house and residential
redevelopment to provide 12 no. apartments and associated parking
Approved under delegated powers 19.01.16 but decision not issued
as S106 not signed.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

S11 – Retention of Local Facilities

HSG3 – Housing on Unallocated Sites within Settlement Boundaries

HSG8 - Density of Development

SR5 - Outdoor Playing Space and New Residential Development

EWP3 - Renewable energy in New Development

EWP14 - Derelict and Contaminated Lane

EWP17 - Flood Risk

Planning Policy Wales Edition 9

The proposal would comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of 8 dwellings on land at the New Inn, Station Road, Sandycroft. The scheme proposes four pairs of semi-detached dwellings, each with three bedrooms, driveway parking and rear gardens.

7.02 Site Description

The site is currently occupied by the New Inn public house and associated curtilage and parking areas. The existing public house is a two storey building located to the south east of the site with a parking area to the north. To the north east of the site is a terrace of four residential properties. To the south west of the public house is a pair of terraced properties and to the north west of the site are a number of detached residential properties.

7.03 Broughton brook runs along the north west boundary of the site and there are a number of trees along this boundary on the banks of the brook. To the north west beyond the brook are further residential properties. The site is on the edge of the settlement of Sandycroft and is bounded to the east by Station Road. The area is predominately residential in nature. The A548 runs parallel to Station Road, beyond which is agricultural land. The site therefore is visible from the road network.

7.04 Site History

A previous application 052570 for 14 apartments was refused by Planning and Development Control Committee in December 2014 on the following grounds;

1. The proposed development is out of character with the streetscene and the general area as it is three storey in nature and is therefore contrary to Policies GEN1, D1, D2 and HSG3 of the Flintshire Unitary Development Plan.
2. The proposed development in terms of its height in relation to existing nearby properties would lead to overlooking and would have a detrimental impact on residential amenity and is therefore contrary to Policies GEN1, D1, D2 and HSG3 of the Flintshire Unitary Development Plan.
3. The proposed development is in a C1 area of flood risk and there is a concern that people may be trapped in buildings if timely flood warning are not provided and where safe access and egress cannot be achieved and is therefore contrary to Policy EWP17 of the Flintshire Unitary Development Plan.

7.05 A subsequent application was submitted for 12 no. apartments and associated parking in July 2015 to overcome the above issues. This

scheme was for 4 two bedroom and 8 one bedroom apartments and associated parking underneath the building and to the rear of the building. The form of the buildings were two storey in height, with all living accommodation at first floor and only parking at ground floor. It was considered that this scheme overcame the first two reasons for refusal set out above. The application was also accompanied by a Flood Consequences Assessment which overcame the third reason. This was approved under delegated powers in January 2016 but decision not issued as the S106 was not signed as this scheme was deemed not to be viable.

Proposed development

- 7.06 This current application is for 8 dwellings which are 3 bedroom in nature and are two storey to the rear and two and a half storey to the front. Each dwelling has a rear garden and a driveway with provision for the parking of 2 cars. The dwellings are rendered with a tiled roof. The finished floor levels of the dwellings are raised with a stepped access. This development differs from the previous development as it is for four pairs of semi-detached houses so the solid mass of the previously approved apartment development is lessened.

Principle of development

- 7.07 The site is situated within the Settlement boundary of Sandycroft which is a Category B settlement within the Adopted Flintshire Unitary Development Plan. The growth rate of Sandycroft as of April 2015 is 3%. Although the growth rates no longer apply it demonstrates that there has been a low level of growth in this settlement during the plan period. The site is a brownfield site in a settlement boundary. The principle of residential development is therefore acceptable.

- 7.08 The proposal would lead to the demolition of the existing public house and the loss of this community facility. There is another public house; The Bridge Inn situated 130m from the application site within the settlement boundary of Sandycroft. The New Inn public house has also been on the market for over 12 months with no interest in it for the continuation of that use. It is therefore considered the loss of the public house would not be contrary to policy S11 as other facilities exist within the locality.

Impact of the form of the development on the surrounding area and impact on residential amenity of adjacent properties

- 7.09 The site is bounded by residential properties to the north, west and south. The surrounding residential properties vary in type but are all two storey in nature. The previous application 052570 was three storey in nature in parts and was 10.5 metres in height at the highest point. This scheme was considered to be out of character with the streetscene and the general area. In terms of its height in relation to existing nearby properties would lead to overlooking and would have a detrimental impact on residential amenity. The two storey apartment proposal 056521 reduced the height to 8 metres This current

proposal for dwellings has a ridge height of 1.65m above the ridge height of the approved apartments at 9.65m but is just under 1m lower than the refused apartment scheme.

7.10 Although the ridge height of the building is higher than that previously approved, the elevation which faces the properties to the rear of the site on Phillip Street is two storey and windows are only at two storey level measured at 5 metres at the mid point of the window. Each dwelling has one bedroom and a bathroom with windows on this elevation. The bathroom would be obscured glazed.

7.11 The proposed dwellings are 10 metres from the site boundary and therefore have rear gardens 10 metres in length. While this is slightly lower than the 11 metre rear gardens set out in Local Planning Guidance Note 2: Space Around Dwellings it still provides 70m² of amenity space for each dwelling which meets with LPGN:2. Inspectors, as recently as the appeal at Bryn Llywd Yard (055725) have expressed that the width of a proposed garden area will adequately compensate for reduced depth of amenity space. This is also the same garden depth as the other dwellings on this street and therefore is characteristic of the area.

7.12 The occupier of No 46 Phillip Street has raised concerns over this application in terms of overlooking similar to the three storey application. This property does not directly overlook the site but is sited at an angle to the site. The distance from this dwelling to the boundary of the site is approximately 24 metres. The proposed dwellings are 10 metres from the site boundary giving a separation distance of 34 metres from dwelling to dwelling.

7.13 50 Phillip Street overlooks the site to the north west, however there is a minimum of approximately 15 metres from this dwelling to the nearest point of the site due to the nature of the site boundary. The proposed buildings are set back 10 metres from the boundary, therefore there is a separation distance of 25 metres from the proposed dwellings and this property.

7.14 These are both in accordance with the separation distances set out in Local Planning Guidance Note 2: Space Around Dwellings.

7.15 The adjacent houses to the north east and south west have side elevations with no windows overlooking the site. The proposed buildings are set back from the footway and extend into the site at a similar depth to the adjacent properties. The only windows on the side elevations are to stairwells which again can be obscured glazed. There is therefore no potential for overlooking to the adjacent properties.

7.16 Residents have raised concerns over the height of the building being out of character in the street scene. It is considered the current form

of development with four pairs of semi-detached dwellings would not be out of character with the area which has a variety of house types. While the ridge height of the dwellings may be higher than the adjacent dwellings it is not considered that the height of the dwellings would be out of character in the street scene. Furthermore, although the proposed houses are higher than the previously approved flat development the pairs of semi-detached houses will have less solid physical mass in the street-scene as the gaps between the houses will serve as punctuation, letting light through and reducing the overall built form of the development.

Flood risk

7.17 The application is accompanied by a Flood Consequences Assessment undertaken by Betts Associates which was submitted to support application 054062. This was additional to the Flood Consequences Assessment submitted to support 052570. Despite the previous resolution to grant permission as the S106 agreement was not signed and the permission was not released NRW do not consider that the site has a lawful use for a 'highly vulnerable use' and therefore this application would lead to increase in the vulnerability category of the site.

7.18 The 0.12 ha site lies entirely within Zone C1 (Areas of the floodplain which are developed and served by significant infrastructure, including flood defences) as defined in TAN 15 Development and Flood Risk and shown on the Welsh Government's Development Advice Map (DAM). The site also lies entirely within NRW's 0.5% AEP tidal flood outline and also partially within NRW's 1% AEP fluvial flood outline. There are no flood defences associated with Sandycroft North drain and therefore the DAM designation C1 may not accurately reflect the flood risks to the site.

7.19 The results of the overtopping analysis indicate that for the 1 in 200 year event plus climate change the peak flood level is expected to be 5.22m AOD. The results of the breach analysis indicate that for the 1 in 200 year event plus climate change the peak flood level is expected to be 5.81m AOD. The results of the overtopping analysis indicate that for the 1 in 1000 year event plus climate change the peak flood level is expected to be 5.31m AOD. The results of the breach analysis indicate that for the 1 in 200 year event plus climate change the peak flood level is expected to be 5.94m AOD.

7.20 The proposed finished floor levels for the dwellings are at 5.84 AOD with living accommodation at ground floor. The ground level of the properties is raised slightly with stepped entrances to the front and rear. Following concerns from NRW it is proposed to raise driveway levels to 5.69m AOD. Garden levels should remain at current ground levels. Station Road is at 5.30 m AOD.

The proposed finished floor levels at 5.84m AOD are therefore slightly

7.21 above the flood level indicated for the 0.5% AEP plus climate change breach level of 5.81m AOD and in this instance NRW accept that the proposed buildings could remain dry in the design event in compliance with A.141 of TAN15. This is within the tolerable conditions set out in Table A1.15 of TAN15.

7.22 The driveways are set at 5.69m AOD and this may result in shallow flooding on the driveways during the 0.5% probability flood event including a breach of the River Dee defences, nevertheless NRW accept that shallow flooding in the order of 120mm would be unlikely to affect any vehicles parked on the driveways. As such it is considered that such depths would be tolerable. While the proposed development is not fully compliant with the requirements of TAN15 it is considered that the proposed scheme of dwellings is a better form of development in terms of its impact on the street scene and the demand for this type of housing is greater than the previously approved apartment scheme.

7.23 The increase in the level of the driveways will to some extent take up floodplain storage calculated at 77.6m³ by the developer. NRW would normally expect to see the impact of land raising offset by land lowering or compensatory storage elsewhere or that a hydraulic model should be produced to demonstrate that the impacts would not be measurable elsewhere. However in the context of the wider flood plain in this case the net-loss of floodplain is considered to be extremely small in comparison with the wider flood cell. Taking into account the fact that a FCA should be 'commensurate with the scale and nature of development' NRW do not believe it would be reasonable to request further modelling work.

7.24 The rates of the rise of floodwaters for the site access road are 0.87m/hr and 0.64m/hr. The maximum velocity for the site and the access road are 0.74m/s and 1.77m/s respectively. These are outside what is considered tolerable in Table A1.15 of TAN15 however the maximum speed of inundation of flood risk is 11.7 hours which is almost 3 times the recommended maximum providing an additional 7 hours to the recommended time within which appropriately equipped personnel could undertake emergency activities. As the site is within a Flood Warning Area 11.7 hours is ample time to evacuate. Also Station Road is situated adjacent to Higher Station Road which is at a higher level and does not experience flooding even during the 1 in 1000 plus climate change event.

7.25 Emergency evacuation plans would be provided to all residents. Emergency access and egress will be via Station Road during times of extreme flooding. The site is within a flood warning zone. It is therefore considered that the proposed risks of flooding can be acceptably managed.

Surface and foul drainage

7.26 It is proposed to discharge surface water into Broughton Brook at the rear, this would be dealt with by a detailed condition. There is no foul sewage infrastructure on Station Road at present however it is the intention to acquire a sewer. This would be done through Welsh Water's procedures. This would be dealt with by condition.

7.27 Members were previously concerned about access to Broughton Brook. Access for emergency vehicles to the Brook is now shown on the plans.

S106 contributions and CILG compliance

7.28 The application requires commuted sums for off-site open space improvements and improvements to education provision.

7.29 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'.

7.30 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.

Open Space

7.31 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. In accordance with Planning Guidance Note No13 seeks a contribution of £1,100 per unit as a contribution to enhance play provision in the community. This would be for the toddler equipped play area at Phoenix Street, Sandycroft. This is in close proximity to the application site and it is considered that this meets the Regulation 122 tests.

Education

7.32 The Council has adopted Supplementary Planning Guidance Note No.23 Developer Contributions to Education on 17th July 2012. The nearest Primary School is Sandycroft County Primary School which currently has 5% surplus places. The nearest High School is Hawarden High School which has -2.36% surplus places. As the development would take both schools under the threshold of 5%

surplus spaces contributions are required for both schools.

7.33 The contribution formula is set out in the consultation section of the report. It is our intention to seek a Section 106 contribution of £24,514 for Sandycroft C.P. Primary School. The contribution will be spent on improvement to acoustics in the nursery/reception classroom area, which has been identified in the schools Suitability Survey.

7.34 In terms of the Secondary school it is our intention to seek a Section 106 contribution £18,469 to be spent on IT provision at Hawarden High. It is considered that these both meet the Regulation 122 tests.

8.00 CONCLUSION

8.01 The principle of development in this location is deemed acceptable and would redevelop a brownfield site in an existing sustainable settlement in line with the principle of Planning Policy Wales. The form of development is acceptable in terms of managing the risks of flooding and complies with Local Planning Guidance Notes 2 in terms of separation distances and overlooking to adjacent properties.

Other Considerations

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

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

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

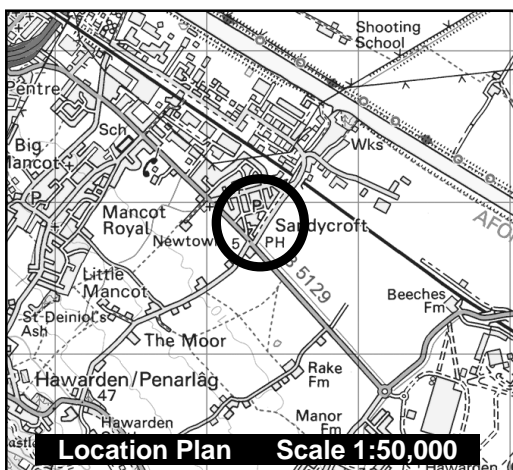
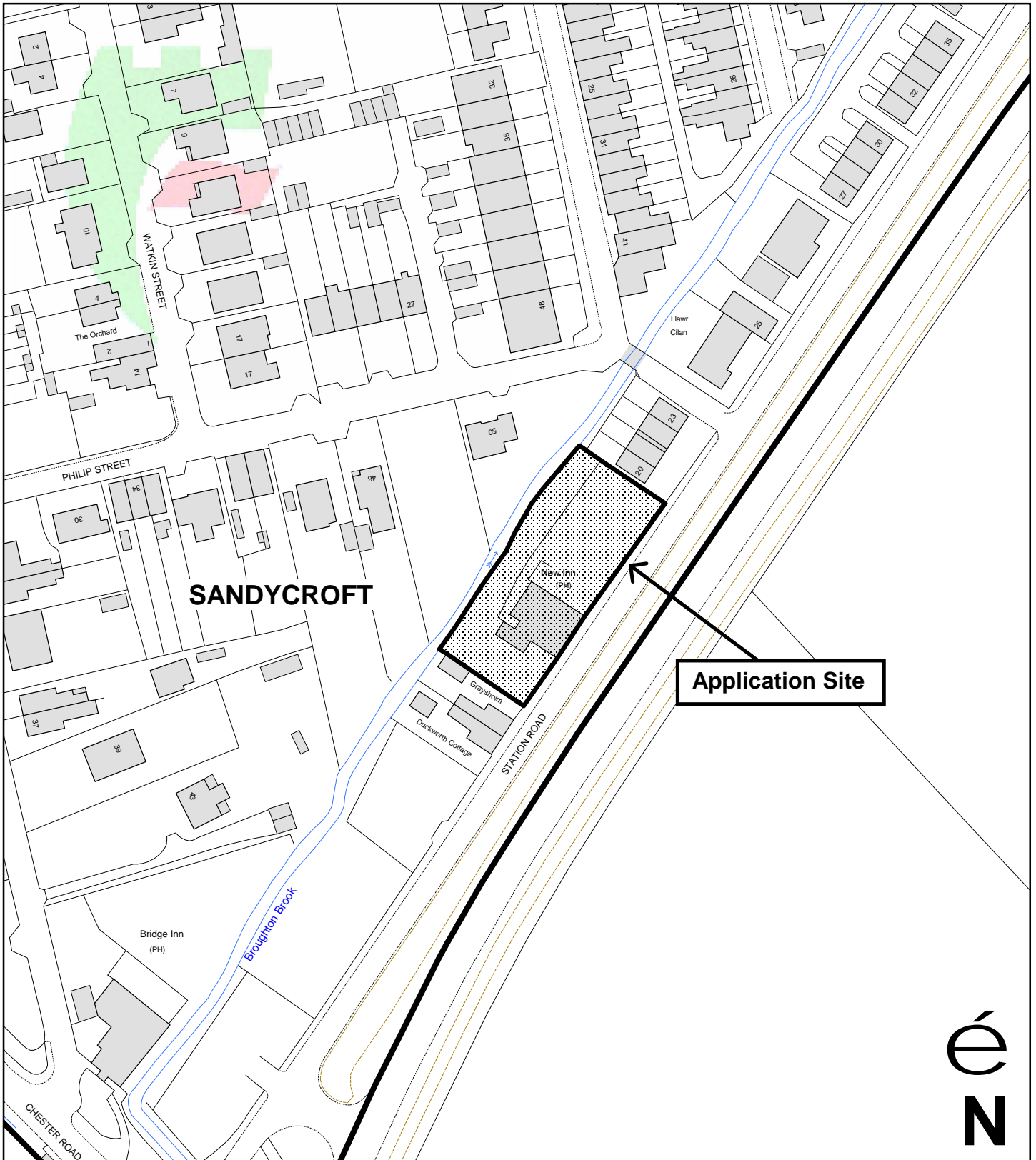
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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



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

Legend

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

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Map Scale	1:1250
OS Map ref	SJ 3366
Planning Application	56521

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH JUNE 2017**

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

SUBJECT: **FULL APPLICATION – SINGLE STOREY REAR EXTENSION AT CATCHPENNY COTTAGE, BRETTON LANE, BRETTON**

APPLICATION NUMBER: **056796**

APPLICANT: **MR. & MRS MATHIESON**

SITE: **CATCHPENNY COTTAGE, BRETTON LANE, BRETTON**

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

LOCAL MEMBERS: **COUNCILLOR B MULLINS**

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

REASON FOR COMMITTEE: **REQUEST BY LOCAL MEMBER**

SITE VISIT: **YES**

1.0 SUMMARY

1.0 This proposal forms a householder application for the demolition of an existing conservatory and the erection of a new single storey rear extension to form an additional bedroom at Catchpenny Cottage, Bretton Lane, Bretton, CH4 0DX The main issue to consider are the impact on residential amenity and the visual appearance of the proposal.

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

2.0 The application is recommended for approval subject to the following

conditions:-

- 5 year time limit
- As per approved plan
- Windows to be obscure glazed and maintained.

3.0 CONSULTATIONS

3.0 Local Member

Councillor B. Mullins

Has requested Committee determination for reason of overdevelopment of the original footprint of the property.

Town/Community Council

No response at time of writing.

Head of Public Protection

No adverse comments to make regarding the proposal.

Welsh Water/Dwr Cymru

No response at time of writing.

Coal Mining

Not applicable in this area.

4.0 PUBLICITY

4.0 Neighbour Notification

One letter received on the following grounds:-

1. Barn has already been extended 150% of original if approved result in an increase of 250%
2. Three additional windows will overlook adjacent property. Skylight will result in light pollution.
3. Barn already has 1-2 bedrooms given mezzanine floor can be used as bedroom.
4. Original permission required windows to be obscure glazed plans ignore this aspect.
5. One of windows will be less than 1 metre from the boundary.

5.0 SITE HISTORY

5.0 96/11/00504

Conversion and extension to existing barn to form a dwelling – Granted.

6.0 PLANNING POLICIES

6.0 Flintshire Unitary Development Plan

GEN 1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries.

HSG12 - House Extensions and Alterations.

Local Planning Guidance Note 1: Extensions and Alterations to Dwellings.

Local Planning Guidance Note 2: Space Around Dwellings.

7.0 PLANNING APPRAISAL

7.01 Introduction

This application is for the demolition of an existing conservatory and the erection of a new single storey rear extension to form an additional bedroom at Catchpenny Cottage, Bretton Lane, Bretton, CH4 0DX.

7.02 The application site is situated within the settlement off Bretton having formerly been the subject of an application for conversion/ extension of a former barn to a single dwelling. The original scheme approved showed a lounge area, kitchen, bathroom, utility area and two bedrooms. Site inspection shows that the dwelling has since had a conservatory added to the rear while the new plans indicate that the original small bedroom is no longer in existence the area being used for access to the conservatory area, hence there is currently only one bedroom is within the property.

7.03 Proposal

The site is located on Bretton Lane, within an existing residential area, the barn conversion which forms the dwelling is single storey with the gable end facing the road. The proposal is to erect an extension where there is currently a conservatory. The current conservatory has become lawful due to the passage of time since its construction.

7.04 The extension proposed is to provide an additional bedroom that could be used for a carer to stay when required. The plans as originally submitted indicate the existing conservatory being removed and an extension the same width as the existing dwelling extending out by 5.5 metres out to the rear. The plans indicate provision for a new bedroom and an en-suite area with access to the main dwelling via the access used to serve the existing conservatory.

7.05 Access to the dwelling is via an existing driveway off Bretton Lane. This driveway is shared with the adjacent property, known as Oakdale. There are no proposals to alter the existing access and a condition imposed on the original application requires the provision of two parking spaces to be provided which is in line with current parking requirements for the site.

7.06 Principles of Development

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.

7.07 Design, Scale and Form

The proposed extension has been designed to harmonise with the existing conversion with the use of similar materials with grey slate to match and red brick matching the existing walls. The plans show the use of openings that match those of the original. The design is simple in nature being a rectangular shape, following the line of the existing built conversion/dwelling. The conservatory to be removed has an area of just over 13 square metres in area with the new extension to replace it having an area of 23.1 square metres hence an overall increase of 10 square metres. The existing conservatory is of a design which is out of keeping with the original conversion, while the new extension to replace it is sympathetic in design and scale with that of the original conversion hence is an improvement in design terms to that which exists on site at present. In terms of percentage increase the original application site for conversion of the building to a dwelling gave an area of approximately 58.5 square metres in area, together with the conservatory of 13 square metres gives an overall area of 71.5 square metres. Given the replacement extension will result in an overall net increase of 10 square metres the percentage increase is 13.9%. It is considered with regard to design, scale and form the proposal is broadly compliant with policy HSG 12 and LPGN 1 and 2.

7.08 Impact

In terms of impact of the structure on people living nearby. The proposal is single storey in nature located adjacent to Oakdale which is a two storey dwelling with a common driveway separating the two properties. As the result of consultations an objection has been received relating to the volume of the proposal extension and proposed windows not being obscure glazed. Concerns have also been raised regarding light pollution due to a skylight located within the roof slope facing the adjoining property as shown on the plans as initially submitted.

7.09 As a result of the objections raised the applicant has amended the plans to show a relocated skylight now on the opposite roof slope to the site in question. In addition the plans now show the additional windows as obscure glazed. The proposal will therefore, not have an unacceptable impact on nearby neighbours in terms of overlooking.

7.10 Furthermore, the scale of the proposal remains subsidiary in nature and does not represent overdevelopment and will therefore not have an overbearing impact on people living nearby. It is considered that the proposal is therefore broadly compliant with HSG 12 and LPGN 1 and 2.

8.0 CONCLUSION

8.01 It is considered that the proposed extension is in accord with the relevant planning policies and guidance. The proposed demolition of the existing conservatory and the erection of a new bedroom meets both local and national planning policy and would not result in any adverse impact on the living conditions of the neighbouring residents.

8.02 Other Considerations

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

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

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

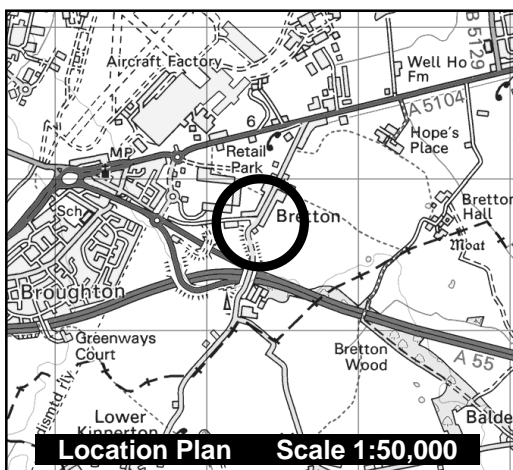
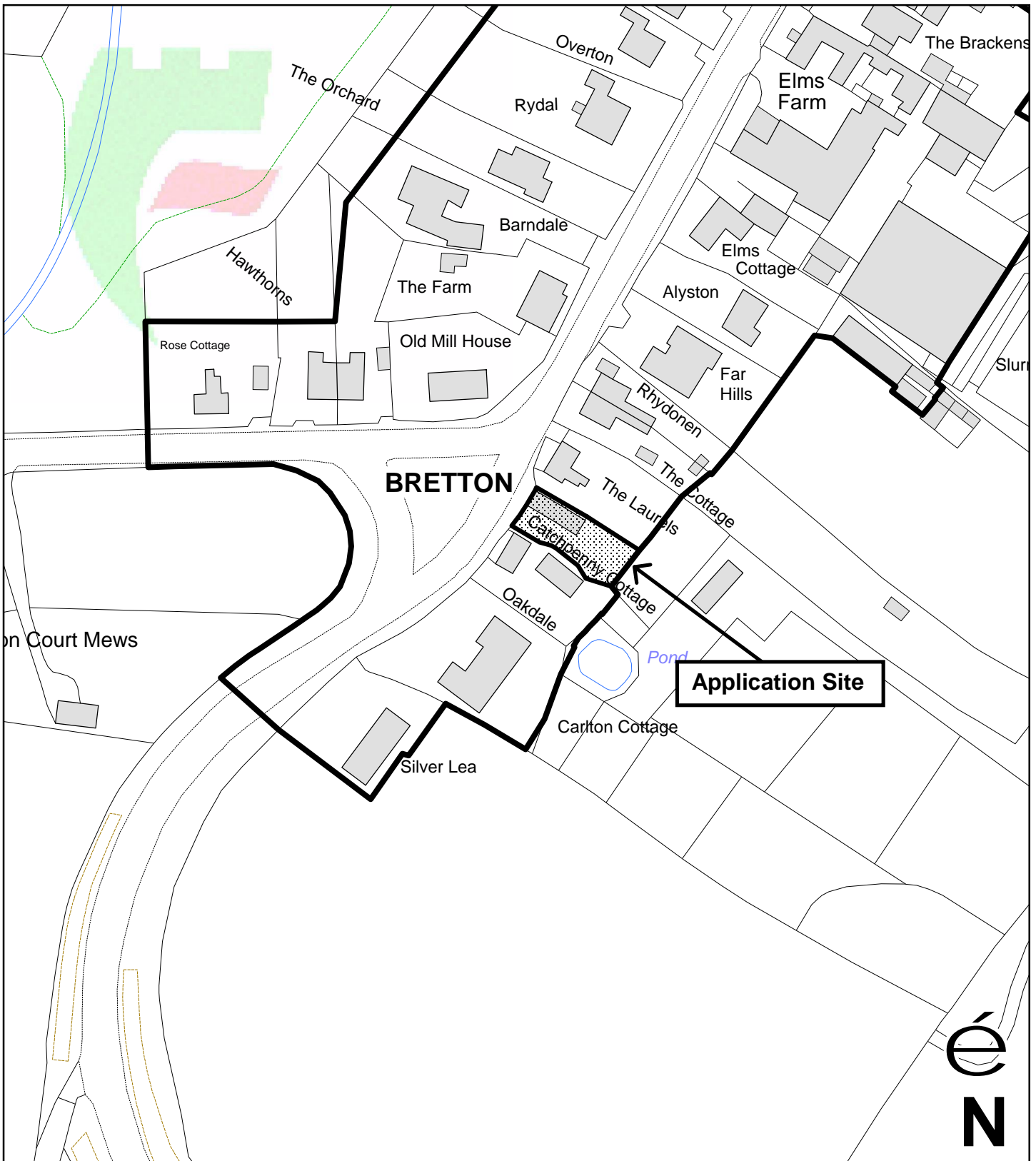
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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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 3563

Planning Application **56796**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH JUNE 2017**

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

SUBJECT: **APPEAL BY MR. R. FURSE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE PROPOSAL FOR ONE RESIDENTIAL UNIT ON THE FIRST FLOOR IN THE NORTH BARN RANGE, AND ENLARGING THE GROUND FLOOR UNIT INTO THE ADJOINING BAY INCLUDING REMOVAL OF A C21 STAIR. TO REPLACE THE RETURN OF THE BOUNDARY WALL ON THE NORTH WEST CORNER OF THE BARN RANGE IN RECLAIMED RUBBLE SET IN LIME MORTAR TO MATCH THE EXISTING AND PAINT THE PAIR OF NEW FRENCH DOORS IN THE ESTATE LINSEED BASED GREEN. FORM A WINDOW OPENING IN THE EXISTING DOOR ON THE SOUTH ELEVATION AT NERQUIS HALL, NERCWYS – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 053466

2.00 APPLICANT

2.01 Mr. R. Furse

3.00 SITE

3.01 Nerquis Hall,
Nercwys.

4.00 APPLICATION VALID DATE

4.01 9th April 2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the refusal to grant planning consent by the Local Planning Authority for works for the formation of one dwelling unit on the first floor located in the Northern barn range, including the enlargement of the ground

floor residential unit into an adjacent bay area of the barn. The proposal also involved the replacement of a boundary wall at Nerquis Hall, Nercwys, Mold, Flintshire CH7 4EB..

- 5.02 The application was refused via officer delegated powers on the 9th September 2016.together with the corresponding Listed Building application also on this agenda under reference 053467.
- 5.03 The appointed Planning Inspector was Vicky Hirst and was considered following the exchange of written representations, the appeal together with five other appeals was **DISMISSED**.

6.00 REPORT

6.01 The Main Issue

The Inspector considered the main issues in relation to this appeal was whether the proposed works and development would preserve the listed buildings or their settings, including any features of special architectural or historic interest which they possess and whether the proposed works and development would protect and conserve the registered parkland and garden and its setting.

6.02 Background

The Inspector noted the listing of the main house Nerquis Hall as a grade 1 listed building and its associated group of stone outbuildings arranged around a courtyard, they were also listed in their own right as grade 11 and where listed for their group value. There are also a number of other listed buildings and structures within the grounds, including garden walls, a folly and orangery and gates. In addition to this it was also noted that 2.7 acres of the parkland land and gardens that surround Nerquis Hall are registered as historic park and garden evaluated to a grade 2. The primary reason for this grading is due to the partial survival of an early 18th C form and layout with unusual garden and park buildings.

6.03 The Bothy

The Inspector noted the proposal related to the creation of two flats within the existing barn known as the Bothy. A one bedroom flat was proposed at ground floor the plans showed a bedroom unit with combined lounge and kitchen area bathroom. The second flat would be provided at first floor with a kitchen and corridor, with a bathroom located within a curved staircase area.

- 6.04 It was noted that both CADW and the Council had no objection in principle to conversion of this building into residential use. What was of concern was the materials to be used, the fenestration design and the philosophy of the design and layout and the associated impact on the historic character and features of this Listed Building

- 6.05 It was noted that consent had been granted in 2012 for conversion to

a three bedroom residential unit and the site visit revealed works appear to have been started although not finished. The works involving partition walling and insulation had been installed including French doors having been inserted in the north western elevation. The Inspector noted the use of dry lining was being used rather than the use of traditional plastering techniques normal on such traditional buildings of this age. The use of modern materials would result in hard finishes giving a uniform appearance which is at odds with traditional methods and agreed with the Council that lime plaster should be used to avoid harmful effects.

6.06 The scheme showed the use of French doors which and these were identified as total contrast to the traditional fenestration of this building. It was seen that the doors and windows proposed were completely at odds with agricultural form of other windows and doors within the building.

6.07 Having considered the impact of the proposed alterations proposed the inspector concluded that the applicant had failed to demonstrate that the proposed works would preserve the special qualities and setting of the listed building

6.08 Registered Historic Park and Garden
The Inspector noted that the works associated with the application related mainly to internal works only or to relatively minor external changes and was happy that these would protect and conserve the features and setting of the registered park and garden.

6.09 However, the Inspector indicated that access to the proposal is shown via a French door. No details had been provided regarding any proposal for the garden area or amenity space and the area is in close proximity to a former water garden within the registered park area. Given no details had been provided or any assessment of their relationship with the features the Inspector concluded that the appellant had failed to demonstrate that the works involved would protect the registered park and garden area.

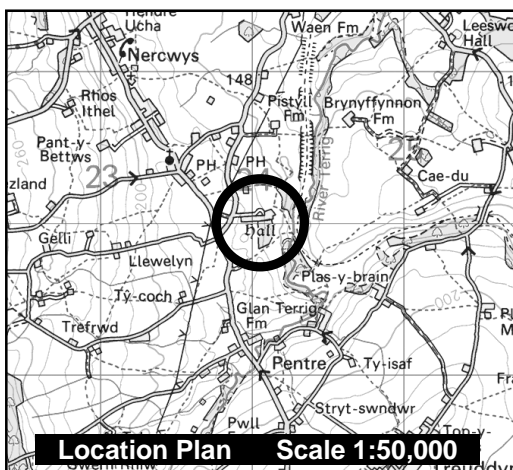
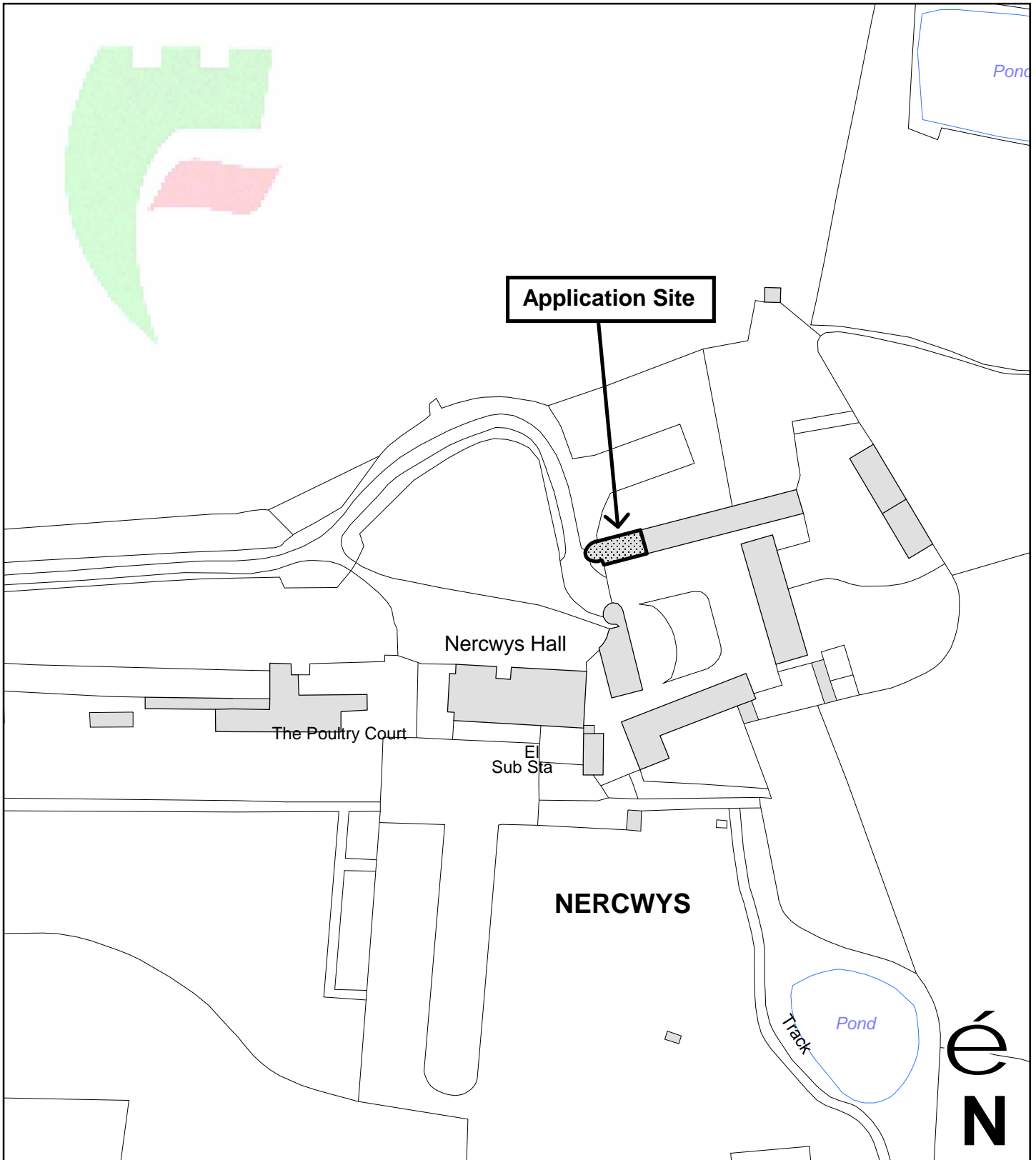
7.00 CONCLUSION

7.01 For the reasons given above the Inspector concluded that the appeal together with the associated Listed Building application be **DISMISSED.**

LIST OF BACKGROUND DOCUMENTS

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **53466**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH JUNE 2017**

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

SUBJECT: **APPEAL BY MR. R. FURSE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE PROPOSAL FOR ONE RESIDENTIAL UNIT ON THE FIRST FLOOR IN THE NORTH BARN RANGE, AND ENLARGING THE GROUND FLOOR UNIT INTO THE ADJOINING BAY INCLUDING REMOVAL OF A C21 STAIR. TO REPLACE THE RETURN OF THE BOUNDARY WALL ON THE NORTH WEST CORNER OF THE BARN RANGE IN RECLAIMED RUBBLE SET IN LIME MORTAR TO MATCH THE EXISTING AND PAINT THE PAIR OF NEW FRENCH DOORS IN THE ESTATE LINSEED BASED GREEN. FORM A WINDOW OPENING IN THE EXISTING DOOR ON THE SOUTH ELEVATION AT NERQUIS HALL, NERCWYS – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 053467

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2.01 Mr. R. Furse

3.00 SITE

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5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the refusal to grant planning consent by the Local Planning Authority for works for the formation of one dwelling unit on the first floor located

in the Northern barn range, including the enlargement of the ground floor residential unit into an adjacent bay area of the barn. The proposal also involved the replacement of a boundary wall at Nerquis Hall, Nercwys, Mold, Flintshire CH7 4EB..

- 5.02 The application was refused via officer delegated powers on the 9th September 2016.together with the corresponding Planning Application also on this agenda under reference 053466.
- 5.03 The appointed Planning Inspector was Vicky Hirst and was considered following the exchange of written representations, the appeal together with five other appeals was **DISMISSED**.

6.00 REPORT

6.01 The Main Issue

The Inspector considered the main issues in relation to this appeal was whether the proposed works and development would preserve the listed buildings or their settings, including any features of special architectural or historic interest which they possess and whether the proposed works and development would protect and conserve the registered parkland and garden and its setting.

6.02 Background

The Inspector noted the listing of the main house Nerquis Hall as a grade 1 listed building and its associated group of stone outbuildings arranged around a courtyard, they were also listed in their own right as grade 11 and where listed for their group value. There are also a number of other listed buildings and structures within the grounds, including garden walls, a folly and orangery and gates. In addition to this it was also noted that 2.7 acres of the parkland land and gardens that surround Nerquis Hall are registered as historic park and garden evaluated to a grade 2. The primary reason for this grading is due to the partial survival of an early 18th C form and layout with unusual garden and park buildings.

6.03 The Bothy

The Inspector noted the proposal related to the creation of two flats within the existing barn known as the Bothy. A one bedroom flat was proposed at ground floor the plans showed a bedroom unit with combined lounge and kitchen area bathroom. The second flat would be provided at first floor with a kitchen and corridor, with a bathroom located within a curved staircase area.

- 6.04 It was noted that both CADW and the Council had no objection in principle to conversion of this building into residential use. What was of concern was the materials to be used, the fenestration design and the philosophy of the design and layout and the associated impact on the historic character and features of this Listed Building

- 6.05 It was noted that consent had been granted in 2012 for conversion to a three bedroom residential unit and the site visit revealed works appear to have been started although not finished. The works involving partition walling and insulation had been installed including French doors having been inserted in the north western elevation. The Inspector noted the use of dry lining was being used rather than the use of traditional plastering techniques normal on such traditional buildings of this age. The use of modern materials would result in hard finishes giving a uniform appearance which is at odds with traditional methods and agreed with the Council that lime plaster should be used to avoid harmful effects.
- 6.06 The scheme showed the use of French doors which and these were identified as total contrast to the traditional fenestration of this building. It was seen that the doors and windows proposed were completely at odds with agricultural form of other windows and doors within the building.
- 6.07 Having considered the impact of the proposed alterations proposed the inspector concluded that the applicant had failed to demonstrate that the proposed works would preserve the special qualities and setting of the listed building.
- 6.08 Registered Historic Park and Garden
The Inspector noted that the works associated with the application related mainly to internal works only or to relatively minor external changes and was happy that these would protect and conserve the features and setting of the registered park and garden.
- 6.09 However, the Inspector indicated that access to the proposal is shown via a French door. No details had been provided regarding any proposal for the garden area or amenity space and the area is in close proximity to a former water garden within the registered park area. Given no details had been provided or any assessment of their relationship with the features the Inspector concluded that the appellant had failed to demonstrate that the works involved would protect the registered park and garden area.

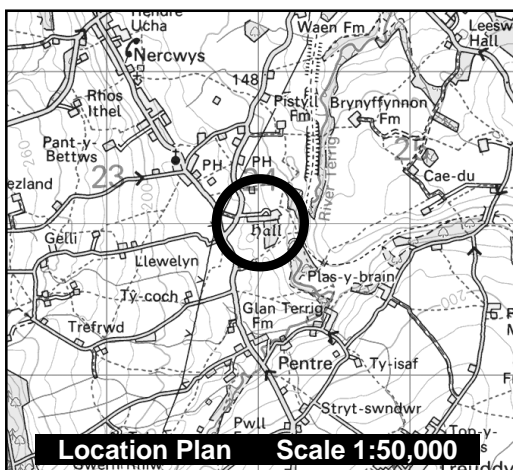
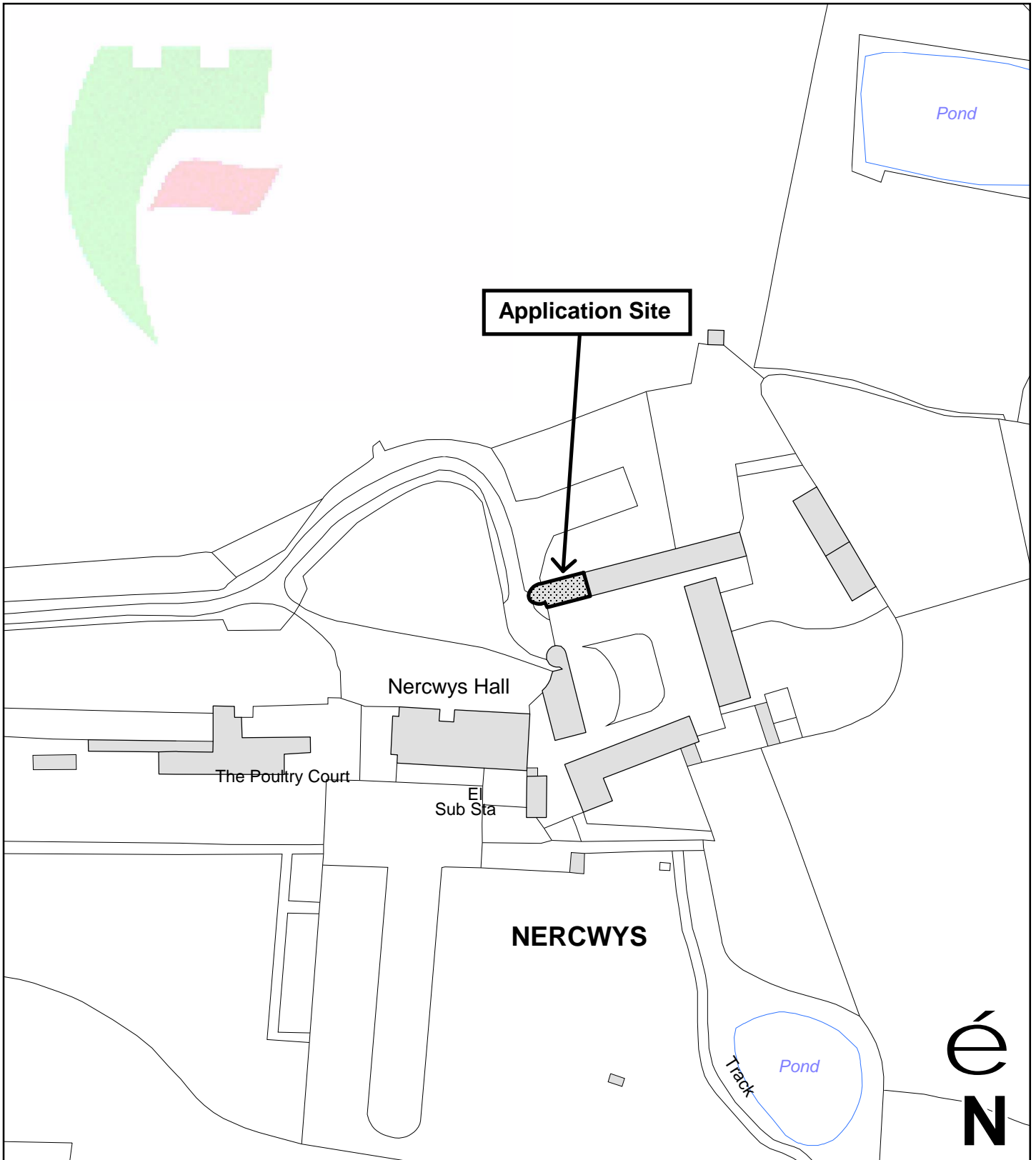
7.00 CONCLUSION

- 7.01 For the reasons given above the Inspector concluded that the appeal together with the associated Planning application be **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Karl Slater
Telephone: (01352) 703259
Email: Karl.c.slater@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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Map Scale	1:1250
OS Map ref	SJ 2460
Planning Application	53467

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH JUNE 2017**

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

SUBJECT: **APPEAL BY MR. R. FURSE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE PROPOSAL FOR ONE RESIDENTIAL UNIT ON THE FIRST FLOOR IN THE NORTH BARN RANGE, AND ENLARGING THE GROUND FLOOR UNIT INTO THE ADJOINING BAY INCLUDING REMOVAL OF A C21 STAIR. TO REPLACE THE RETURN OF THE BOUNDARY WALL ON THE NORTH WEST CORNER OF THE BARN RANGE IN RECLAIMED RUBBLE SET IN LIME MORTAR TO MATCH THE EXISTING AND PAINT THE PAIR OF NEW FRENCH DOORS IN THE ESTATE LINSEED BASED GREEN. FORM A WINDOW OPENING IN THE EXISTING DOOR ON THE SOUTH ELEVATION AT NERQUIS HALL, NERCWYS – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 053469

2.00 APPLICANT

2.01 Mr. R. Furse

3.00 SITE

3.01 Nerquis Hall,
Nercwys.

4.00 APPLICATION VALID DATE

4.01 9th April 2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the refusal to grant planning consent by the Local Planning Authority for works for the formation of one dwelling unit on the first floor located in the Northern barn range, including the enlargement of the ground

floor residential unit into an adjacent bay area of the barn. The proposal also involved the replacement of a boundary wall at Nerquis Hall, Nercwys, Mold, Flintshire CH7 4EB.

- 5.02 The application was refused via officer delegated powers on the 9th September 2016 together with the corresponding Listed Building application under reference 053467.
- 5.03 The appointed Planning Inspector was Vicky Hirst and the appeal was considered following the exchange of written representations, the appeal together with five other appeals was **DISMISSED**.

6.00 REPORT

6.01 The Main Issue

The Inspector considered the main issues in relation to this appeal was whether the proposed works and development would preserve the listed buildings or their settings, including any features of special architectural or historic interest which they possess and whether the proposed works and development would protect and conserve the registered parkland and garden and its setting.

6.02 Background

The Inspector noted the listing of the main house Nerquis Hall as a grade 1 listed building and its associated group of stone outbuildings arranged around a courtyard, they were also listed in their own right as grade 2 and where listed for their group value. There are also a number of other listed buildings and structures within the grounds, including garden walls, a folly and orangery and gates. In addition to this it was also noted that 2.7 acres of the parkland land and gardens that surround Nerquis Hall are registered as historic park and garden evaluated to a grade 2. The primary reason for this grading is due to the partial survival of an early 18th C form and layout with unusual garden and park buildings.

6.03 The Bothy

The Inspector noted the proposal related to the creation of two flats within the existing barn known as the Bothy. A one bedroom flat was proposed at ground floor the plans showed a bedroom unit with combined lounge and kitchen area bathroom. The second flat would be provided at first floor with a kitchen and corridor, with a bathroom located within a curved staircase area.

- 6.04 It was noted that both CADW and the Council had no objection in principle to conversion of this building into residential use. What was of concern was the materials to be used, the fenestration design and the philosophy of the design and layout and the associated impact on the historic character and features of this Listed Building

- 6.05 It was noted that consent had been granted in 2012 for conversion to

a three bedroom residential unit and the site visit revealed works appear to have been started although not finished. The works involving partition walling and insulation had been installed including French doors having been inserted in the north western elevation. The Inspector noted the use of dry lining was being used rather than the use of traditional plastering techniques normal on such traditional buildings of this age. The use of modern materials would result in hard finishes giving a uniform appearance which is at odds with traditional methods and agreed with the Council that lime plaster should be used to avoid harmful effects.

6.06 The scheme showed the use of French doors which and these were identified as total contrast to the traditional fenestration of this building. It was seen that the doors and windows proposed were completely at odds with agricultural form of other windows and doors within the building.

6.07 Having considered the impact of the proposed alterations proposed the inspector concluded that the applicant had failed to demonstrate that the proposed works would preserve the special qualities and setting of the listed building.

6.08 Registered Historic Park and Garden
The Inspector noted that the works associated with the application related mainly to internal works only or to relatively minor external changes and was happy that these would protect and conserve the features and setting of the registered park and garden.

6.09 However, the Inspector indicated that access to the proposal is shown via a French door. No details had been provided regarding any proposal for the garden area or amenity space and the area is in close proximity to a former water garden within the registered park area. Given no details had been provided or any assessment of their relationship with the features the Inspector concluded that the appellant had failed to demonstrate that the works involved would protect the registered park and garden area.

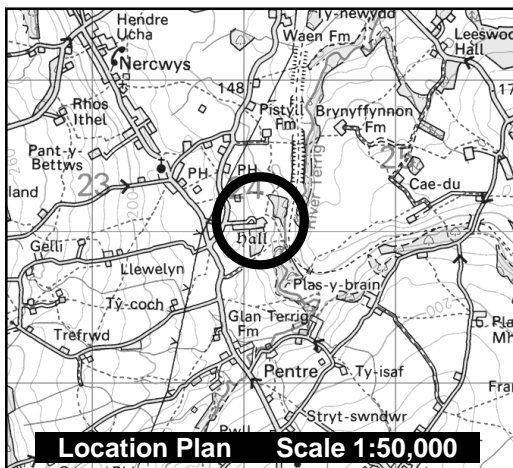
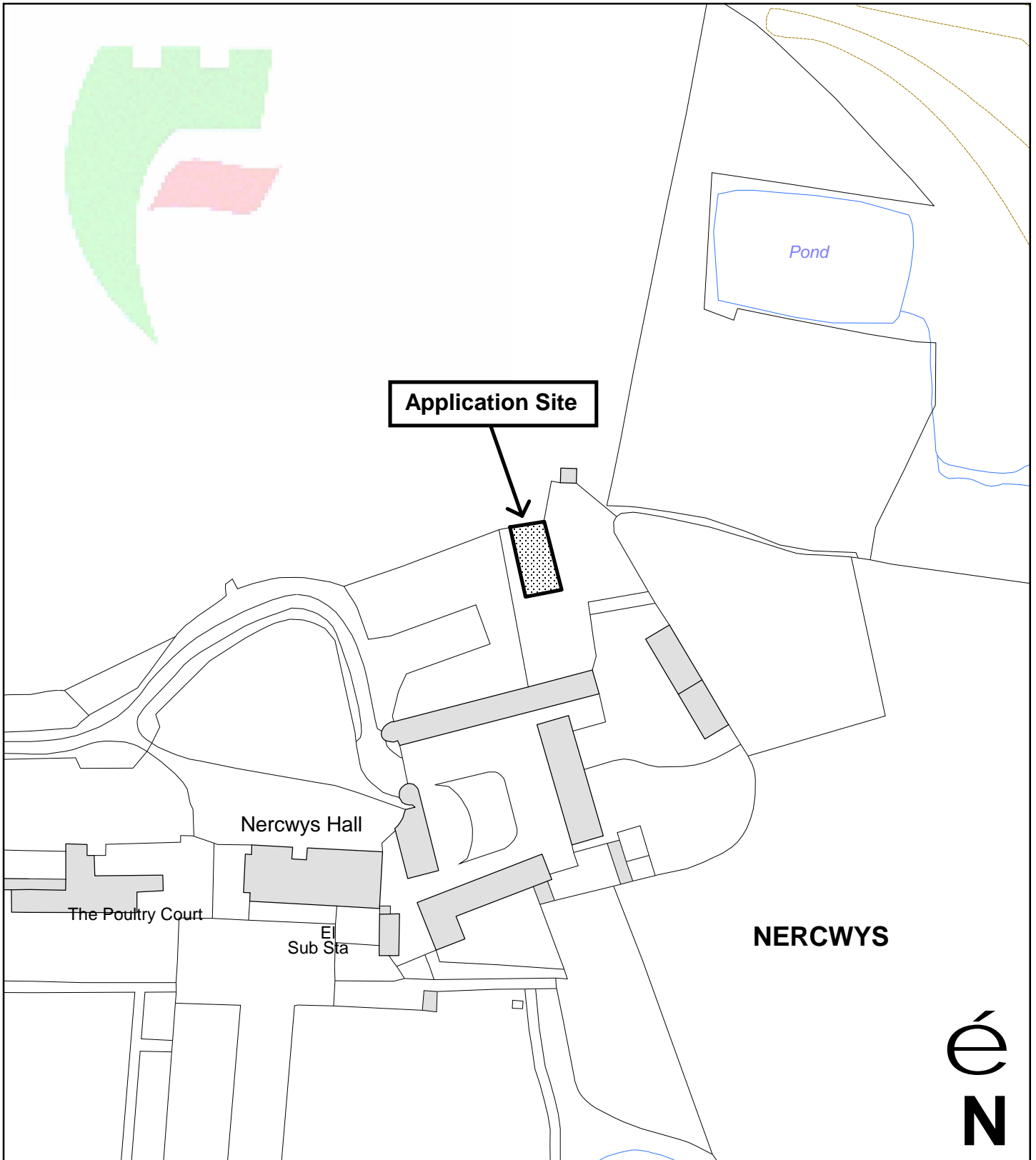
7.00 CONCLUSION

7.01 For the reasons given above the Inspector concluded that the appeal together with the associated Listed Building application be **DISMISSED.**

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Karl Slater
Telephone: (01352) 703259
Email: Karl.c.slater@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 2460

Planning Application **53469**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH JUNE 2017**

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

SUBJECT: **APPEAL BY MR. R. FURSE AGAINST THE
DECISION OF FLINTSHIRE COUNTY COUNCIL TO
REFUSE PLANNING PERMISSION FOR A STAND
ALONE BUILDING TO HOUSE A BIOMASS BOILER
STORE, BIOMASS FUEL, AND FARM EQUIPMENT
FOR HALL AT NERCWYS HALL NERCWYS –
DISMISSED.**

1.00 APPLICATION NUMBER

1.01 053470

2.00 APPLICANT

2.01 Mr. R. Furse

3.00 SITE

3.01 Nerquis Hall,
Nercwys.

4.00 APPLICATION VALID DATE

4.01 9th April 2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the refusal to grant planning consent by the Local Planning Authority for a stand-alone building to house a biomass boiler store, biomass fuel and farm equipment at Nerquis Hall, Nercwys, Mold, Flintshire CH7 4EB.

5.02 The application was refused via officer delegated powers on the 9th September 2016 together with the corresponding planning application also on this agenda under reference 053469.

5.03 The appointed Planning Inspector was Vicky Hirst and was considered following the exchange of written representations, the appeal together with five other appeals on the same site were **DISMISSED**.

6.00 REPORT

6.01 The Main Issue

The Inspector considered the main issues in relation to this appeal were:-

- . whether the proposed works and development would preserve the listed buildings or their settings, or any features of special architectural or historic interest which they possess, and
- .whether the proposed works and development would protect and conserve the registered park and garden and its setting.

6.02 Background

The Inspector noted the listing of the main house Nerquis Hall as a grade 1 listed building and its associated group of stone outbuildings arranged around a courtyard, they were also listed in their own right as grade 2 and were listed for their group value. There are also a number of other listed buildings and structures within the grounds, including garden walls, a folly and orangery and gates. In addition to this it was also noted that 2.7 acres of the parkland land and gardens that surround Nerquis Hall are registered as historic park and garden evaluated to a grade 2. The primary reason for this grading is due to the partial survival of an early 18th C form and layout with unusual garden and park buildings.

6.03 The Biomass Building

The Inspector noted the proposal related to the erection of a stand-alone building to house a biomass boiler store, biomass fuel and farm equipment. The building in question was shown located to the north west of the piggeries building and to the north east of the stable building which are the subject of other appeals.

6.04 The building was shown located within close proximity of both the piggeries and the stable complex both of which are Grade 2 Listed Buildings. The Inspector noted the utilitarian nature of the structure, the building would be large; being 18 metres long 8 metres wide 6.3 metres high. Such a large in building in close proximity to the other listed structures on site would overwhelm there simple structural form and significantly impact on their setting.

6.05 It was also noted that as with the other appeals the creation of a further courtyard area is at odds with the overall layout and flow of the group of Listed buildings at Nerquis Hall. The Inspector agreed with the Councils concerns that this is a relatively small area, and the need to facilitate vehicle turning would have a potential impact on the wider estate.

6.06 Having considered the impact of the proposed alterations the Inspector

concluded that the applicant had failed to demonstrate that the proposed works would preserve the special qualities and setting of the listed building.

Registered Historic Park and Garden

6.09 It was identified that the building in question would be located in close proximity to trees on the site, and no appraisal had been provided with regard to the impact on the trees. The potential loss of trees would result in the loss of an important contribution to the registered park and garden

6.10 Other concerns related to the proposed widening of the gateway which would necessitate removing part of the historic stone wall and moving gate piers. In addition the plans show the provision of matting to facilitate access to the site. Having looked at these issues it was considered that the proposal would not protect or conserve the registered park or garden.

7.00 CONCLUSION

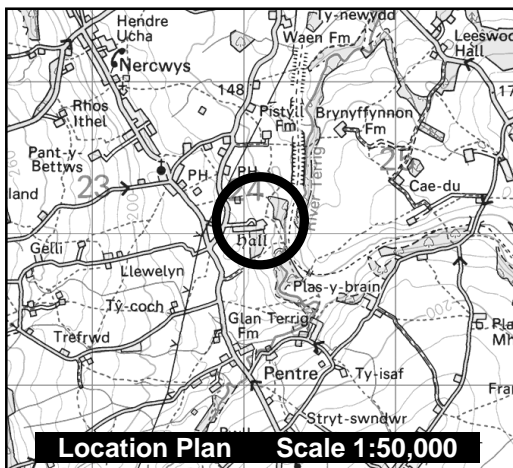
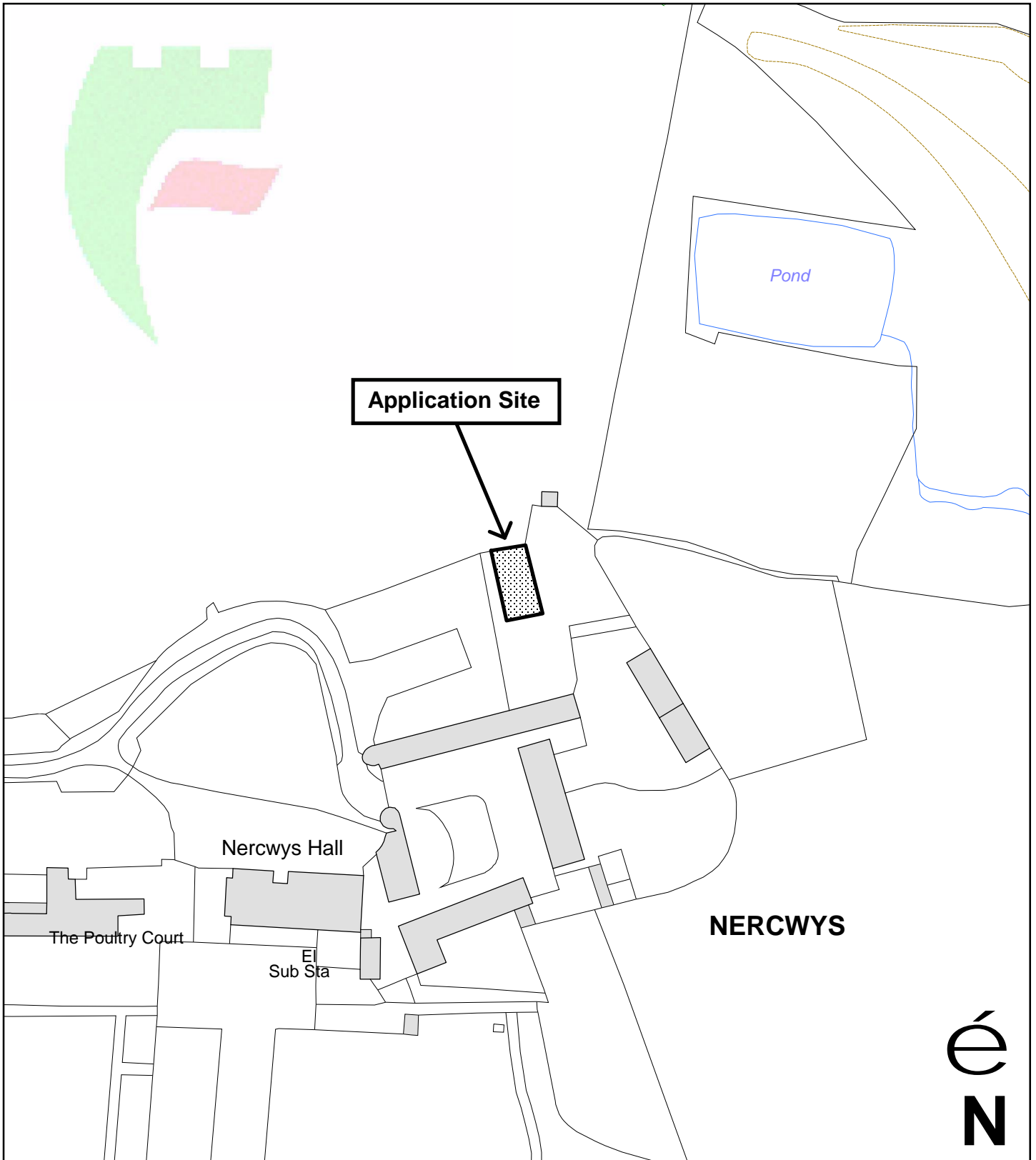
7.01 For the reasons given above the Inspector concluded that the appeal together with the associated Listed Building application be **DISMISSED.**

LIST OF BACKGROUND DOCUMENTS

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

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **53470**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH JUNE 2017**

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

SUBJECT: **APPEAL BY MR. R. FURSE AGAINST THE
DECISION OF FLINTSHIRE COUNTY COUNCIL TO
REFUSE PLANNING PERMISSION FOR THE
CONVERSION AND EXTENSION OF REDUNDANT
PIGGERIES TO STORE VEHICLES AND GARDEN
EQUIPMENT FOR THE BENEFIT OF THE EXISTING
DWELLING AT NERQUIS HALL, NERCWYS –
DISMISSED.**

1.00 APPLICATION NUMBER

1.01 050788

2.00 APPLICANT

2.01 Mr. R. Furse

3.00 SITE

3.01 Nerquis Hall,
Nercwys.

4.00 APPLICATION VALID DATE

4.01 11th September 2013.

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the grant to planning consent for the conversion and extension of the piggeries building to store vehicles and garden equipment in association with Nerquis Hall, Nercwys, Mold, Flintshire CH7 4EB by the Local Planning Authority.

5.02 The application was refused via officer delegated powers on the 25th May 2016.

5.03 The appointed Planning Inspector was Vicky Hirst and was

considered following the exchange of written representations, the appeal was **DISMISSED**.

6.00 REPORT

The Main Issue

6.01 The Inspector considered the main issue in relation to the appeal was whether the proposed works and development would preserve the listed buildings or their settings, or any features of special architectural or historic interest which they possess and whether the proposed works and development would protect and conserve the registered parkland and garden and its setting.

Background

6.02 The Inspector noted the listing of the main house Nerquis Hall as a grade 1 listed building and its associated group of stone outbuildings arranged around a courtyard, they were also listed in their own right as grade 11 and were listed for their group value. There are also a number of other listed buildings and structures within the grounds, including garden walls, a folly and orangery and gates. In addition to this it was also noted that 2.7 acres of the parkland land and gardens that surround Nerquis Hall are registered as historic park and garden evaluated to a grade 2. The primary reason for this grading is due to the partial survival of an early 18th C form and layout with unusual garden and park buildings.

The Piggeries

6.03 The Inspector noted that the piggeries buildings were in poor repair, however that the principle elevation, which faces the main courtyard, remain clearly legible with its five arched openings largely intact. Whilst the brick partitions dividing the sties and the mono pitch roof to the rear are in poor repair the original form and layout of the piggery building is clearly evident.

6.04 Whilst the arched openings of the piggeries would be retained in the proposed scheme, the extension and excavation proposed to the rear of the building in order to facilitate the proposed vehicle store, would mean that only the front elevation of the arched openings would be the only original element of the building to remain. Much visual reference would be lost through the removal of the most of the internal sty partitioning. The Inspector drew on the advice of Circular 61/96 that states that the preservation of a façade alone and the gutting and reconstruction of the interior, is not normally acceptable, as it destroys the buildings special interest, the Inspector concurred with this advice.

6.05 In addition the Inspector considered that the change of levels, the longer roof and higher vertical walling to accommodate the scheme would considerably alter the overall proportions of the building, with the scheme proposed dominating the original scale and form of the

building, resulting in loss of the historical association with the wider estate as a small and subservient service building. The works and development would not preserve the special qualities and setting of this building or the wider group.

Creation of an Additional Courtyard

- 6.06 The Inspector considered that the creation of the access to serve the garage proposed would lead to a further courtyard being created. This would be located to the north of the site and would be shared space for the garage and the biomass / store building and external store area, this would change the emphasis away from the main courtyard and would be at odds with the original design of the overall estate. This would not preserve the setting of the listed buildings of Nerquis Hall and associated stable buildings.

New Use to Ensure the Reuse of the Building

- 6.07 The Inspector noted the advice in Planning Policy for flexibility in relation to finding alternative uses to be considered to secure a buildings survival, and in this instance the Inspector considers that the buildings walls have no inherent defect of weakness in the walls that prohibits it being brought back in to a new use without adverse effects arising from the proposal.

Registered Historic Park and Garden

- 6.08 The Inspector noted that the main designated garden is located away from the piggeries buildings, with the piggeries lying within the northern part of the registered park, although the works proposed are small in the context of the overall park and given the close association with the host building it was not considered to adversely impact upon the setting of the register park and garden.

- 6.09 However the creation of the access and turning area proposed to the rear of the piggeries was considered to be at odds with the design of the estate, with the courtyards facing inwards away from the wider park and garden. The creation of a further vehicular turning area with the access to the garages facing the park area to the north would not follow the overall design philosophy, and found that this would not protect and conserve the setting of the registered park and garden.

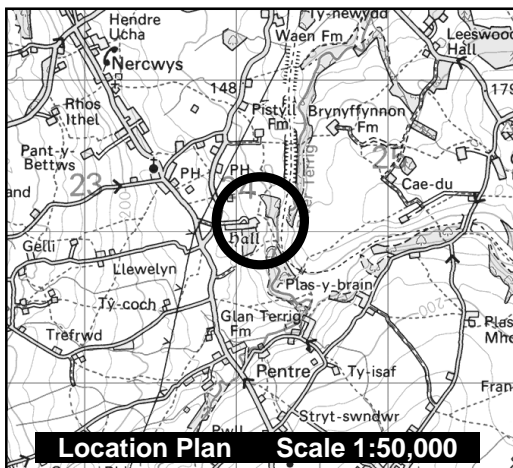
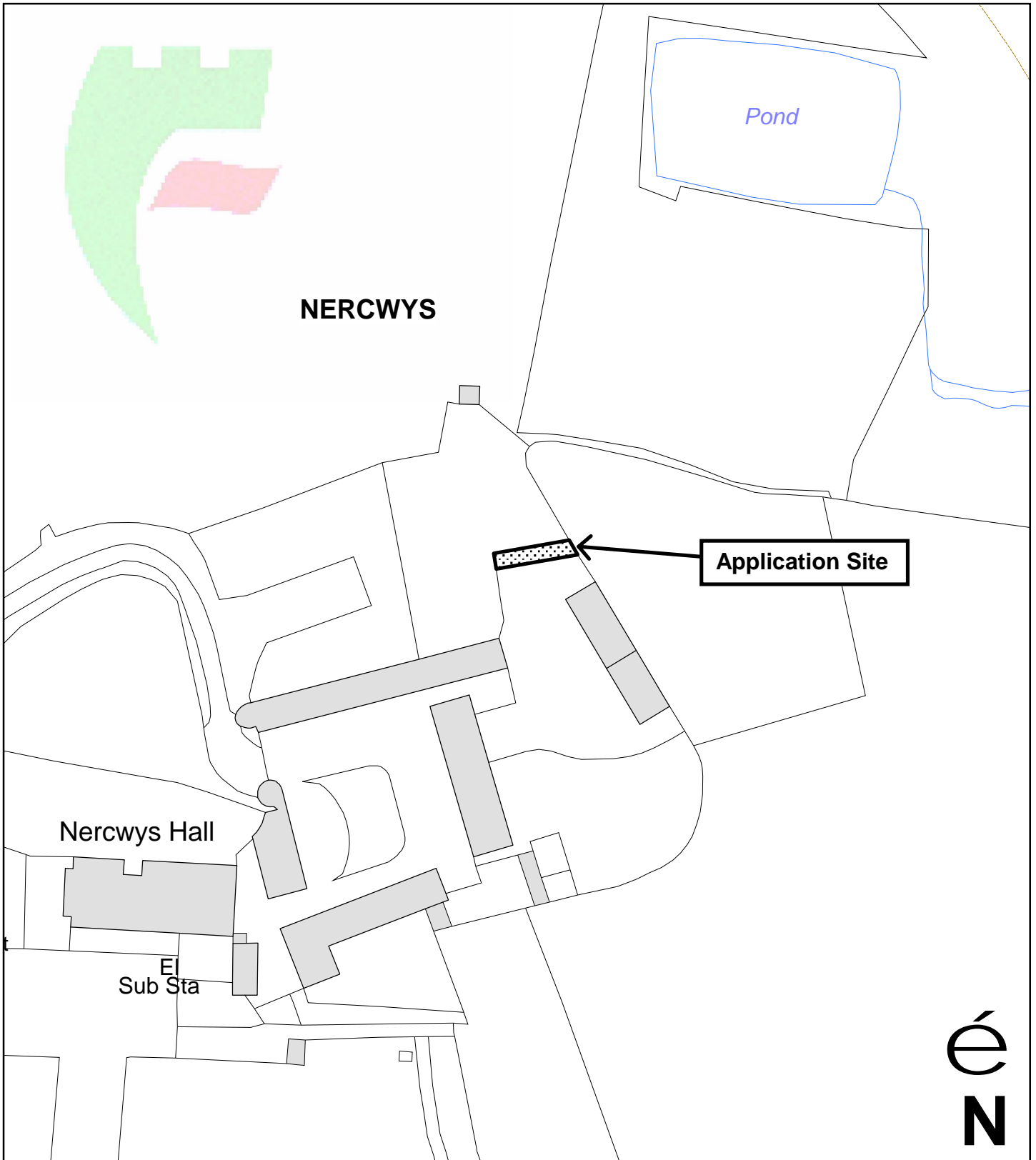
7.00 CONCLUSION

- 7.01 For the reasons given above the Inspector concluded that the appeal be **DISMISSED**.

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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Map Scale 1:1000

OS Map ref SJ 2460

Planning Application **50788**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH JUNE 2017**

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

SUBJECT: **APPEAL BY MR. R. FURSE AGAINST THE
DECISION OF FLINTSHIRE COUNTY COUNCIL TO
REFUSE LISTED BUILDING CONSENT FOR THE
CONVERSION AND EXTENSION OF REDUNDANT
PIGGERIES TO STORE VEHICLES AND GARDEN
EQUIPMENT FOR THE BENEFIT OF THE EXISTING
DWELLING AT NERQUIS HALL, NERCWYS –
DISMISSED.**

1.00 APPLICATION NUMBER

1.01 050789

2.00 APPLICANT

2.01 Mr. R. Furse

3.00 SITE

3.01 Nerquis Hall,
Nercwys.

4.00 APPLICATION VALID DATE

4.01 11th September 2013.

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the refusal to grant listed building consent for the conversion and extension of the piggeries building to store vehicles and garden equipment in association with Nerqis Hall, Nercwys, Mold CH7 4EB by the Local Planning Authority.

5.02 The decision to refuse listed building consent was taken via officer delegated powers and was reused on the 25 May 2016.

5.03 The appointed Planning Inspector was Vicki Hirst, the appeal was determined following the exchange of written representations and was **DISMISSED**.

6.00 REPORT

The Main Issue

6.01 The Inspector considered that the main issues in relation to the appeal as whether the proposed works and development would preserve the listed buildings or their settings, or any features of special architectural or historic interest which they possess and whether the proposed works and development would protect and conserve the registered park and garden and their setting.

Background

6.02 The Inspector noted the listing of the main house Nerquis hall as a grade 1 listed building and its associated group of stone outbuildings arranged around a courtyard, and whilst they are situated within the grounds they are also listed in their own right and are listed for their group value. There are also a number of other listed buildings and structures within the grounds garden walls, a folly, and orangery and gates. It is also noted that 2.7 acres of the parkland and gardens that surround Nerquis Hall are a registered historic park and garden equivalent to grade 2. The primary reason for this grading is due to the partial survival of an early 18th C form and layout with unusual garden and park buildings.

The Piggeries

6.03 The Inspector noted that the piggeries building is in a state of poor repair, however the principle elevation which faces the courtyard remains clearly legible with its five arched openings largely intact. Whilst the brick partitions dividing the sites and the mono pitch roof of the rear are in poor repair, the original form and layout of the building is clearly evident.

6.04 Whilst the arched openings of the piggeries would be retained in the proposed scheme, the extension and excavations to the rear in order to facilitate the scheme would mean that only the front elevation of the arched openings would be the only original element of the building. Much visual reference would be lost through the removal of most of the internal sty partitioning. The Inspector drew on the advice of Circular 61/96 that states that the preservation of a façade alone and the gutting and reconstruction of interiors, is not normally acceptable, as it destroys the buildings special interest, the Inspector concurred with this advice.

6.05 In addition the Inspector considered that the change in levels, the longer roof and overall higher vertical walling to accommodate the scheme would considerably alters the overall proportions of the building, with the scheme proposed dominating the original scale and

form of the building resulting in the loss of the historical association with the wider estate as a small and subservient service buildings. The works and development would not preserve the special qualities and setting of this building or the wider group

Creation of Courtyard

6.06 The Inspector considered that the creation of the access to serve the garage proposed would lead to a further courtyard being created. This would be located to the north of the site and would be shared space for the garage and the biomass/ store building and external store area. This would change the emphasis away from the main court yard and would be at odds with the original design of the overall estate. This would not preserve the setting of the listed buildings of Nerquis Hall and associated stable buildings.

6.05 New Uses to Ensure the Reuse of the Building

The Inspector noted the advice in Planning Policy Wales for flexibility in relation to finding alternative uses to be considered to secure that the buildings survival, and in this instance the Inspector considers that the buildings walls have no inherent defect of weakness that would prohibit it being brought back in to new use without adverse effects arising from the proposal.

Registered Historic Park and Garden

6.07 The Inspector noted that the main designated garden is located away from the piggeries buildings. The piggeries lie within the northern part of the registered park although the works proposed are small in context of the overall park and given the close association with the host building it was not considered to adversely impact upon the setting of the registered park and garden.

6.08 However the creation of access and turning area proposed to the rear of the piggeries was considered to be at odds with the design of the estate, with the courtyards facing away from the wider park and garden. The creation of further vehicular turning area within the access to the garages facing the park area would not follow the overall design philosophy, and found that this would not protect or conserve the setting of the registered park and garden.

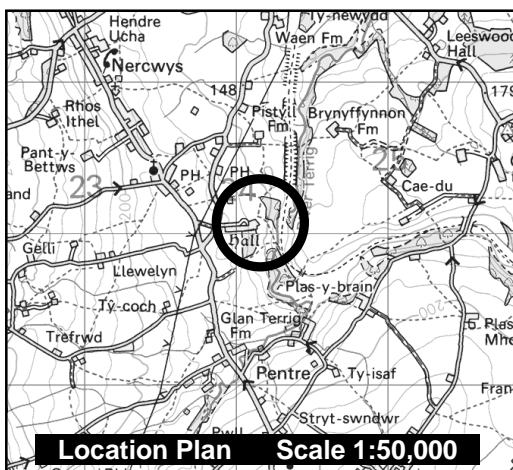
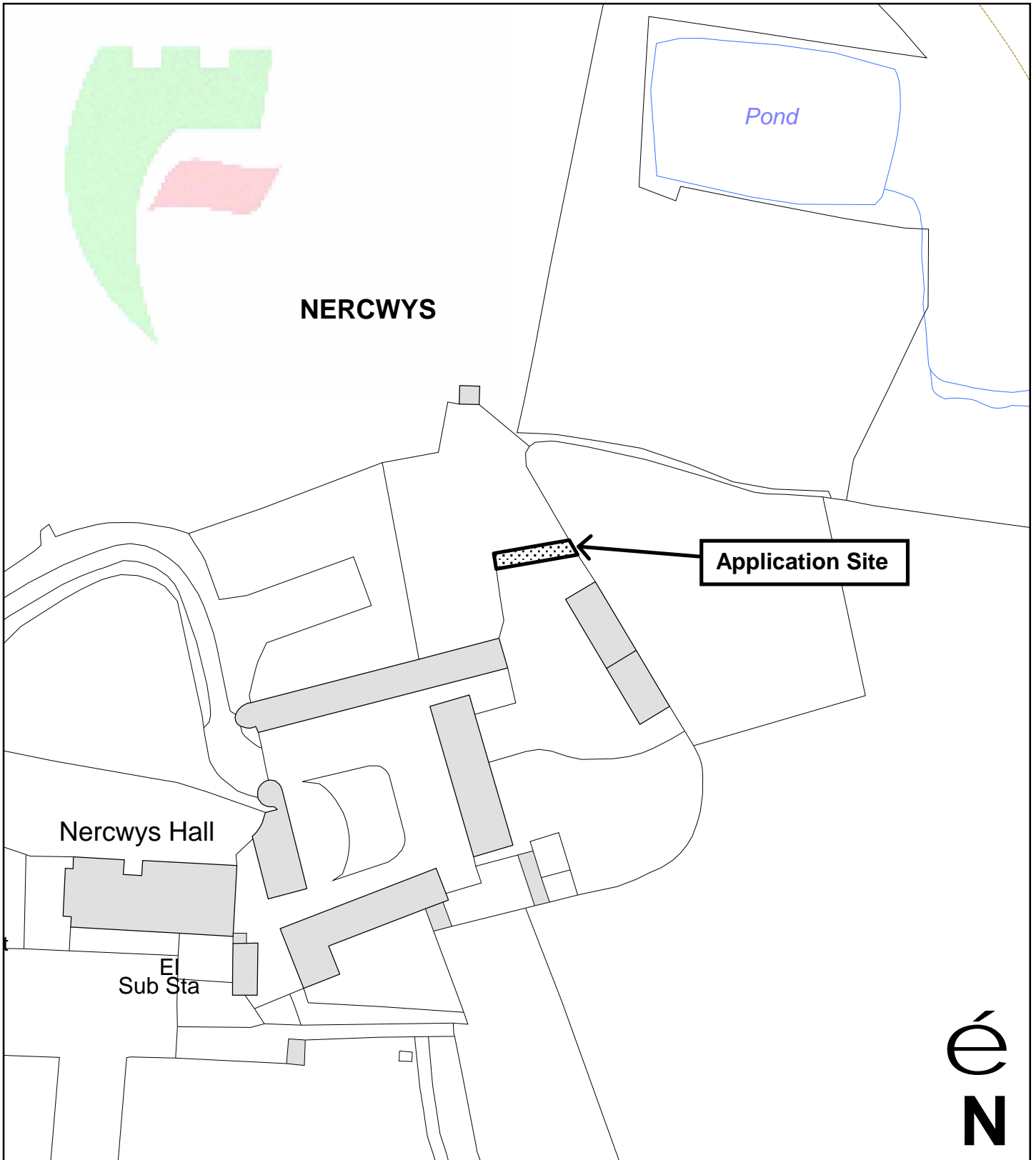
7.00 CONCLUSION

7.01 For the reasons given for the above the Inspector concluded that the appeal be **DISMISSED**.

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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Planning Application **50789**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH JUNE 2017**

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

SUBJECT: **APPEAL BY MR. & MRS J. CLARE AGAINST THE
DECISION OF FLINTSHIRE COUNTY COUNCIL TO
REFUSE OUTLINE PLANNING PERMISSION FOR
THE ERECTION OF A DWELLING AT LAND AT
WESTACRES, BERTHEN ROAD, LIXWM –
DISMISSED.**

1.00 APPLICATION NUMBER

1.01 055951

2.00 APPLICANT

2.01 Mr. & Mrs J. Clare

3.00 SITE

3.01 Westacres,
Berthen Road,
Lixwm, CH8 8LT

4.00 APPLICATION VALID DATE

4.01 5th September 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 one dwelling and formation of an access at Westacres, Berthen Road, Lixwm, CH8 8LT. The application was refused by delegated powers, with the appeal dealt with by way of a hearing and was **DISMISSED**. The Inspector was Iwan Lloyd.

6.00 REPORT

6.01 Background

Members may recall that this application was refused on 30th November 2016 by delegated powers on the basis that the proposal represented unjustified non-essential development in the open countryside, restricting the community's access for local needs housing in the area.

6.02 Issue

The Inspector considered that the main issue to be whether there were other material considerations sufficient to outweigh any conflict with local and national planning policies that seek to strictly control new residential development outside settlement boundaries.

6.03 Principle of Development

The appeal site is the garden on the northern side of the property presently comprising an orchard bounded by hedgerows. The garden land comprises an infill site between Westacres and a row of 4 properties to the north. The site is situated in the countryside to the north-east of Lixwm.

6.04 The site is outside the settlement boundary as defined by the Flintshire Unitary Development (UDP). UDP Policies STR1, GEN3, HSG4 and HSG5 essentially restrict development outside development boundaries. Policy GEN3 lists the type of development which may be considered acceptable in the countryside. Amongst other examples listed under this policy are, infilling (Policy HSG5), and essential worker housing (Policy HSG4).

6.05 STR1 is a strategic policy and generally requires new development to be located within settlement boundaries and allocations and suitable brownfield sites. The site would be regarded as previously developed land as set out in Planning Policy Wales Edition 9 (PPW). Suitable brownfield in the context of Policy STR1 is not explained, although the policy aim is to ensure the development of sustainable communities, high quality design and minimise adverse impacts on the physical, social and economic environment of the area.

6.06 This case does not relate to an essential farm or forestry worker under Policy HSG4. Policy HSG5 relates to infill development provided it is for a proven local need. There is no case which fulfils the particular criteria of the policy in relation to local need. The physical criteria of infilling outside settlement boundaries within a clearly identifiable group and continuous developed frontage are met.

6.07 The site is some 1 km north-east of Lixwm where a range of services and facilities are situated. However, the Council noted that there is an absence of a regular bus route from nearby the site and the road network lack footways or verges and are unlit. These matters limit

the opportunities for reaching the village by means other than the private car. The Council took the view that the location of the site is unsustainable having regard to the sustainability principles and objectives set out in PPW.

- 6.08 PPW recognises that for most rural areas the opportunities for reducing car use and increasing the use of walking, cycling and public transport are more limited than in urban areas. However, the emphasis in rural areas is that the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. PPW advocates that local authorities should designate and identify the preferred locations for most new development in rural areas in particular clusters of smaller settlements where a functional linkage can be demonstrated. In line with this the UDP provides strictly controlled development opportunities for housing in rural areas for local needs. Policy HSG5 and HSG3 in certain category settlements provides the Council's preferred strategic approach for the dispersal and provision of housing opportunities in rural areas.
- 6.09 PPW sets out that the priorities for rural areas are to secure sustainable rural communities with access to affordable housing and high quality public services. In this regard, the site is not within or reasonably close to a settlement or service centre and is not sustainable being poorly serviced by public transport choices and the provision of services and facilities. In addition, there is no case made out which fulfils the particular criteria of Policy HSG5 in relation to local need. The proposal does not therefore accord with the development plan and national planning policies.
- 6.10 However, the appellants put forward a number of material considerations to be weighed in the overall planning balance. These relate to housing land supply, the preference for building on previously developed land, and that there is no identifiable harm to the character and appearance of the area. Further, the proposal would meet the wider social and economic objectives of PPW which would assist the village services of Lixwm.
- 6.11 The appeal site garden is previously developed land and is seen as a gap in an otherwise contained frontage. There are no significant landscape implications or issues in relation to encroachment of the countryside. The fruit trees on the site are not protected and do not necessarily form a landscape feature in themselves.. The Council accepts that the physical attributes of the site accords with infilling and therefore it cannot be regarded as a development which would urbanise the rural setting. Furthermore, if the proposal is regarded as 'shoehorning development' between houses then this would also fail the physical attributes of infilling as set out in Policy HSG5, although that is not an identified concern in the Council's decision. The Inspector did not regard that the proposal would harm the

character and appearance of the area and the surrounding countryside.

- 6.12 In relation to housing land supply, as the UDP is outside of its plan period the Council is unable to demonstrate a 5-year housing land supply as set out in paragraphs 8.1, 8.2 and 6.2 of TAN1. Where the UDP is outside its plan period the local planning authority has been unable to undertake a current study of its housing supply. As a result, 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.
- 6.13 The Council indicated that the contribution is negligible in the context of meeting the housing land supply shortfall. The Inspector had no reason to disagree, but a small contribution is nonetheless an increase in the supply which is evidently needed.

7.00 CONCLUSION

- 7.01 The Inspector identified no distinguishable harm to the character and appearance of the area and the surrounding countryside. The site is previously developed land, and there is a substantial shortfall in housing land supply and this proposal would increase that supply by one dwelling.
- 7.02 However, in the Inspector's view the site is not sustainable in terms of its location and fails to accord with the development plan and national planning policies. It would provide some limited support to local services but that would equally be the case if the site was located within or adjoining the settlement where there would be relatively good accessibility by non-car modes when compared to the rural area as a whole.
- 7.03 The potential considerable weight which may be given to the lack of housing land supply does not occur in this case given that the proposal fails to comply with the development plan and national planning policies. The presumption in favour of sustainable development does not apply having regard to the key principles and key policy objectives of sustainable development. Whilst the site may be regarded as previously developed land, local planning policy STR1 does not support the development of unsuitable brownfield sites.
- 7.04 The Inspector concluded that other material considerations are insufficient to outweigh the identified conflict with local and national planning policies that seek to strictly control new residential development outside settlement boundaries. Therefore the Inspector **DISMISSED** the appeal.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

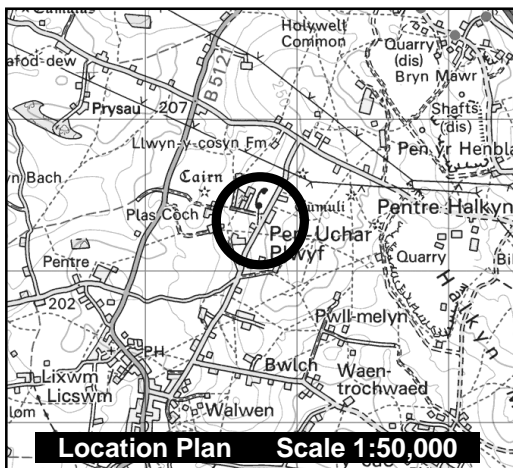
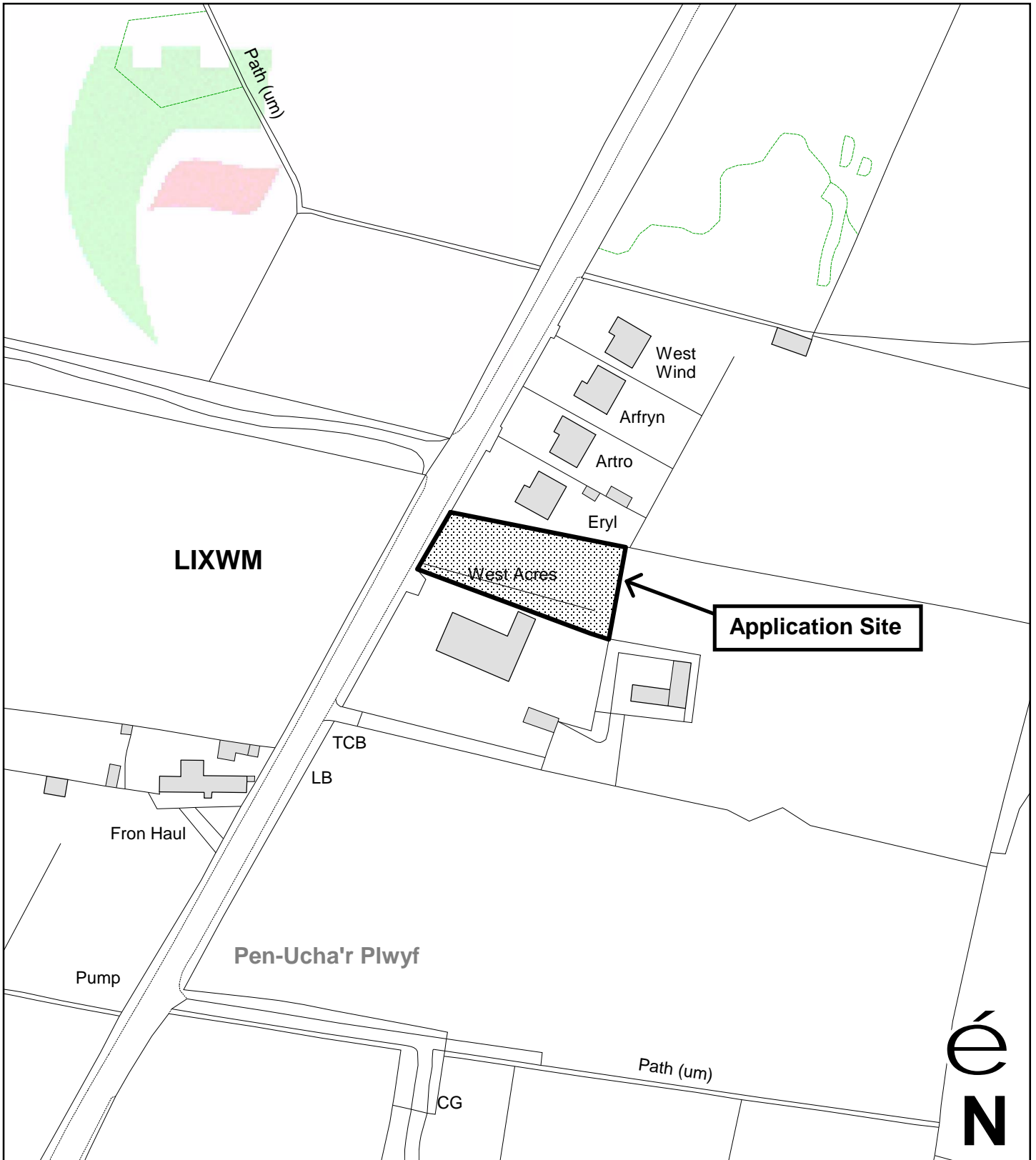
National & Local Planning Policy

Responses to Consultation

Responses to Publicity



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

Legend

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

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OS Map ref	SJ 1772
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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH JUNE 2017**

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

SUBJECT: **APPEAL BY ELAN HOMES LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 24 NO. DWELLINGS WITH ASSOCIATED GARAGES, PARKING, GARDEN AREAS AND OPEN SPACES WITH DEMOLITION OF EXISTING SERVICE STATION AND OUTBUILDINGS AT ARGOED SERVICE STATION, MAIN ROAD, NEW BRIGHTON – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 055310

2.00 APPLICANT

2.01 Elan Homes Ltd

3.00 SITE

3.01 Land at former Argoed Service Station,
New Brighton,
Flintshire,
CH7 6QQ

4.00 APPLICATION VALID DATE

4.01 20th April 2016.

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the refusal to grant planning permission for the erection of 24No. dwellings and associated works on land at the former Argoed Service Station, New Brighton by the Local Planning Authority.

5.02 The decision to refuse planning permission was made by Members

at the Planning and Development Control Committee held on 12th October 2016.

- 5.03 The appointed Planning Inspector was Mr. C. Sproule.
- 5.04 The appeal was determined following an exchange of written representations and was **ALLOWED**.

6.00 REPORT

6.01 The Main Issues

The Inspector noted that the application had been refused for 3 reasons. He therefore identified the 3 main issues for consideration to be:

1. Whether the proposals made sufficient provision for affordable housing;
2. Whether the proposal provided a form of development which represented the most efficient use of development land; and Whether an appropriate mix of dwelling size and type was provided to create a mixed and socially inclusive community.

6.02 Affordable Housing

The Inspector had regard to Policy HSG10 of the Flintshire Unitary Development Plan and noted the wording of the policy where it specifically refers to 30% affordable housing being sought upon suitable appropriate proposed development sites 'where there is a demonstrable need'. He noted specifically that both policies HSG9 and HSG10 are consistent in identifying sites of 1 hectare or 25 dwellings as being those suitable sites upon which to apply the policy requirements.

- 6.03 The Inspector considered the views of Members in respect of the site being presented at an area below these thresholds as a deliberate attempt to circumvent the policy requirements. However, he concluded that he was satisfied that evidence had been provided by the applicant and was reflected within the committee report to address this matter.

- 6.04 He also noted Members references to the guidance set out in SPG *Development Brief – Housing land off Ffordd Eldon, Sychdyn*, and the advice contained therein in respect of a pro-rata requirement for affordable housing. He considered that, as this approach did not reflect that which was set out within the policy, and the SPG itself did not relate to the appeal site in question, he afforded this view very limited weight in his determination.

- 6.05 He considered that the suggested provision of a commuted sum to be provided in connection with the appeal proposals, with such monies being used for off-site affordable housing provisions, would

not accord with the adopted Development Plan policies and therefore such an obligation was not necessary.

6.06 He concluded therefore that the proposal was compliant with the requirements of Policy HSG10 and the relevant parts of Planning Policy Wales.

6.07 Efficient Use of Development Land

The Inspector notes the wording of Policy HEG8 and the supporting text which indicated that whilst a general minimum density of 30d.p.h was expected from allocated sites, circumstances would vary according to site location and the character of the area.

6.08 He noted that the scheme was anticipated to yield between 25.30 d.p.h and 30.53 d.ph and further noted that the local applicable context comprised adjacent residential areas and undeveloped Green Barrier land to the west. He concluded that the densities of existing built form and the presence of the Green barrier were such that the proposed development would be appropriate in this location.

6.09 Accordingly he considered the proposals to be reflective of the surroundings and compliant with the requirements of Policy HSG8 and the relevant parts of Planning Policy Wales.

6.10 Mixed and Socially Inclusive Community

The Inspector noted the requirements of Policy HSG9 in respect of mix and size of dwellings. Whilst he acknowledged that a lack of 1 and 2 bedroomed units would restrict the offer, he also had regard to the range of dwellings on offer within the locality. He concluded that the lack of smaller dwellings within the appeal proposals would not result in a large area of similar character housing. Furthermore, given the scale of both the proposal and the settlement of New Brighton, he concluded that the scheme would result in a mixed, balance and socially inclusive community and therefore the proposals accorded with the requirements of Policy HSG9 and the relevant parts of Planning Policy Wales.

6.11 Other Matters

The considered matters in respect of land contamination, suggested conditions and the suggested need for a footpath link from the site to Public Footpath 45.

6.12 He concluded that matters in respect of contamination arising from the historical use of the former petrol filling station can be appropriately addressed via the imposition of an appropriately worded condition.

6.13 He rejected the suggestion to remove Permitted Development Rights from the proposed dwelling in the interests of safeguarding amenity, concluding that the exceptional circumstances required to

substantiate such a removal had not been demonstrated and therefore the imposition of such a condition would not satisfy the tests relating to the imposition of conditions.

6.14 He considered the suggestion that the scheme ought to have provided a footpath link to Public Footpath 45. Whilst he gave this limited weight against the proposals, he concluded that the site was in close proximity to nearby jobs, transport links, facilities and services and this weighed strongly in favour of the scheme.

6.15 Planning Obligation

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

6.16 Conditions

The Inspector considered the suggested conditions set out within the appeal statement of case and the guidance in Welsh Government Circular 016/2014. A five year commencement condition was deemed appropriate upon this allocated site. Other conditions are imposed requiring agreement of materials; landscaping, boundary treatments; a tree protection plan; finished floor and site levels; site access details; vehicle parking and turning facilities; details of the estate road and its gradient; provision of access visibility splays; provision of parking facilities; and the submission of a construction traffic management plan.

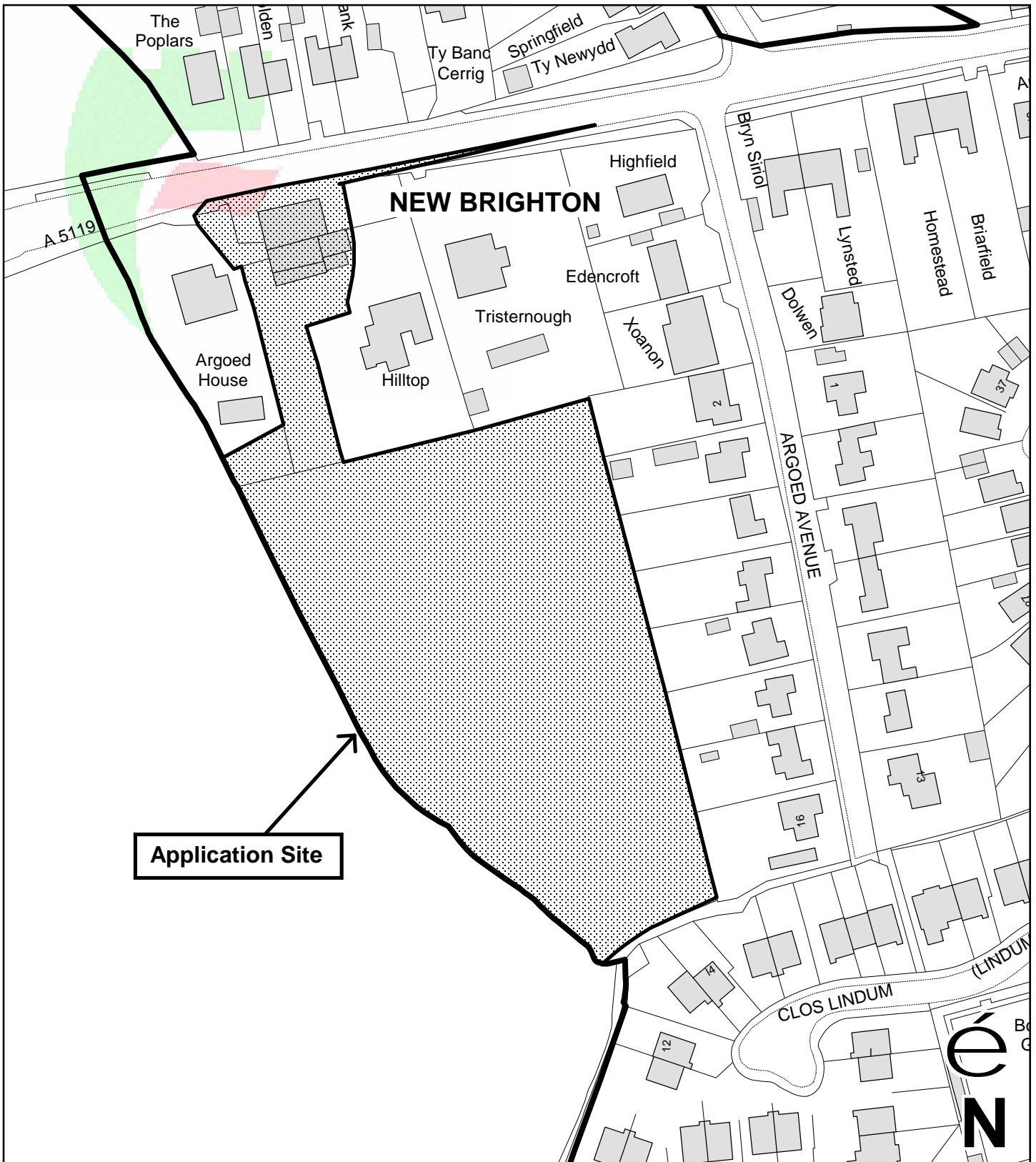
7.00 CONCLUSION

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

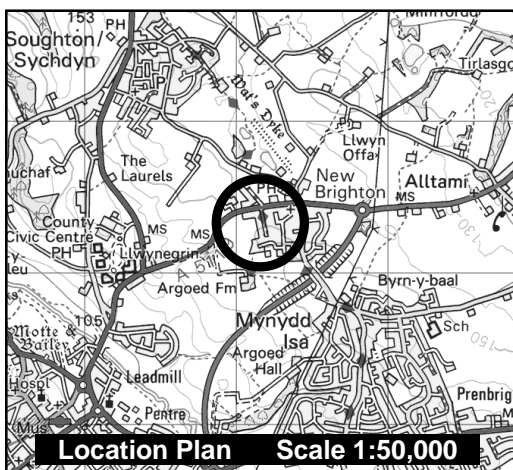
LIST OF BACKGROUND DOCUMENTS

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

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Application Site



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **55310**

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