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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

31 January 2018

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

Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 7TH FEBRUARY, 2018** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins
Democratic Services Manager

WEBCASTING NOTICE

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

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

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

AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 8)

To confirm as a correct record the minutes of the meeting held on 10 January 2018.

5 **ITEMS TO BE DEFERRED**

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

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

**REPORTS OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)
TO PLANNING COMMITTEE ON 7 FEBRUARY 2018**

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	057865 - A	Full Application – Erection of 44 No. dwellings with ancillary parking, open space and new access at Halkyn Road, Holywell. (Pages 9 - 22)
6.2	057719 - A	Full Application - Construction of a New Learning Disability Day Services Facility at John Summers High School, Chester Road West, Queensferry. (Pages 23 - 32)
6.3	057599 - A	Full Application - Erection New Build Primary School, Associated External Works, Additional Vehicular Access Point and Formation of Temporary Site Access to Existing Penyffordd Infants School Site at Ysgol Penyffordd, Abbots Lane, Penyffordd. (Pages 33 - 48)
6.4	057623 - A	Change of Use of Land to Mixed-Use Holiday and Leisure Park at Maes Mynan Quarry, Denbigh Road, Afonwen (Pages 49 - 68)
6.5	055798 - A	Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) Required by Condition No. 2 of Outline Planning Permission Ref: 051831 at Station Yard, Corwen Road, Coed Talon (Pages 69 - 82)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.6	056215	Appeal by Jones Engineering & Construction Ltd Against the Decision of Flintshire County Council to Refuse Planning Permission for Removal of Existing Dwelling and Erection of 3 No. Dwellings at Cornerways, Cefn Bychan Road, Pantymwyn - DISMISSED (Pages 83 - 88)
6.7	056703	Appeal by Mr. O. McKay Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 3 No. Dwellings at Centre Point Garage, Denbigh Road, Afonwen - DISMISSED (Pages 89 - 94)

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PLANNING COMMITTEE **10 JANUARY 2018**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 10 January 2018

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

Councillors: Marion Bateman, Sean Bibby, Chris Bithell, Derek Butler, David Cox, Carol Ellis, David Evans, Dave Hughes, Kevin Hughes, Christine Jones, Richard Jones, Richard Lloyd, Neville Phillips and Owen Thomas

APOLOGIES: Councillors: David Wisinger (Chairman), Adele Davies-Cooke, Veronica Gay, Patrick Heesom, Billy Mullin and Mike Peers

IN ATTENDANCE:

Chief Officer (Planning and Environment); Development Manager, Service Manager - Strategy; Senior Planners; Senior Solicitor and Committee Officer

51. DECLARATIONS OF INTEREST

On agenda item 6.1 (reference 055369), Councillor Richard Lloyd declared a personal and prejudicial interest due to the close proximity of his property to the application site. He advised that he would speak for three minutes as a local resident and leave the room prior to the debate and vote.

52. LATE OBSERVATIONS

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting and were appended to the agenda on the Flintshire County Council website:

<http://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=4141&LLL=0>

53. MINUTES

The draft minutes of the meeting on 6 December 2017 were submitted.

RESOLVED:

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

54. 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.

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

RESOLVED:

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

56. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there was one member of the public and no members of the press in attendance.

(The meeting started at 1.00pm and ended at 2.25pm)

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Chairman

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PLANNING COMMITTEE ON 10 JANUARY 2018

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
055369	Saltney Town Council	Full Application - Erection of 3 No. Dwellings and Associated Works at The Yews, Saltney Ferry	<p>Having declared a personal and prejudicial interest, Councillor Richard Lloyd spoke for three minutes on the application and left the room prior to the debate.</p> <p>Clarification on hours of working would be addressed in the Construction Traffic Management Plan (Condition 11).</p>	That planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking and the conditions listed in the report, in accordance with the officer recommendation, and the amended conditions 9 and 11 and additional two conditions in the late observations sheet.
057374	Hawarden Community Council	Full Application - Construction of 24 No. Dwellings, retention of land for community centre and Associated Works at 59 Wood Lane, Hawarden	Mr. W. Bridge, spoke against the application.	That planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking and the conditions listed in the report, in accordance with the officer recommendation, and amendments and additional condition in the late observations. Amendment of 2.01(c) to read 'secure the gifting of an area of land within the site to Hawarden Community Council prior to the commencement of the development of the proposed new community centre and control the use of the land for that purpose'.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
057589	Buckley Town Council	Full Planning - Change of Use to House in Multiple Occupation at 68 Mold Road, Buckley	Councillor Carol Ellis, as local Ward Member, spoke against the application and left the room prior to the debate and did not return until the Committee had determined the application.	That planning permission be granted subject to the conditions listed in the officer's report, in accordance with the officer recommendation, and the applicant entering into a Section 106 Obligation to provide for four parking spaces on land to the west of the site and as mentioned in the application.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7th FEBRUARY 2018**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 44 NO. DWELLINGS WITH ANCILLARY PARKING, OPEN SPACE AND NEW ACCESS AT HALKYN ROAD, HOLYWELL**

APPLICATION NUMBER: **057865**

APPLICANT: **WALES AND WEST HOUSING**

SITE: **HALKYN ROAD HOLYWELL**

APPLICATION VALID DATE: **15.12.17**

LOCAL MEMBERS: **COUNCILLOR T PALMER**
COUNCILLOR P JOHNSON

TOWN/COMMUNITY COUNCIL: **HOLYWELL**

REASON FOR COMMITTEE: **SIZE OF SITE**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection of 44 dwellings, new access and the provision of a play area/ open space on 1.66 hectares of land to the west of Brignant, Halkyn Road, Holywell. The site benefits from planning permission for 45 dwellings. This proposes amendments to the scheme to reduce site excavations and retaining features.
- 1.02 The development of this site for residential use has been accepted in principle through the allocation of the site in the UDP and the previous consents 048264 and 052156. This application provides a revised layout to work with the topography of the site and reduce the number

of retaining features required. The proposed development complies with the principles of Planning Policy Wales and the adopted development plan. Although Welsh Water currently object to the application in respect of foul flows it is considered that as an extant permission is in place and the site is allocated for development in the adopted development plan permission should be granted subject to a Grampian style condition.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a replacement Section 106 Obligation to provide the following:-
- a) The provision of 100% of the dwellings as affordable homes in accordance with an agreed letting policy
 - b) Commuted sum for maintenance of play area/ open space for a period of 10 years, upon its adoption by the Authority

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

1. Time limit on commencement
2. Development in accordance with plans
3. Surface water drainage scheme to be agreed, including on site attenuation to greenfield run-off rate
4. Implementation of surface water drainage scheme
5. Approval of the design, equipment, landscaping and fencing of the open space
6. Implementation of open space details/play area equipment in relation to first occupation of 50% of dwellings and agreement of appropriate maintenance
7. Land remediation strategy - agreement of details and implementation including material management plan
8. Delivery times and numbers in relation to importation and removal of materials
9. Site levels and dwelling finished floor levels (f.f.l) to be approved.
10. Boundary treatment and landscaping - scheme and implementation
11. Retention of trees and hedges.
12. Materials to be approved
13. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
14. The siting layout and design of the means of the site access and off-site works to include a 1.8 metre wide footway along the site frontage.
15. Access formation kerbed and completed to carriageway base course prior to commencement of other site works
16. Visibility splay of 4.5m x 120m along nearside channel lines. No

- obstruction to visibility in excess of 0.6m
- 17. No obstructions to visibility during construction of site works
- 18. Provision of parking, turning and loading and unloading space
- 19. Positive means to prevent surface run-off onto the highway
- 20. Grampian condition - foul drainage improvements prior to occupation
- 21. Details of location and design of pumping station
- 22. No removal of hedgerow within bird breeding season unless agreed in writing
- 22. Scheme of enhanced double glazing.

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

3.00 CONSULTATIONS

3.01 Local Member

Councillor T Palmer

Agrees to the determination of the application under delegated powers however as its large application would like to be kept informed.

Councillor P Johnson

No response received.

Holywell Town Council

Members noted that this scheme has already been approved. Members wish to raise a concern regarding the access onto the site being through one road only and have asked for consideration to be given to a second access road to be provided to spread traffic both to and from the site.

Highways Development Control Manager

The previous planning consent was conditional upon works to improve the visibility towards vehicles waiting to turn right into the proposed site entrance. This work has now been completed to the satisfaction of the highway authority and is now part of the adopted highway.

No objection following submission of revised information subject to conditions covering:

- detailed layout, design, means of traffic calming and signing, surface water
- drainage, street lighting and construction of the internal estate roads and provision of a 1.8m footway along the site frontage
- access formation shall be kerbed and completed to carriageway base course prior to commencement of other site works

- the gradient of the access from the edge of the existing carriageway shall be 1 in 20 for a minimum distance of 10m
- visibility splay of 2.4m x 120m along nearside channel lines in both directions. No obstruction to visibility in excess of 0.6m
- no obstructions to visibility
- Construction Management plan
- provision of parking, turning and loading and unloading
- positive means to prevent surface run-off on the highway

Public Protection Manager

Noise

The site is adjacent to the A5026 Halkyn Road. The noise readings in this area indicate that the site is within the Noise Exposure Category (NEC) B/C during the daytime under Technical Advice Note 11. This means that specific measures are necessary to protect the amenity of the future occupiers of the premises. A scheme of enhanced double glazing should be secured by condition.

Land contamination

A land contamination assessment report was submitted with the previous application and a site investigation was carried out, with more investigations undertaken following initial comments. The methodology of this was acceptable and the previously proposed remediation has been discussed and agreed subject to further conditions over the detailed remediation, including a material management plan and amounts of materials. These matters can be dealt with by condition.

Welsh Water/Dwr Cymru

Object at this time however we are working with the applicant to find a solution. The conditions imposed on 052156 were imposed following a Hydraulic Modelling Assessment (HMA) which was undertaken in 2012. This identified reinforcement solutions to overcome our concerns. While we acknowledge that there is an extant consent the HMA solution is now outdated and there are a significant number of flooding incidents downstream of the site which are directly related to hydraulic overloading of the public sewerage network. We are in dialogue with the applicant and in the process of reviewing the HMA to identify new solutions to ensure the site can be drained to overcome our concerns.

Public Open Spaces Manager

Request details of;

- proposed maintenance and pedestrian access
- boundary treatments and fencing
- details of a land drainage scheme
- landscaping scheme
- specification and layout plans for the fixed play equipment
- finished levels of the play area given the topography of the site

If the developer requires the Council to adopt the POS a 10 year maintenance sum is required as a commuted sum.

Education Officer

School: Ysgol Maes Y Felin, Holywell

Current NOR (@ September 2017) 277 (excluding Nursery)

Capacity (@ September 2017) 315 (excluding Nursery)

No. Surplus Places: 38

Percentage of Surplus Places: 12.06%

School: Ysgol Treffynnon, Holywell

Current NOR (@ September 2017) is 450

Capacity (@ September 2017) is 600

No. Surplus Places is 150

Percentage of Surplus Places is: 25.00%

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

2 letter of objection were received on the grounds of;

- Significant increase in local traffic in association with other developments in the area
- Who will provide the medical facilities - local gp's surgeries are full
- Concern about the road safety audit for the proposed access point
- Having undertaken 3 separate surveys over the past 3 years I have found on each survey over 90% of traffic using Halkyn Road (B5432) to access the A5026 fail to stop. It is in fact more akin to a slip road than a junction. The actual distance when vehicles access the A5026 is less than 40 meters from the centre of the proposed new junction.
- As many cars accelerate at speed up the hill they would be passing the new junction within seconds. During the darker days of the year cars egressing from any new junction with basic headlights on would blind existing residents, which could well result in fatal accidents. The camber of the road takes the level upwards from the existing residents to any new junction.
- Existing residents already have to watch 3 streams of traffic before they move onto the A5026, the busiest of those streams being those coming from the B5432.
- Access to this development should be via the football club

5.00 SITE HISTORY

5.01 052156 - Residential development of a total of 45 one and two storey dwellings including ancillary parking, open space and new access from Halkyn Road. Approved after completing legal agreement 21.05.15

048264

Erection of 44no. two storey and three storey dwellings including associated parking, open space and formation of new access.

Approved 21.11.12

98/623

Outline - retail food supermarket, petrol filling station and other commercial with associated parking. Refused 21.02.01.

99/13119

Outline - retail food supermarket, petrol filling station and other commercial with associated parking and construction of new roundabout. Withdrawn 22.12.99.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development inside settlement boundaries

Policy HSG1 (13) - New Housing Development Proposals

Policy HSG8 - Density of Development

Policy HSG9 - Housing Type and Mix

Policy D1 - Design Quality

Policy D2 - Location and Layout

Policy D3 - Building design

Policy D4 - Landscaping policy

Policy AC13 - Access and Traffic Impacts

Policy AC18 - Parking Provision and New Development

Policy SR5 - Outdoor Playing Space and New Residential Development

Policy EPW2 - Energy Efficiency in New Development

Policy HSG10 - Affordable Housing within Settlement Boundaries

Policy EWP3 - Renewable Energy in New Development

Policy EWP14 – Derelict and Contaminated Land

Policy EWP16 - Water Resources

The application site is located within the settlement boundary and allocated for residential development within the Unitary Development Plan for residential development under policy HSG1(13). The application is in accordance with the above relevant policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of 44 dwellings, new access and the provision of a play area/ open space on 1.66 hectares of land to the west of Brignant, Halkyn Road, Holywell. The site

benefits from planning permission for 45 dwellings. This application proposes amendments to the scheme to reduce site excavations and retaining features.

7.02 Site Description

The 1.66 hectare site is situated to the south east of the settlement of Holywell on the A5026 and forms the extent of the settlement boundary to the south east. The site is bounded by the new Holywell Community Hospital to the north west, Holywell Town Football Club to the north east and agricultural land to the south. The residential property of Brignant is to the south west of the site. The site has a frontage on to Halkyn Road and there is residential development opposite the site on the other side of Halkyn Road. The site slopes in a northerly direction from the main road and is currently used for grazing. The site has a number of mature trees to its perimeter boundaries.

7.03 Proposed Development

It is proposed to erect 44 dwellings. The main changes to the scheme are

- Omission of 1 dwelling – plot 18
- Revisions to the finished floor levels and roads serving of plots 1- 16
- Reduction in the height of the retaining wall along Halkyn Road
- Omission of retaining walls to the rear of plots 7-16
- Minor relocation of plots 26-33
- Handing of the dwellings on plots 22-23
- Minor revision to the design of the “Type D” and “Type E” Houses
- Addition of photovoltaic panels to roofs off all plots
- Scheme to be 100% affordable

7.04

The scheme now provides for 28 two bedroom houses, 14 three bedroom houses and 2 two bedroom bungalows. These are all semi-detached properties with a variety in the house types. The majority of the dwellings are two storey with some split level dwellings on plots 24-33 which are single storey at road level and two storeys at the rear to accommodate the sloping nature of the site. Each house would have two parking spaces and a rear garden. All houses are designed to Secured by Design, Lifetime Homes and Development Quality Requirements. The scheme is now 100% affordable and would be managed by Wales and West Housing.

7.05

It is proposed to provide a public open space to the north east of the site and a pumping station to deal with foul flows due to the topography of the site. A new access to adoptable standard would be created off Halkyn Road.

The application was accompanied by a Pre-application consultation

- 7.06 report, Ecological Assessment, Geo- Environmental Investigation, Tree Survey and Design and Access Statement.

Principle of Development

- 7.07 The site is allocated for development in the Adopted Flintshire Unitary Development Plan for residential development of 45 dwellings. The principle of development has therefore been accepted and the proposed number of dwellings is in line with the anticipated density achievable on the site. The site also has an extant permission 048264 for 44 dwellings and 052156 for 45 dwellings. Ownership of the site has now transferred from Watkin Jones to Wales and West Housing.

Design and Layout

- 7.08 This application provides for a mix of 7 house types along with 2 bungalows. The proposed dwellings are all semi-detached. Due to the topography of the site the houses would have stepped rear gardens and some of the dwellings are split level single and two storey. The proposed dwellings are a mixture of house types with the use of brick and render treatment to the walls to provide variety. The site has been slightly redesigned in order to try to reduce the amount of retaining features and the road gradient due to the sloping nature of the site. The site slopes a total of 19 metres from the southern tip of the site to its north eastern corner.

- 7.09 The site is adjacent to the residential property of Brignant which lies 10 metres to the south west. There is existing boundary treatment in the form of mature hedgerows on the boundary between the application site and the adjacent dwelling. The property has a side elevation facing the application site, but with no habitable rooms overlooking the site. The nearest property in the proposed development is 12 metres from the boundary and the dwellings are angled so that there is no direct overlooking. The proposed dwellings are also set lower than the adjacent dwelling. There is also the provision of an agricultural access between the rear of the dwellings and the site boundary within the site leaving a buffer between the adjacent residential property and the new development. There are further residential properties across the road from the application site, however these are situated at a higher level than the application site and would not be adversely affected. It is considered that the design and layout of the site is acceptable and would not have an adverse impact on residential amenity. The proposed layout accords with Space Around Dwellings (LPGN2) in terms of separation distances and private garden areas.

Play Provision

- 7.10 An area of 2516 m² open space is to be provided on the site to the north east of the site. The public open space is located outside the allocated housing site boundary on land to the north east of the site, outside the settlement boundary. This is due to the topography of the application site, which makes it difficult to provide a useable area of

formalised play space on site without significant earth moving. The location and size of the proposed area is in accordance with the Council's Local Planning Guidance 13 - Open Space Requirements and is accepted by Leisure Services subject to it meeting their requirements.

Affordable Housing

- 7.11 All 44 of the houses would be affordable and managed by Wales and West Housing. This is a change from the previous application which provided a mix of affordable and market housing. The policy requirement through HSG10 is that allocated and windfall sites should provide 30% affordable housing. The previous scheme secured 16 dwellings to be affordable. This was in excess of 30% which would have been 13 units. It is now considered that the S106 agreement should reflect the current application as it is presented and require 100% of the dwellings to be affordable. Wales and West Housing are agreeable to this.

Highways

- 7.12 Concerns have been raised from local residents in relation to the proximity of the proposed access to the site in relation to the private drive opposite the application site and the hotel and garage, visibility from the proposed access and the impact in additional traffic and potential pedestrian conflict.

- 7.13 Highways raise no objection to the proposed development which utilises the same access point as the previous consent. The scheme includes for the provision of a footway from within the site along the entire site frontage within the extent of the applicants land ownership.

- 7.14 The provision of the footway will provide a safe pedestrian refuge for site residents, provides alternative/improved locations for pedestrians wishing to cross the A5026, allows for better connectivity for future growth in the area in line with Manual for Streets and will assist with driver visibility when exiting the new junction. The provision of this footway addresses some of the issues raised by local residents in relation to improvements to the pedestrian environment for existing users.

- 7.15 The previous site owner has undertaken works to regrade the landscaped bank opposite the application site, to achieve the required highways visibility. This was a condition on the sale of the land and therefore this requirement is no longer required on this permission. This splay is now part of the adopted highway.

Drainage

- 7.16 It is proposed to deal with surface water via on site attenuation and discharge to the nearby watercourse. The use of soakaways is not possible due to the extent of made up ground, contamination and the topography of the site. Foul water only is to be disposed of via the

public sewer system.

7.17 At the time of the previous application a Hydraulic Modelling Assessment (HMA) was undertaken in 2012 by the former owners Watkin Jones to determine what improvements to the network to dispose of foul sewerage were required. This exercise was undertaken and the works required were identified and were to be secured by a Grampian style condition to ensure their delivery. However Welsh Water now consider that this HMA is out of date and object to the development. The proposed solutions would not create the required capacity in the network and further solutions for diverting surface water flows are required through a new HMA.

7.18 They state that there have been a significant number of flooding incidents downstream of the site which are directly related to hydraulic overloading of the public sewerage network. They are in dialogue with the applicant and in the process of reviewing the HMA to identify new solutions to ensure the site can be drained to overcome their concerns.

7.19 This is an allocated site in the Flintshire Unitary Development Plan and has an extant planning permission. It is therefore considered that permission should be granted with the imposition of a Grampian style condition. This should state that the properties should not be occupied until the solution has been implemented.

Boundary treatment

7.20 The site is bounded by existing hedgerows which are proposed to be retained as part of the scheme. A tree survey of the site has been undertaken. There are a number of trees within the boundary hedges of the site with a group of trees between the development site and the proposed public open space. No trees are to be removed as part of the development, however measures need to be put in place to safeguard the root protection areas of boundary trees and some pruning and ivy removal is required to some trees. This can be dealt with by condition.

Ecology

7.21 An Ecological Report was submitted with this application compiled by Clwydian Ecology. The site is improved grassland with boundary hedgerows and trees within those. The site may be used as foraging for bats, but this would mainly be the hedgerow corridors. There was no evidence of badger activity on the site. There are no ponds or standing water which could provide habitat for great crested newts although common amphibians may use the perimeter areas of the site. The hedgerows will provide habitat for birds. There is no substantial loss of hedgerow proposed by the scheme therefore the ecology implications are not considered significant, along as any hedge removal is undertaken outside the bird nesting season.

Education contribution

- 7.22 No education contribution was requested at the time of the previous application as we had already requested 5 contributions at that time to the relevant primary schools and it was anticipated that by the time this development would be occupied there would be adequate provision of places in the new Holywell School. The new school is now operational and there is more than 5% surplus places in both the primary and Secondary elements.

School: Ysgol Maes Y Felin, Holywell

Current NOR (@ September 2017) 277 (excluding Nursery)

Capacity (@ September 2017) 315 (excluding Nursery)

No. Surplus Places: 38

Percentage of Surplus Places: 12.06%

School: Ysgol Treffynnon, Holywell

Current NOR (@ September 2017) is 450

Capacity (@ September 2017) is 600

No. Surplus Places is 150

Percentage of Surplus Places is: 25.00%

An education contribution is therefore not required.

- 7.23

8.00 CONCLUSION

- 8.01 The development of this site for residential use has been accepted in principle through the allocation of the site in the UDP and the previous consents 048264 and 052156. This application provides a revised layout to work with the topography of the site and reduce the number of retaining features required. The proposed development complies with the principles of Planning Policy Wales and the adopted development plan. Although Welsh Water currently object to the application in respect of foul flows it is considered that as an extant permission is in place and the site is allocated for development in the adopted development plan permission should be granted subject to a Grampian style condition.

8.02 Other Considerations

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

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

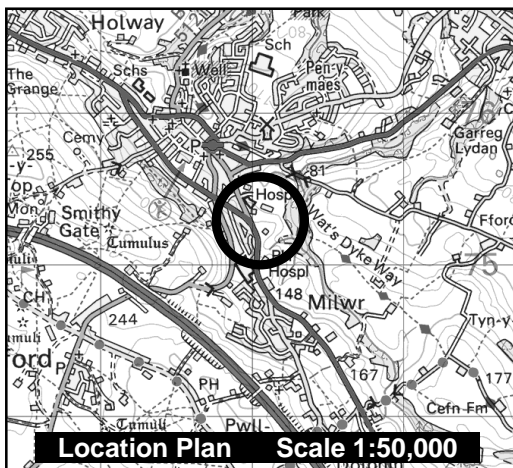
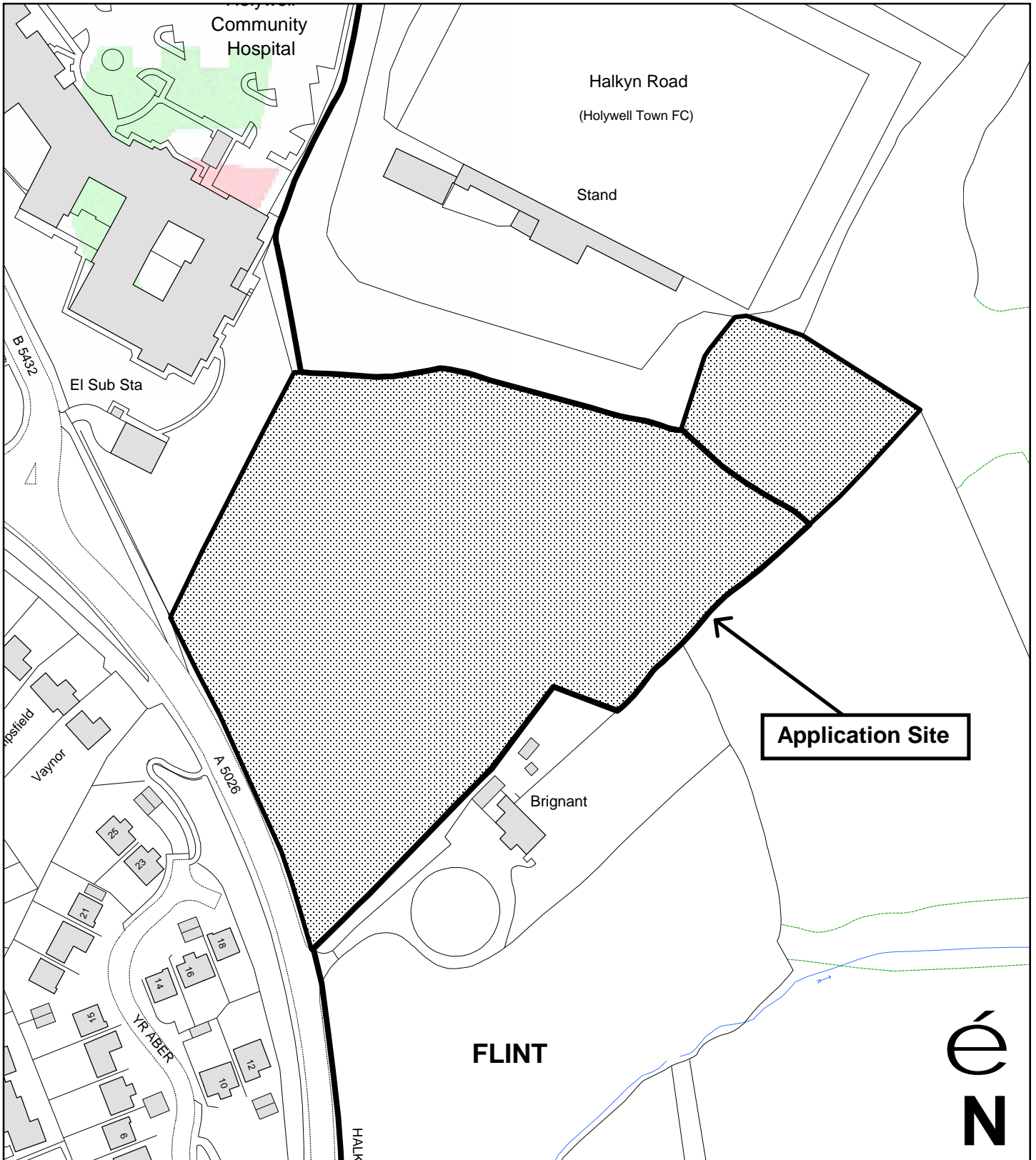
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS



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

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



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

Legend

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

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Map Scale	1:1500
OS Map ref	SJ 1975
Planning Application	57865

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH FEBRUARY 2018**

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

SUBJECT: **FULL APPLICATION - CONSTRUCTION OF A NEW LEARNING DISABILITY DAY SERVICES FACILITY AT JOHN SUMMERS HIGH SCHOOL, CHESTER ROAD WEST, QUEENSFERRY**

APPLICATION NUMBER: **057719**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **LAND ON THE SITE OF THE FORMER YSGOL UWCHRADD JOHN SUMMERS, CHESTER ROAD WEST, QUEENSFERRY CH5 1SE**

APPLICATION VALID DATE: **9TH NOVEMBER 2017**

LOCAL MEMBERS: **COUNCILLOR R. DAVIES**

TOWN COUNCIL: **SHOTTON TOWN COUNCIL**

REASON FOR COMMITTEE: **THE APPLICATION IS CONSIDERED TO BE IN THE WIDER PUBLIC INTEREST**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application presents proposals for the provision of a new Learning Disability day Services facility upon land at the former John Summers High School site, Queensferry. The proposals provide a facility to replace the existing facility located some 180m distant at Glanrafon, Chester Road West, Queensferry.

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

2.01 Conditions:

1. Time limit for commencement.
2. In accordance with approved plans.
3. Materials to be submitted and agreed.
4. Detailed planting schedule.
5. Implementation of landscaping scheme.
6. Detailed drainage scheme to be submitted, agreed and implemented.
7. Tree and hedgerow protections measures to be implemented as per Arboricultural Impact Assessment prior to commencement of development.
8. Land contamination assessment to be undertaken prior to the commencement of development.
9. Implementation of land contamination remediation scheme.
10. Boundary treatments to be submitted, agreed and thereafter implemented.

3.00 CONSULTATIONS

3.01 Local Member

Councillor R. Davies

No objection to a delegated determination and fully supports the application. Looks forward to its construction.

Shotton Town Council

No objection. Fully supports the application.

Highways DC Manager

No objection.

Pollution Control Officer

Following consideration of the desk top survey submitted in respect of land contamination, agrees with the conclusion that an intrusive site investigation report is required. Requests the imposition of a condition requiring the same.

Welsh Water/Dwr Cymru

No objections. Requests the imposition of condition relating to the need for the submission and agreement of a drainage scheme for the site.

FCC Flood Risk Management

Satisfied that the proposed surface water drainage information provided is sufficient to provide the comfort that this matter can be addressed via a suitably worded condition.

Airbus

No objection upon aerodrome safeguarding grounds.

The Coal Authority

No adverse comments. Requests that standing advice notes are imposed upon any subsequent permission granted.

4.00 PUBLICITY

4.01 The application has been publicised by way of the display of a site notice and neighbour notification letters. At the time of writing this report, no letters have been received in response to this publicity.

5.00 SITE HISTORY

5.01 Nothing relevant to this application. All previous history relates to the use of the site a secondary school.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1	- New Development
Policy STR2	- Transport and Communications
Policy GEN1	- General Requirements for Development
Policy GEN2	- Development inside Settlement Boundaries
Policy D1	- Design Quality, Location and Layout
Policy D2	- Design
Policy D3	- Landscaping
Policy D4	- Outdoor Lighting
Policy D5	- Crime prevention
Policy AC1	- Facilities for the disabled
Policy AC2	- Pedestrian Provision & Public Rights of Way
Policy AC13	- Access and Traffic Impact
Policy AC18	- Parking Provision and New Development
Policy CF2	- Development of new facilities.

7.00 PLANNING APPRAISAL

7.01 Site and Surroundings

This 0.66 hectare site occupies a prominent position on land formally comprising a part of both the buildings and playing fields associated with the now closed John Summers High School.

7.02 The site is bounded on all sides by the remainder of the former school site. Further to the south and west of the site are areas of existing residential development. Land to the north is formed by sports pitches in community use, with the main road, B5129 (Chester Road West) beyond. To the east of the site is located the Queensferry Primary School campus. Furthermore, the proposed site is located only some

180m to the south west of the existing learning disability day centre at Glanrafon. Access is derived via the existing access and roads within the site.

7.03 The Proposals

The proposals provide for a single storey building upon land forming the highest point of the wider former school site. A single main point of access to the building is proposed within the easternmost wind of the proposed building.

7.04 The building provides accommodation for the delivery of respite care and therapeutic support services to approximately 50 people each weekday and is served by 20 members of staff. The building provides;

- Activity rooms;
- Care support facilities;
- Café and dining space; and
- Ancillary office and meeting rooms.

7.05 The proposals provide 27 No. spaces (including 4 No. disabled spaces) for staff and client and visitor vehicle parking. Facilities for the dropping off and picking up of clients within the proposed car parking area are proposed. Site landscaping is proposed, with the majority located in the proposed 'sensory garden' located to the south of the proposed building.

7.06 Vehicular access to the site would be derived via the existing access serving the wider site, with a roadway created from the existing roadways within the site to serve the site directly. Principal pedestrian access to the building is derived via the same route.

7.07 The Main Issues

The main issues for consideration in respect of this proposal are;

- The principle of development;
- Design; and
- Drainage and flood risk.

7.08 The Principle of Development

Within the UDP, Queensferry is classified as a Category A settlement where most development is expected to occur. There is a general presumption in favour of the principle of development within defined settlement boundaries subject to other policy and material planning considerations. The proposals comply with the policy context in respect of the principle of development and with regard to the location of new community facilities, in the form of a learning disability day care facility, within settlement boundaries. The site is sustainably located with access to bus services and other local services and infrastructure.

- 7.09 Accordingly, the principle of the development of this site is established via the policy presumption in favour of development of this type in this location.
- 7.10 Design and Appearance
The proposed siting, design and layout of this scheme has been the subject of lengthy discussions prior to the submission of this application and has been through several design iterations en route. The proposals have sought to utilise the highest point of the site, not just because it takes the build form out of the area of known flood risk to the north of the site, but because it allows the building, and the use to which it is put, to occupy a commanding position overlooking the site and gives it a greater presence in the wider landscape surrounding the site.
- 7.11 The building takes the plan form of a 'V' and creates 2 wings, within which the accommodation and facilities are located. This arrangement of form enables the formation of a pseudo public square in the space between the blocks which serves as the sensory garden. The majority of the building is 3.8m tall. However, in order to break up the expanse of what might otherwise appear as an elongated area of built form, the design provides for the creation of a 'double height' space above the café/dining space, thereby raising the roof to 5.4m. The building provides a domestic scale in keeping with the residential context to the south and west.
- 7.12 The design concept behind this building has been to create a building which not only meets the operational needs of the service bodies proposed to occupy this space, but also creates a building which is sustainable and legible. The arrangement of the functions proposed to be housed within the building are within specific blocks which assists with the legibility of the building and its use by clients.
- 7.13 The external appearance of the building utilises high quality contemporary detailing and materials in its composition. The use of render, brick, curtain wall glazing and cladding panels all combine to soften the scale of the building and provide interest to the external elevations. I am satisfied that this proposal represents a bold, modern but sympathetic design response to both the operational needs of the building and its setting.
- 7.14 The proposed scheme would redevelop a key site within Queensferry in accordance with development plan policies. The proposed building would not be out of character with the site and its surroundings and would enhance the overall appearance of the area.
- 7.15 Drainage & Flood Risk
The proposals have been considered in terms of both drainage and flood risk. The site is located within Flood Zone A as defined upon the

Welsh Government Development Advice Maps. The proposals represent a highly vulnerable use in flood risk terms, as defined with TAN15 : Development and Flood Risk. However, highly vulnerable development is appropriate for location with a Flood Zone A.

- 7.16 In response to consultation, Dwr Cymru/Welsh Water have noted the presence of public sewers which cross the site. However, the submitted drainage strategy identifies these and outlines the measures which will be taken to accommodate the proposals. These include the diversion of both the surface water sewer and foul sewer which cross the site. Notwithstanding this however, it is identified that further technical detail is required to fully demonstrate that the proposal would not adversely affect the integrity of these sewers and therefore it is requested that a condition be imposed requiring the submission and agreement of a suitable scheme to address the drainage of the site. I propose to condition accordingly.

8.00 CONCLUSION

- 8.01 I am satisfied that the proposed development takes account of the applicable planning policies and represents the correct balance between the various issue which relate to this site.

Other Considerations

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

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

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

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

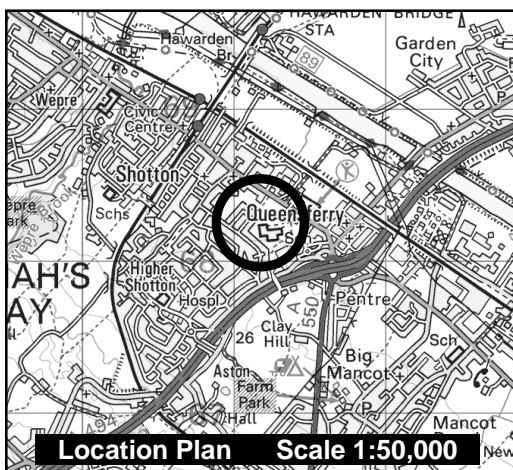
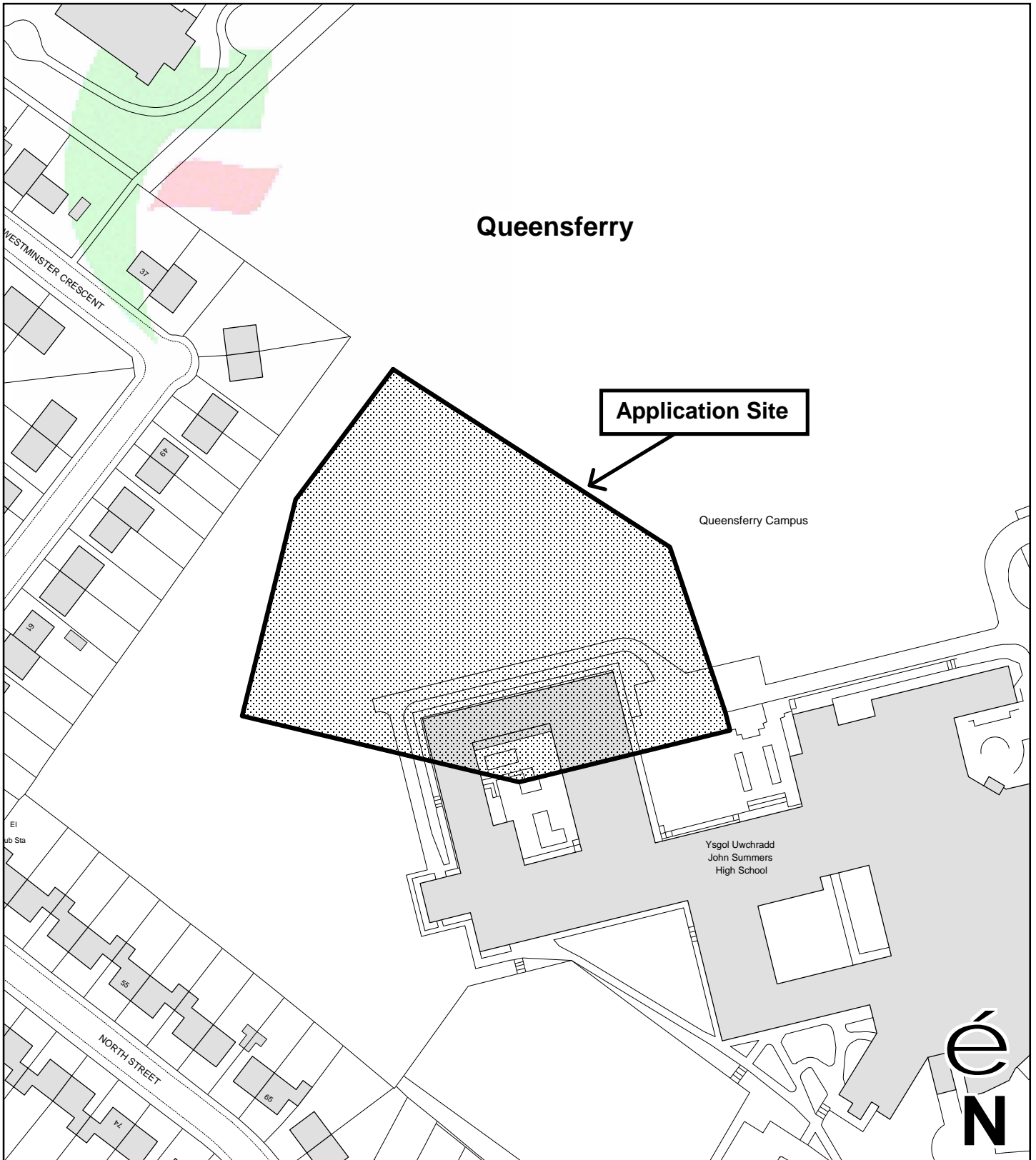
LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: David Glyn Jones
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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 3168

Planning Application **57719**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH FEBRUARY 2018**

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

SUBJECT: **FULL APPLICATION - ERECTION OF A NEW BUILD PRIMARY SCHOOL, ASSOCIATED EXTERNAL WORKS, ADDITIONAL VEHICULAR ACCESS POINT AND FORMATION OF TEMPORARY SITE ACCESS TO EXISTING PENYFFORDD INFANTS SCHOOL SITE AT YSGOL PENYFFORDD, ABBOTTS LANE, PENYFFORDD**

APPLICATION NUMBER: **057599**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **YSGOL PENYFFORDD, ABBOTTS LANE, PENYFFORDD**

APPLICATION VALID DATE: **6TH OCTOBER 2017**

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

COMMUNITY COUNCIL: **PENYFFORDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SITE AREA EXCEEDS THAT FOR WHICH POWERS TO DETERMINE ARE DELEGATED TO THE HEAD OF PLANNING**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application presents proposals for the provision of a school facility to provide primary level educational facilities currently provided at 2 sites across Penyffordd, namely the Ysgol Penyffordd Infants at Parc Crescent (the application site) and Penyffordd Juniors at Penymynydd Road, upon a single site.

1.02 The proposals include the demolition of the existing school building upon the site and the re-development of the site to provide ancillary recreation, sports, access and parking facilities. Also proposed are improvements to pedestrian access upon Corwen Road.

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

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

Conditions

1. 5 years for commencement of development.
2. In accordance with the approved plans.
3. Implementation of landscaping scheme.
4. No development until scheme for provision of pedestrian crossing, refurbishment of speed management markings and provision of new 'School Keep Clear' markings has been submitted and agreed. Scheme implemented before first use of the development hereby approved.
5. No development until siting, layout and design of access submitted and agreed.
6. Visibility splays of 2.4m x 22m in both directions to be provided and retained. No obstructions in excess of 0.6m in height.
7. Scheme for closure of temporary construction access to be submitted, agreed and implemented before first use of the development.
8. Facilities for pick up and set down of pupils, parking, turning, loading and unloading of vehicles to be provided in full prior to the first use of the development approved and thereafter retained for this purpose.
9. No development until scheme to prevent any surface water runoff from the site entering the Highway is submitted, agreed and thereafter, implemented.
10. The use hereby approved shall not commence until an Interim Travel Plan has been submitted and agreed.
11. A Final Travel Plan shall be submitted within 6 months of the commencement of the use hereby approved. Thereafter the use shall be undertaken in accordance with the agreed details.
12. No development shall take place until a Construction Traffic Management Plan has been submitted and agreed. The development shall thereafter be undertaken in accordance with the approved details.
13. No development until a scheme indicating the proposed methods of disposal of foul, surface and land drainage waters from the site has been submitted and approved. The development shall thereafter be undertaken in accordance with the approved details.
14. No development until tree and hedgerow protection measures

are implemented as per approved details.

3.00 CONSULTATIONS

3.01 Local Members

Councillor C Hinds

Considers matters in relation to the restriction of parking upon Park Crescent to residents only should be addressed before works upon the school commence.

Councillor D. Williams

Requests that the application be considered by the Planning Committee following a committee site visit.

Councillor Williams feels unable to support the application and objects to the provisions within the scheme for future expansion of the school, considering that this element of the scheme should be removed from the proposals.

Considers that the scheme should provide changing room facilities for community football field and its users.

In respect of his inability to support the proposals, he cites the following issues;

- The location of the school towards the south of the settlement will increase traffic movements to and from school;
- Road infrastructure within the vicinity of the site is inadequate to accommodate increased traffic, especially due to levels on street parking;
- Considers proposals to encourage walking to and from school are improbable;
- Considers traffic impact assessment has failed to address concerns in respect of the junction of Park Crescent with Wats Road; and
- Considers there are other suitable sites within the community and questions the appraisals undertaken in identifying this site. However, respects the community support for this site;

Penyffordd Community Council

Supports proposals for the new school in so far as the comprises Phase 1 of the scheme, but objects to the inclusion of Phase 2 proposals within the application. The following observations are offered;

- the proximity and overbearing nature of the proposed building is unsympathetic to neighbouring properties;
- the design poses serious concerns in relation to privacy;
- consideration be given to relocating the proposed building

- elsewhere upon the site;
- consideration be given to an alternate design;
 - considers Traffic Impact Assessment is inadequate and fails to identify the existing problems in respect of traffic and parking. Suggest alternative solutions and matters to be addressed via conditions; and
 - considers that the proposals should include provision for the inclusion of community available changing facilities in connection with the community use of the football pitch.

Highways Development Control Manger

No objection subject to the imposition of conditions. Notes that footpaths 9 and 11 abut the site but will be unaffected by the development.

Pollution Control

No objection to the proposals.

FCC Flood Risk Management

Satisfied that the proposed surface water drainage information provided is sufficient to provide the comfort that this matter can be addressed via a suitably worded condition.

Dwr Cymru/Welsh Water

No objection subject to the imposition of a condition requiring the submission, agreement and implementation of a detailed foul and surface water drainage system.

Airbus

No objection upon aerodrome safeguarding grounds.

The Coal Authority

No adverse comments. Requests that standing advice notes are imposed upon any subsequent permission granted.

4.00 PUBLICITY

4.01 Prior to the submission of the application, this proposal was the subject of pre-application consultation in accordance with the statutory PAC process. This process was undertaken between the 10th July 2017 and 7th August 2017 and a report accompanies this submission setting out the process and outcomes.

4.02 The application has been publicised by way of the publication of a press notice, display of a site notice and neighbour notification letters. At the time of writing this report, 122 No. letters have been received in response.

92 No. letters offer support for the proposals upon the following grounds:

- the facility is needed within the village;
- the existing school facilities are inadequate, outdated and in need of modernisation;
- the proposals will enable an increase in walking children to school as children will not be at 2 sites within the village; and
- the proposals do not give rise to parking or highway concerns,

30 No. letters raise objection on the following grounds;

- impacts upon residential amenity;
- impacts upon highway safety and increased traffic;
- inadequacy of the submitted Traffic Impact Assessment; and
- the proposal does not include facilities for changing for community teams using the football pitch.

5.00 SITE HISTORY

5.01 No previous relevant history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR8 - Built Environment

Policy STR10 - Resources

Policy STR11 - Sport, Leisure & Recreation

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development inside Settlement Boundaries

Policy D1 - Design Quality, Location & Layout

Policy D2 - Design

Policy D3 - Landscaping

Policy D4 - Outdoor Lighting

Policy D5 - Crime Prevention

Policy TWH1 - Development Affecting Trees & Woodland

Policy TWH2 - Protection of Hedgerows

Policy AC1 - Facilities for the Disabled

Policy AC2 - Pedestrian Provision & Public Rights of Way

Policy AC13 - Access and Traffic Impact

Policy AC18 - Parking Provision and New Development

Policy SR1 - Sports, Recreation and Cultural Facilities

Policy SR4 - Protecting Recreational Open Space

Policy CF1 - Retention of Existing Facilities

Policy CF2 - Development of New Facilities

Policy EWP2 - Energy Efficiency in New Development

Policy EWP3 - Renewable Energy in New Development

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises some 2.07 hectares of land and is presently occupied by the Infants Department of Ysgol Penyffordd. The remainder of the site is used for the recreation and sports facilities at the school. The site is located within an area of predominantly residential character, albeit that a bowling green and associated clubhouse building are located to the north west of the site.

7.02 The existing school building is a single storey school building which occupies 965m² of the site at the most northern point of the application site. Land to the south and east of the school building is used a sports pitches and hard surfaces recreation/sports areas or vehicle parking and turning facilities. The site boundaries are formed by a variety of hedges, trees and residential style fences. The western and northern boundary abut Footpaths 9 & 11, with those boundaries formed by chain link fencing and hedging. Strong belts of trees marks the southern and western boundaries of the site, with a further belt of mature trees running east - west to the rear of the existing school buildings.

7.03 The site is currently accessed by 3 points along its northern boundary with Parc Crescent, enabling both vehicular and pedestrian access to and from the site. Vehicular access is provided to the small staff car park located immediately to the east of the school building. The 2 other points of access provide pedestrian access presently.

7.04 The Proposal

This application, submitted by the Council as Local Education Authority proposes the following;

- The demolition of the existing infants school building;
- The construction of a new school on the site of existing areas of recreation space to the south of the existing school building to provide facilities for a combined infants and junior school;
- The creation of amended vehicular access and egress points from Parc Crescent;
- The creation of a temporary construction site access at the junction of Parc Crescent and Abbots Lane – post construction, this access will be used to form a new pedestrian access points to the school;
- The creation of replacement outdoor sports, play and recreation areas across the site;
- The creation of improved staff and visitor parking facilities upon the site of the current school; and
- The provision of details of a future 2 storey, 2 classroom extension to future proof capacity at the school.

7.05 The new school premises is intended to provide a combined school with capacity for 315 pupils of primary school age and 30 nursery places. The scheme also includes an element of future proofing for

this school and community in the form of further 2 storey, 2 classroom extension to the south of the proposed school. This would increase the school capacity to 375.

- 7.06 Members should note however that the development of this school is proposed in 2 distinct phases. Phase 1 relates to the development of the school and ancillary facilities as set out above. Phase 2 relates to the extension of the school at a point as and when identified to be required.

The Main Issues

- 7.07 The main issues for consideration in respect of this proposal are;

- The principle of development;
- Impacts upon highway safety and access;
- Matters relating to design;
- Impacts upon existing residential amenity;
- Community use of facilities.

The Principle of Development

- 7.08 The site is located within the settlement boundary of Penyffordd as defined in the Unitary Development Plan. Policy GEN2 is permissive of development within settlement boundaries and Policy GEN1 sets out the general requirements expected to be satisfied by all development.

- 7.09 Policies CF1 identifies that the loss of community facilities will be resisted unless there is no longer a demand for the facility or suitable provision exists or can be provided as a part of the proposed development. Policy CF2 is permissive of the development of, inter alia, education facilities upon suitable sites within settlement boundaries. I consider the proposals to be reflective of the overall aspiration of these policies in aiding in the provision of community facilities in the locality.

- 7.10 Accordingly, I consider that the principle of the development of this site in the manner proposed is acceptable as a matter of principle.

Highways Matters

- 7.11 The site currently served via a vehicular access points off Parc Crescent. Pedestrian access to the site is also served via 2 access points from Parc Crescent. The proposed scheme seeks to utilise the existing vehicular access to access the proposed parking area for the school. The access arrangements to the site are proposed to be upon a one –way route of access, via a remodelling of the existing access points, and egress via a new egress point closer to Abbots Lane. The vehicular access is also proposed to serve the staff and visitor car parking areas, providing 42 No. spaces (including 4 No. disabled spaces) which is, in part, barrier controlled. A further point of

dedicated pedestrian access are proposed to be created off Abbotts Lane. This will enable the segregation of walking traffic from vehicular traffic and reduce the risks to one from the other. This proposal has been the subject of careful consideration and enables use of the access as both an access and egress route for buses, with a drop off area located adjacent to the entrance apron to the school, allowing simultaneous passage of vehicles whilst pupils are dropped off at the school via the 5 No. proposed 'drop off' spaces. Consideration has been given during the course of the development of the scheme to providing additional drop off spaces to the north of the site access road. However, whilst this might yield a further 3 or 4 spaces, the increased risk to pedestrian safety arising from children crossing the access road towards the school entrance apron is considered too great a risk. Accordingly, the benefit of the additional spaces does not outweigh the risk.

7.12 The planning application is supported by a Transport Assessment. The Highways DC Manager considers that this assessment provides a reasonable review of existing transportation issues and assessment of the future requirements. The application includes a Travel Implementation Strategy, with the intention of developing and implementing a Final Travel Plan following occupation of the school. I propose that this requirement should be conditioned.

7.13 The proposed parking and drop-off facility provides a total of 47 No. spaces. This provision is based upon the fact that the school will have 37 No. members of staff. This provision has been considered by the Highways DC Manager against the adopted guidelines set out within SPG 11 – Parking Standards. It is noted that the level of provision exceeds that required by SPG 11 and therefore provision will be sufficient to meet the projected demand for day long parking at the site. The new location of the combined school, with closer proximity to the residential areas from which the preponderance of pupils are derived, together with the implementation of a travel plan, will contribute to a reduction in the demand for vehicle parking spaces at the site. On that basis, and with an opportunity to improve the parking and drop-off facilities at the site, I conclude that the facilities provided are adequate to meet the demand arising from the development.

7.14 The Transport Assessment identifies that the following measures will be required to mitigate the impact of the proposals;

- The provision of a pelican crossing upon Corwen road to assist with pedestrian movements from the north;
- Re-marking of existing traffic management markings in the highway to raise their prominence;
- The development of a Traffic Management Plan (TMP) in respect of construction traffic;
- Use of existing parking facilities at the nearby Red Lion Public

- house on a 'park and walk' basis by parents;
- The development and implementation of an informal 'one way' route for school traffic at peak times; and
- The development of a School Travel Plan to influence and support behaviour change around travel to school by parents and children.

7.15 The matters in respect of the pedestrian crossing, highway markings and TMP can be addressed through appropriately worded conditions. The development of park and walk arrangements and an informal one way system are matters which expect to be reflected within the suggested Travel Plan.

7.16 In view of all of the above and the objections in respect of highway safety, the Highways DC Manager does not raise objection to the proposals, subject to the conditions outlined above.

Design and Appearance

7.17 The design brief for this site required a single building to provide a facility for the housing of the 2 schools currently forming Ysgol Penyffordd, together with 30 place nursery. The brief required a solution that allows the current infants department based at the site to continue to operate during the course of the development.

7.18 The evolution of the design of this building has been undertaken upon a design team basis, with the end user (the school) being involved from the outset to ensure that those using the building consider it will function relative to their needs and provide practical usable arrangement of spaces. The design has also been the subject of consideration by the Design Commission for Wales on 2 separate occasions (July and November 2017).

7.19 The design approach to the response to this brief examined a range of options in terms of the siting of the proposed school. This siting is constrained by existing mature trees, existing community playing fields (and the need to retain the same), the operational requirements of the site as a school through the construction process and the desire to produce a betterment in terms of parking and access facilities from that currently in existence at the site. In responding to this, examination of a variety of locations within the wider site has been undertaken. This exercise has demonstrated that the location of the school building represents the most logical position for the school and this choice is well justified.

7.20 The concept behind the design provides the administration hub of the building to be located as close as possible to the public interface between the building and its users. Adjacent is the proposed hall and community room which is positioned so as to allow ease of access for all and servicing. The linear elements of the building extending to the

south comprise foundation and Key Stage 1 teaching facilities upon the ground floor, with Key Stage 2 accommodation above. These facilities are grouped around a central 'student street' which is seen as the circulation core of the overall building. The building has a very contemporary design and serves to provide some 2011m² of floor space into a compact footprint of 1264m².

7.21 External materials are selected to be representative of the locality and have a robust simplicity to them which serve to have a minimalistic appearance from a distance but has greater warmth, depth and texture when viewed closer. The simple palette comprises stacked slate, coloured renders, HPL cladding in a timber effect and fibre cement weatherboarding in a grey finish. The use of the coloured render panels serve to act as a 'way finder' to the points of access to the building. The use of a variety of materials serve to break the mass of the elevations.

7.22 During the course of examination of the design evolution process and in response to consultation and publicity, concerns have been raised in relation to the scale of the building, the materiality of the building and the clarity of the concept of the arrangement of the building.

7.23 The concerns in relation to scale arose from the design stage which proposed the building to have a parapet, behind which a flat roof was proposed. It was considered that this proposal introduced a verticality and scale of development which was over dominant. Accordingly the design was amended and a pitched roof was re-introduced to the scheme. It should be noted that the re-introduction of the pitched roof does not simply involve the addition of a pitch roof to the eaves height as suggested within the 'parapet' option. The building height at the eaves (and therefore at the closest point to dwellings to the west), as a consequence of the amendment is therefore lower than was originally intended and stands at 7.3m. I am therefore satisfied that the highest point of the western element of the building (9.9m) is some 25.3m distant from the nearest dwellings to the west and south. The highest point of the building overall (11.8m) is some 40m distant from dwellings to the west and 26.7 m to dwellings to the south.

7.24 I have also had regard to the provision within the application for a Phase 2 to the development of the school in the form of a 2 storey extension to the southern elevation of the proposed building. This would provide an additional 2 No. classrooms. This proposal would add a further 7.3m of built form to the southern end of the most easterly element of the building. This extension does not propose the inclusion of windows within either the southern or western elevation.

7.25 I do not consider therefore that the scale of the proposed building (or for that matter the extended building) by virtue of its height will appear incongruous in visual terms, given the degree of landscape screening, and will not adversely impact upon the amenity of nearby

residents.

7.26 Issues in respect of materiality, and the views that it created an unduly 'industrial external appearance to the building, have been addressed with the substitution of the originally proposed standing seam metal cladding finish, in primary colours, with the HPL cladding in a timber effect and fibre cement weatherboarding in a grey finish.

7.27 The concerns in respect of the clarity of the concept in the form of the building proposed is noted. However, design is a very subjective issue and whilst this view is respected, it is not shared entirely and is not, in itself considered to be an issue of such significance as would warrant the refusal of this proposal. As advised, the design has evolved in very close consultation with the school staff, the school pupils and the local education authority. It should also be noted that the proposals have been the subject of extensive community consultation and engagement, as reflected by the volume of consultation responses and degree of support for the scheme.

7.28 Accordingly, I consider the proposals represent the correct design response to the site and its particular constraints.

Environmental Performance

7.29 The building is designed to achieve BREEAM Excellent 2014 requirements for a reduction in carbon emission and represents best practice in terms of the creation of a sustainably performing building.

7.30 The building design follows first principals in the approach to sustainability and employs a fabric first approach, together with the proposed incorporation of roof mounted solar PV arrays which together is anticipated to yield an approximate reduction in energy usage of 12% and a 20% reduction in carbon dioxide emissions.

Landscaping and outdoor spaces

7.31 The scheme has been developed from the outset to have regard to the existing natural features within the site. Accordingly the scheme seeks to protect the majority of mature trees and makes provision for supplemental planting upon the boundaries where required. In addition, and in response to the loss of some trees and shrubbery from the centre of the site, a belt of planting upon a north – south alignment adjacent to the external school yard areas is proposed. The application is supported by an Arboricultural Impact Assessment & Method Statement. This approach has been broadly supported and the Council's arboriculturalist who considers the proposed site layout to be the best achievable in terms of safeguarding trees of merit.

7.32 During the consideration of the proposals by the Design Commission for Wales, it was observed that there was sound rationale in both design and context terms for the location of the school building in the position proposed. It is recognised that the retention of the mature

trees towards the north of the site aids not only in softening the views of the school from the north, but also serves to give a soft green feel to the secure line of the school at the public interface.

7.33 In addition to the retention of the existing sports pitch within the scheme and recreation provision on the site in the form of the MUGA, the remaining external spaces within the site are arranged as either landscaped spaces or spaces for outdoor education and play by school children. Hard surfaced areas adjacent to the school are proposed to be arranged to provide opportunities for soft play and outdoor education spaces relevant to the classrooms which they abut.

Amenity Impacts

7.34 I am mindful that the site is bounded to the north, south, east and west by existing areas of residential development, albeit that dwellings to the east are significantly further afield. It should be noted that there is no fundamental change of use involved between the site as it currently exists and the proposals.

7.35 At the time of writing this report, objection letters received raise concerns in respect to amenity impacts arising from the proposed position, scale and height of the school to adjacent properties.

7.36 I am satisfied that the design of the building is such that there are no significant proposed alterations to site levels, but notwithstanding this, these details will be required to be submitted and agreed before development commences. I am satisfied that the degree of separation between the building and adjacent properties would accord with the Council's guidance in respect of space around dwellings. Whilst I am mindful that these standards apply primarily to the relationship of dwellings to one another, they remain a useful guide to assist in the assessment of impact as a whole.

7.37 To all surrounding dwellings, I consider the degree of separation, taking account of the existing significant landscaped boundaries (which are proposed to be retained) to be acceptable. I further consider the scale of the proposals to be proportionate to that which would be expected of a school building within an urban location such as this.

7.38 As outlined previously, concerns have been raised that the proposals will give rise to significant increases in traffic which will, in turn, adversely affect amenity. It is clear following perusal of the transport assessment that whilst there will be an increase in traffic, it is not so significant as would give rise to concern or be deemed unacceptable.

7.39 Accordingly I do not consider that the proposals are such that would give rise to unacceptable impacts upon amenity.

Community Use of Facilities

7.40 It was recognised during the consideration of various options in respect of the siting of the school within the site that the existing sports field is in both school and community use. Accordingly the site layout has been designed to retain this facility which is unaffected by the proposals. The school building has been designed to enable use by community groups outside of the school day via the provision of a community use room at the frontage of the school building for after hours school and community activities. Arrangements for the hire and use of community facilities has previously been a matter between the school and any such community groups so I do not propose to condition these matters. During use by community groups of the sports pitch, access will be derived via the proposed pedestrian access point outside of the 'secure line' of the school grounds only.

7.41 There is a historical private covenant whereby specific arrangements were set out in respect of the use of community facilities. It has been suggested, in response to consultation, that the matters covered by the covenant should be replicated via the imposition of planning conditions to require the same use of shared facilities as set out in that covenant and all other practical arrangements surrounding that provision.

7.42 I am advised that Private legal agreements are not, in themselves, material to the determination of any land use planning application. Accordingly the existence of any historical private agreement does not carry weight in itself. However, differences in terms of community facility provision between that previously enjoyed at the site, and that proposed as a consequence of this application, are relevant. The main difference between what is proposed and that which the agreement related to, is the absence within the proposals of changing facilities for use by community groups in connection with the use of the sports pitch. This cannot be conditioned as it would require an alteration of the proposed scheme. Having taken account of all relevant matters, I do not consider that the omission of changing facilities for community use in the overall context of this application is, of itself, a matter of such weight to outweigh all of the other matters which weigh in favour of the proposals.

8.00 CONCLUSION

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

Other Considerations

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

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

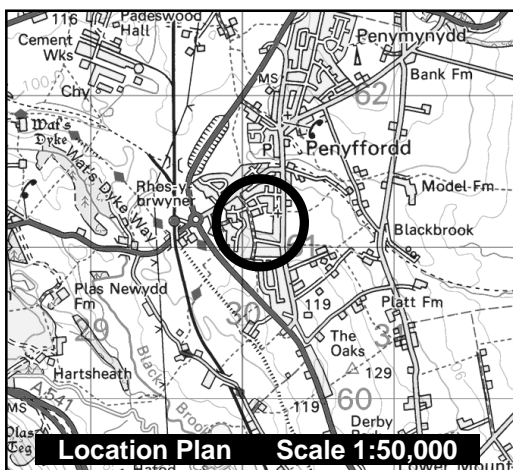
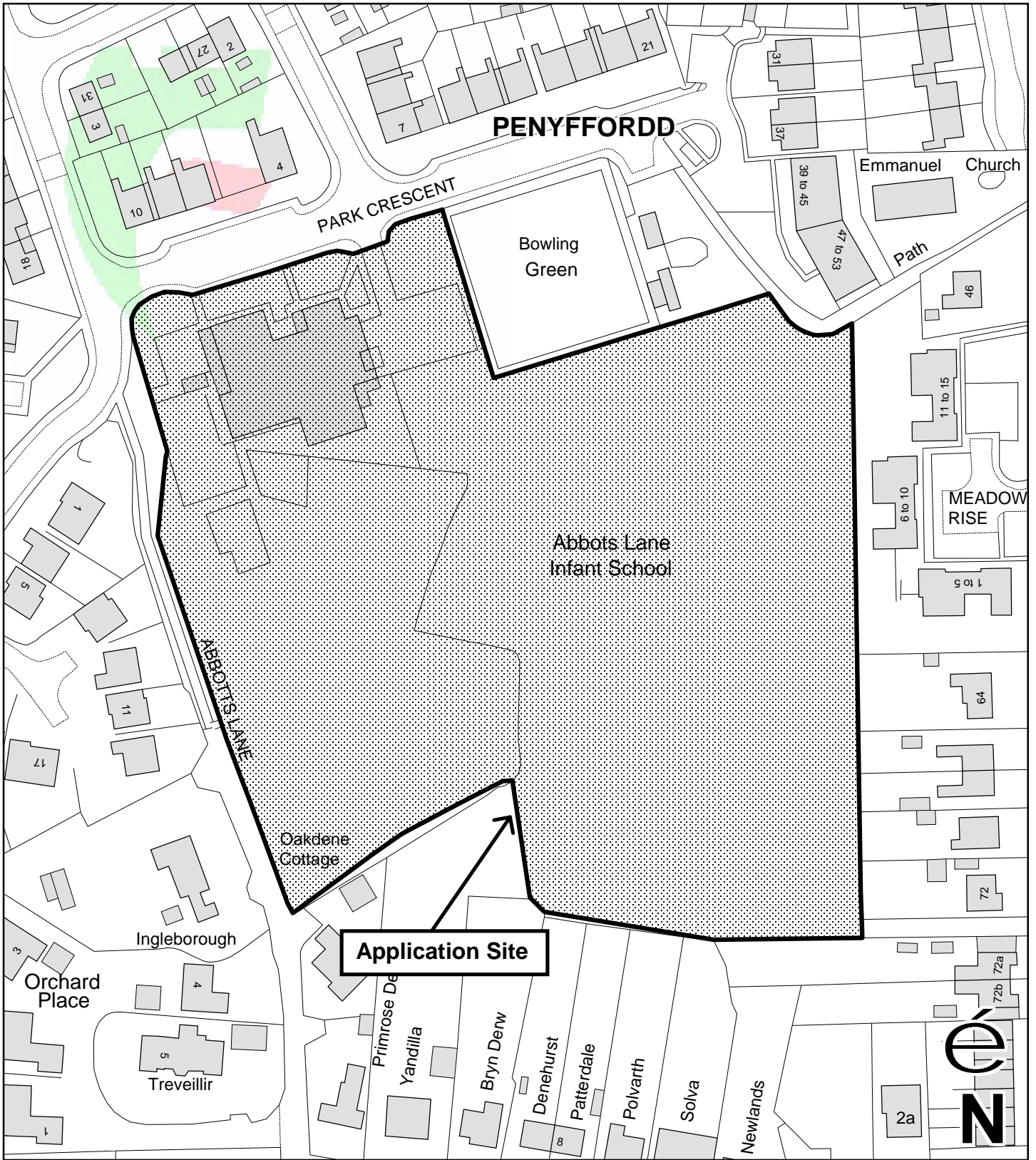
8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS

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

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



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

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Planning Application **57599**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH FEBRUARY 2018**

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

SUBJECT: **CHANGE OF USE OF LAND TO MIXED-USE
HOLIDAY AND LEISURE PARK AT MAES MYNAN
QUARRY, DENBIGH ROAD, AFONWEN**

**APPLICATION
NUMBER:** **057623**

APPLICANT: **PHB (NW) LTD**

SITE: **MAES MYNAN QUARRY,
DENBIGH ROAD,
AFONWEN,
FLINTSHIRE**

**APPLICATION
VALID DATE:** **6TH OCTOBER 2017**

LOCAL MEMBERS: **COUNCILLOR T. JONES**

**TOWN/COMMUNITY
COUNCIL:** **CAERWYS TOWN COUNCIL**

**REASON FOR
COMMITTEE:** **SITE AREA EXCEEDS THAT FOR WHICH
POWERS TO DETERMINE ARE DELEGATED TO
THE CHIEF OFFICER**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application seeking permission for the change of use of the former sand and gravel quarry via the creation of a mixed use holiday leisure park which provides for a combination of holiday units including touring caravans, cabins and static caravans. This will also entail the restoration of land within the former quarry itself for the purposes of ecological mitigation.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following:

- That the operation of the touring caravan element of this permission be delayed until such time as HGV movements to the adjacent quarry have ceased.

2.02 Conditions

1. 5 year commencement time limit
2. In accordance with approved plans
3. No development until details of the siting, layout and design of accesses and proposed passing bay have been submitted and agreed.
4. The formation of the passing bay shall not commence until details submitted and agreed.
5. The formation of the passing bay shall be undertaken prior to the first use of the touring caravan element hereby approved.
6. No development until a detailed operational traffic management plan is submitted and agreed. Thereafter, use to be conducted in accordance with approved details.
7. Restriction to length of season for touring caravans (14th Feb – 14th December).
8. Implementation of landscaping.
9. Trees and hedgerows to be protected during construction works.
10. Approval of finish colours to proposed and any replacement individual lodges/cabins and static caravans.
11. External lighting scheme to be submitted and approved.
12. Public Footpaths 5 & 32 to be safeguarded as part of the development.
13. Notwithstanding the submitted details, finished floor levels of lodges/statics caravans to be submitted and agreed.
14. Land contamination assessment to be undertaken prior to the commencement of development.
15. Implementation of land contamination remediation scheme.
16. No development until a Method Statement detailing all avoidance, mitigation and other off-setting measures as detailed within the submitted Ecological Management Plan (October 2017) has been submitted and agreed.
17. Scheme for Ecological Compliance Audit to be submitted and agreed.
18. Notwithstanding the submitted details, no development until scheme for the drainage of the site has been submitted and agreed. Development to be undertaken in accordance with these details.
19. No storage of touring caravans.

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

3.00 CONSULTATIONS

3.01 Local Member
Councillor T. Jones

Offers the following observations:

- Has concerns in relation to over development given the 3 zones of development;
- Has concerns in respect of the safety of motorists given visibility restrictions at the junction of the access with the A541;
- Raises the need for a hazard sign upon the A541 to highlight to east bound traffic of the presence of the access; and
- Has concerns in respect of the impact of traffic associated with the development upon Caerwys Town Centre in terms of the continued capacity for stopping and parking to support local businesses.

Caerwys Town Council

Offers the following observations:

- Although upon the eastern limits of the AONB, the larger part of the proposed scheme is within the designated area. Considers no need for the scheme has been demonstrated and notes the existence of other similar development in the area;
- Does not consider the nature of the proposals compatible with the surroundings or local built form;
- Notes Footpaths 5 and 32 cross the site and notes that both routes will require protection during the course of development. Considers access to be inadequate. Notes narrow nature of the lane and insufficient passing places for vehicles towing caravans;
- Considers there to be limited visibility at the junction of the lane with the A541 towards the Bodfari direction;
- Considers the proposal will result in increased traffic and therefore fails to achieve aims of national and local policy aimed at the reduction of the use of the car. Considers that the lack of footpaths along the A541 will deter people from walking to the nearby settlements and facilities; and
- Considers proposals will increase the volume of traffic within the nearby town of Caerwys.

Highways DC

No objections subject to the impositions of conditions. Advises of the need for a S.106 to delay the operation of the touring caravan element of the proposals until such time as HGV movements associated with the adjacent quarry have ceased.

Advises that Footpaths 5 and 32 cross the site. Their routes must be protected during the course of development and any amendments to the routes of these footpaths will require prior consent.

Pollution Control

No objections subject to the imposition of a condition requiring a land contamination investigation to be undertaken and any remediation required to be undertaken prior to the operation of the use hereby approved.

Dwr Cymru/Welsh Water

Raises no objection as the proposals do not seek to utilise the public sewerage system.

Natural Resources Wales

No objection subject to the imposition of conditions in respect of ecology matters at the site.

CPAT

No objection. The proposals have no implications for any heritage assets at this location.

AONB – Joint Advisory Committee (JAC)

Objects. Considers the proposal will have a harmful impact upon the character of the AONB and its setting.

Denbighshire County Council – (as neighbouring Local Planning Authority)

No response at time of writing.

4.00 PUBLICITY

- 4.01 Prior to the submission of the application, this proposal was the subject of pre-application consultation (PAC) in accordance with the statutory PAC process. This process was undertaken between the 31st August 2017 and 28th September 2017 and a report accompanies this submission setting out the process and outcomes.
- 4.02 The application has been publicised by way of the publication of a press notice, display of a site notice and neighbour notification letters. At the time of writing this report, 7No. letters of objection have been

received in response, raising the following issues:

- Overdevelopment of the area;
- Inadequate transport links and road infrastructure;
- Detrimental impact upon highway and pedestrian safety;
- Conflicts between proposed use and nearby haulage yard;
- The area does not need further tourism related development;
- Increased noise and disturbance;
- Impacts upon existing amenity;
- Impacts upon features of ecological interest;
- Adverse impacts upon landscape character and appearance;
- Need to secure routes of public footpaths through the site; and
- Concerns that occupation will be on a residential basis, not just holiday.

5.00 SITE HISTORY

5.01 Historical applications relate to the extraction of sand and gravel. The only application which relates to the proposals is:

055920

C.O.U to Holiday Park

Withdrawn 2.8.2017

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy STR1 - New Development
Policy STR7 - Natural Environment
Policy STR10 - Resources
Policy GEN1 - General Requirements for Development
Policy GEN3 - Development in the Open Countryside
Policy T4 - New Static Caravans and Chalet Holiday Sites
Policy T6 - Touring Caravan Sites
Policy D1 - Design Quality, Location and Layout
Policy D3 - Landscaping
Policy D4 - Outdoor Lighting
Policy TWH1 - Development Affecting Tress and Woodland
Policy TWH3 - Woodland Planting and Management
Policy L1 - Landscape Character
Policy L2 - Areas of Outstanding Natural Beauty
Policy WB1 - Species Protection
Policy WB2 - Sites of International Importance
Policy WB3 - Statutory Sites of National Importance
Policy WB4 - Local Sites of Wildlife and Geological Importance
Policy WB5 - Undesignated Wildlife Habitats
Policy WB6 - Enhancement of Nature Conservation Interests
Policy AC13 - Access and Traffic Impact

Policy EWP14 - Derelict and Contaminated Land

National Planning Policy and Guidance

Planning Policy Wales Ed.9 (2016)

Technical Advice Note 5 – Nature Conservation & Planning (2009)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

7.00 PLANNING APPRAISAL

7.01 Site and Surroundings

The site comprises areas of Maes Mynan Quarry which are no longer in use for the purposes of the extraction of sand and gravels. The site is located to the east of the nearby village of Afonwen and approximately 0.5 miles southwest of Caerwys. The site is accessed via an unclassified road which runs from the A541 which is to the south of the site. That part of the quarry forming this application site is partially restored. The western and southern parts of the site have been restored to meadow grassland, with areas of scrub vegetation and a waterbody with marginal aquatic vegetation and an island feature. The northern area comprises an area of shrub and trees.

7.02 The western portion of the site lies within the designated Clwydian and Dee Valley Area of Outstanding Natural Beauty. The steeply rising nature of the landscape within the AONB affords opportunities for views from the AONB and Offa's Dyke footpaths towards the site.

7.03 The site lies within the administrative boundaries of Flintshire, although the border with Denbighshire is located immediately to the south. The land use within the surrounding area is predominantly improved pasture with some arable farming, interspersed with woodland.

7.04 The Proposal

The application seeks approval for the change of use of this former quarry site to use as a holiday park. The proposals provide for the development of the site in 3 distinct and identifiable zones, comprising;

- the siting of 47 No. timber lodges in the areas around the existing water bodies within the most southerly and westerly part of the site;
- the creation of 70 No. touring caravan pitches;
- the siting of 63 No. static caravans;
- the creation of internal site access tracks;
- the creation of a timber toilet and shower building to the touring

- caravan area;
 - the provision of an internal site landscaping scheme; and
 - the creation of 2 No. additional access points to the touring and static caravan areas from the existing access road.

- 7.05 The existing access point into the western part of the site is proposed to be used in facilitating access to the area for the siting of the proposed lodges.

- 7.06 In support of the application a Landscape and Visual Impact Assessment has been undertaken, together with ecological surveys to assess the impact of development upon ecological features within the site.

- 7.07 The Main Issues
I consider the main planning issues to be as follows:
 - principle of development having regard to planning policy;
 - impact of development on the character of the landscape, with particular regard to the AONB;
 - impact of development on ecological features of the site;
 - adequacy of access to serve the scale of development proposed;
 - adequacy of drainage system;
 - impact of development on the amenity of residents in proximity to the site; and
 - the time period of proposed occupation of the units.

- 7.08 The Principle of Development
There are a number of policies within the UDP which are applicable to this proposal and I consider each in turn below:

- 7.09 STR1 New Development - Advises that development should generally be located within existing settlement boundaries, allocations, development zones, principal employment areas and suitable brownfield sites and will only be permitted outside these areas where it is essential to have an open countryside location. Whilst located within an area of open countryside, I consider that the nature of the proposed use precludes these other locations for reasons discussed later in this report. Accordingly I consider that the proposal satisfies criterion a. of STR1.

- 7.10 STR7 Natural Environment – One of the stated aims of this policy is to safeguard Flintshire’s natural environment by protecting and enhancing the character, appearance and features of the open countryside, and more specifically in this case, the AONB. The site is within an area of open countryside and partly within the AONB but is well screened by a combination of landscape topography, existing and proposed screening.

7.11 STR10 Resources – Criterion a) requires that new development must make the best use of resources through utilizing suitable brownfield land wherever practicable in preference to greenfield land or land with ecological, environment or recreational value. It is arguable that the proposal does not do this as it is located within a landscape designated for its environment and recreational value and part of the site’s intrinsic environmental value is its open countryside character. However the policy is qualified to make clear that brownfield sites are to be preferred “wherever practicable” and in this instance the proposal results in the re-use of an area of previously developed land for purposes significantly less environmentally damaging than its previous use for quarrying.

7.12 Policy GEN1 requires that proposed development should harmonise with the site and surroundings and, amongst other matters, the development should not have a significant adverse impact on recognised wildlife species and habitats. The appraisal below illustrates that the proposals accord with these general policy aims.

7.13 Policy GEN3 sets out those instances where development will be permitted in the open countryside and criterion g refers to development related to tourism activities.

7.14 Policy L1 requires new development to maintain or enhance the character and appearance of the landscape. Policy L2 expands upon this requirement in relation to development within the AONB, adding the need to preserve the natural tranquillity of the AONB and advising that major developments (such as these proposals) will only be permitted where there is a need and no alternative sites are available. The extent to which the proposals meet the requirements of L1 and L2 in terms of tranquillity preservation are set out within the appraisal below. The position in respect of need and alternative sites must be balanced by the presumption in favour of the re-use of previously developed land.

7.15 Policy T4 and T6 reflect the national support for tourism proposals which help to boost the rural economy. They are permissive of new caravan, chalet and touring caravan sites, provided the proposal does not have a significant adverse impact upon neighbouring land users or features or areas of landscape; nature conservation or historic value; the scale of the proposal is appropriate to the characteristics of the site and locality; the scheme incorporates substantial internal and structural landscaping; any touring caravans are removed from the site when not in use; the application site is in close proximity to, and can be easily accessed from the local highway network; any essential service buildings are provided within existing buildings or appropriately designed small new buildings.

I consider that, examination of the main issues in this application will demonstrate that the above criteria are satisfied and therefore the

7.16 proposals comply with these policies.

Taking all of the above into account, I am comfortable that the proposals satisfy the requirements of the applicable policies as a

7.17 matter of principle.

Impacts upon the visual character and appearance of the landscape and the AONB

7.18 I turn then to consider whether the proposals would have an adverse impact upon the landscape itself and the AONB specifically. In recognising the need to ascertain the degree of impact in this regard, the applicant has undertaken a landscape and visual impact assessment and the proposals are accompanied by a Landscape and Visual Impact Assessment Report (LVIA). This assessment has considered the visual impacts of the proposed development from various vantage points around the site and within the surrounding landscape.

7.19 In response to consultation, NRW have advised that they consider the LVIA to be appropriate in its assessment of the visual context and landscape character of the site. The visual context indicates a rural, partly developed landscape. The landscape quality of the site and its setting to be of medium/high quality but notes that this in part reflects the benefit of the designation of the AONB, but also reflects the effects of quarrying in the immediate locality of the site. Accordingly, the LVIA identifies that the landscape has the potential to accommodate a well-designed and satisfactorily mitigated development proposal.

7.20 The LVIA has been undertaken from 14 No. vantage points ranging from those within or directly adjacent to the site to points up to 5km away. The LVIA examines the impacts of the proposals in visual terms at points immediately following completion, 5 years after completion and 10 years after completion. It concludes that the visual impact from points within or directly abutting the site are those for which the impact would be greatest but notes that this impact will be mitigated over time as the landscaping proposals take hold and become firmly established elements of the landscape.

7.21 Viewpoints from nearby public rights of way, nearby viewpoints and viewpoints further afield within the AONB and surrounding countryside identify that impacts range from, at worst, moderate immediately post development to negligible/none over the consideration period. It is noted that this impact is fragmented due in part to distance and landscaping in the intervening land.

7.22 The LVIA considers the potential of cumulative impacts arising from simultaneous views, sequential views and the effects arising therefrom. It concludes that a potential simultaneous effect may be encountered from one viewpoint where the proposals may be visible

sequentially with other similar developments nearby. However, it notes that the degree of effect is largely attributable to the visibility of existing development and the proposals are not considered to exacerbate this. The LVIA identifies that the effects of sequential views are not an issue as the site is not visible from the main A541 and therefore no sequential views of the proposal are encountered.

7.23 NRW advise within their consultation response upon this point that the site may be viewed from the Moel Y Parc area within the AONB and observe that the proposals would be seen in the context of the Afon Wheeler valley and within a context of rural landscape and large scale active sand quarrying to the east of the site and the settlement of Caerwys above the valley to the north east. They conclude that the addition of the proposed development would not appear uncharacteristic within this context and advise they consider the proposals for cabin and tourer component of the scheme would integrate reasonably well within the woodland framework to the site. They strongly suggest that a condition be applied to agree the finish colours of the cabins and static caravans to ensure that recessive finish colours are secured which will assist in the visual integration of the proposals within the landscape. I propose to condition accordingly.

7.24 In consideration of the need to preserve the natural tranquillity of the AONB at this location, I am mindful that the site was latterly a quarry and abuts an existing and still active quarry. I am also mindful that, at this location, the A541 runs in close proximity to the site. Accordingly, I do not consider that 'tranquillity' is an over dominant feature of the AONB at this location and for reasons set out elsewhere within this appraisal, do not consider that the proposals will result in any extra detrimental impact to the concept of tranquillity.

7.25 I conclude therefore, that the LVIA demonstrates that the impact within the landscape of the proposals is in actual fact, largely well screened by the landscape, existing vegetation and, in part, the topography of the landscape itself. Taking the requirements of Policies GEN3, L1 and L2 into account I conclude that the proposals would comply with these policies.

Impacts upon features of Ecological Interest

7.26 The site comprises 11.1 hectares of mixed habitat, including 2 water bodies. The site but does not form part of a statutory European designated wildlife site. However, the impact of the development on any European Protected Species (EPS) which may be present is required to be undertaken. The site provides habitat Great Crested Newts, bats and Dormouse. Consultations has been undertaken with both Natural Resources Wales (NRW) and the County Ecologist in respect of the impact of development, particularly upon the above listed species, a number of which are located upon and in close proximity to the application site.

7.27 EPS and their breeding sites and resting places are protected in the United Kingdom under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (as amended) and Article 12 of the Habitats Directive 92/43/EEC. The Directive (Article 16) only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is

- (i) no satisfactory alternative; and
- (ii) no detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.28 Regulation 9 (1) and 9 (5) of the 2010 Regulations requires public bodies in the exercise of their functions, to ensure compliance with and to have regard to the provisions of the Habitats Directive. Consequently, in determining planning applications which may affect EPS, the Local Planning Authority must take account of the provisions of the Habitats Directive.

7.29 Guidance to Local Planning Authorities is given in TAN 5: Nature and Conservation Planning (particularly paragraphs 6.3.6 and 6.3.7). In particular, at paragraph 6.3.7 it is stated:

“It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) [now regulation 53 of the 2010 Regulations] licence are likely to be satisfied.”

7.30 Recent court decisions have made it clear that a Local Planning Authority may properly grant planning permission unless it concludes that:

- (a) the proposed development would be likely to offend Article 12 of the Habitats Directive; and
- (b) be unlikely to be licensed pursuant to the derogation powers.

7.31 In other words, if the Local Planning Authority concludes that a EPS licence is likely to be granted under regulation 53 of the 2010 Regulations, or if it is unsure of the Welsh Government’s (as the licensing body) likely response, then that should not, on its own, prevent planning permission being granted.

In coming to its view, the Local Planning Authority has given considerable weight to the advice received from NRW as the relevant

statutory consultee.

7.32

The applicant has undertaken ecological surveys and submitted reports upon the same which suggests a variety of mitigation proposals. In response to consultation, NRW advise they are generally satisfied with methods and detail of the ecological surveys undertaken for the project. The survey reports conclude that the proposed development is unlikely to cause detriment to the favourable conservation status of any protected species. NRW broadly agree with this conclusion, subject to the imposition of conditions as set out further in this report.

7.33

7.34

Great crested newts (GCN) are present within the site and surveys indicate that the species utilises the site for breeding, foraging, dispersal and sheltering purposes. The population of GCN, whilst once of national importance, has been subject to decline. I am advised however that the suggested reasonable avoidance measures (RAM's), mitigation measures and offsetting measures set out within the submitted report, implemented over the long term (not less than 25 years), will ensure that the current conservation status of the GCN can be restored to favourable levels. Accordingly it is suggested that a condition be imposed requiring the submission, agreement and implementation of a method statement which includes the details of all of the above mentioned mitigation, RAM's and off-setting measures be imposed.

7.35

Subject to this condition, and recognising that this development will require the acquisition of a licence pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010), NRW advise that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the species.

7.36

The impact on bats has also been considered in detail. Again, subject to the imposition of conditions in relation to the need for any external lighting scheme to be submitted and agreed, and the implementation of the development in accordance with the recommendations set out within the Ecological Management Plan for Maes Mynan (October 2017), the proposal is not considered to be likely to be detrimental to the continued favourable conservation status of any bat populations.

7.37

NRW also concur with the conclusions of the report in respect of Dormouse. The report identifies that whilst the site has potential for the species, it is unlikely that the species will be found during the course of development. Accordingly, NRW advise that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the species.

A condition requiring the submission and implementation of an ecological compliance audit is required to evidence that all of the proposed reasonable avoidance measures (RAM's), mitigation

7.38 measures and offsetting measures set out within the submitted report have been carried out.

Returning therefore to the Requirements under Article 16 it is considered that the proposals are in accordance with the aims of the Well-Being of Future Generations Act 2015. In accord with Section 3(2), the proposals will assist in the management, use and enhancement of Wales' natural resources to support long term wellbeing.

The alternative to the proposals are to do nothing, which in itself is not a satisfactory alternative. The site is a natural resource which has arisen from a former quarry working. It is therefore an inherently dangerous place unless properly managed in the interests of public health and public safety. The proposals will secure continued management of the site in the interest of both public safety and environmental protection.

The consideration of all ecological issues as set out above demonstrates that NRW are satisfied that the proposals would not give rise to a detrimental impact upon the continued favourable conservation of any of the species in question. Accordingly I am satisfied that the Article 16 derogation tests are satisfied and there is no ecological impediment to planning permission being granted.

Highways and Access Matters

In considering the highway impacts of the proposals, it should be noted by Members that the previous use of the site as a quarry had a quantum of traffic generation associated with that use. Taking figures for traffic generation associated with the still currently active part of the quarry (to the east of the site), we can reasonably assume that the operation of the application site as a quarry would have resulted in 25 HGV trips in addition to 5 employee trips per day. A of 30 trips or 60 vehicular movements per day.

The information provided by the applicant in support of the proposals is based upon the August Bank Holiday peak traffic figures and an off peak/quiet season period. It is clear that equating the proposed development mix and numbers indicates that the peak movements associated with the proposals would exceed that of the previous use. However, this is balanced by the fact that off peak movements would be less. The information submitted also suggests that the proposals are unlikely to generate significant numbers of traffic movements which would conflict with the operating times of the nearby transport yard.

Consideration has been given in assessing this proposal from a highway safety perspective, to a scenario involving 2 vehicles meeting upon the section of the lane between the A541 and the site entrance. In such circumstances, it would not be unreasonable for

light vehicles associated with the lodge and static caravan elements of this proposal to reverse a short distance to allow a larger vehicle to pass. However, this arrangement would be unsuitable for a car towing a caravan when meeting an articulated tractor and trailer unit. It has been identified that a passing opportunity could be created (in addition to the existing passing spaces along this length of lane) via the cutting back of a short length of vegetation adjacent to the land in the area of the site opposite to the entrance to the transport yard. Accordingly, conditions requiring the submission of details to this effect, and subsequent implementation of the same, are recommended to be imposed.

7.45 I have had regard to concerns voiced in respect of the possibility that vehicles may attempt to travel to the site via a route other than the A541. I consider the A541 would be the route most likely to be used and therefore most likely to reduce the incidence of caravans and other wide vehicles/trailers travelling to and from the appeal site or other nearby use on narrow sections of highway without provision of passing opportunities.

7.46 It is possible that wide vehicles and caravans accessing the site might choose to travel by another route from the north of the site. If this were to occur it could increase the likelihood of wide vehicles/caravans approaching each other on the narrow rural roads in the locality. However, these are public highways where agricultural and larger vehicles, of a similar width to a caravan, are likely to meet and it is not evident that this has resulted in problems in the past. Even so, the A541 would provide a predictably straightforward route that people travelling to and from the appeal site reasonably would be expected to seek to use. I consider that if permission were to be granted for the proposals, a planning condition requiring the submission, agreement and subsequent implementation of an Operational Traffic Management Plan could assist.

7.47 The applicant has also indicated a willingness to delay the commencement of the operation of the touring caravan park until such a time as the HGV movements with the operation of the adjacent quarry have ceased in order to minimise the risk of caravans and larger HGV vehicles meeting upon the lane. I am advised by Highways DC that this is acceptable and best secured via S.106 agreement to this effect.

7.48 Accordingly, I do not consider that the proposal would give rise to unacceptable impacts in terms of highway safety and it would thus comply with Policies STR2 and GEN1 in this regard.

Drainage Proposals

7.49 The site lies within an area served by a public sewer at some 30m distant to the site. Notwithstanding this, the applicant has proposed that foul waters arising from the proposals are to be treated via

individual treatment plants to support each area of the site. This enables treatment zones for each area of the site independent of one another.

7.50 These proposals have been the subject of consultation with both Dwr Cymru Welsh Water and Natural Resources Wales. In response, no objection is raised by either body in respect of the proposals. However, having regard to paragraph 12.4.3 of Planning Policy Wales, NRW advise that they consider further investigation in relation to the feasibility of pursuing a connection to the public sewer system is required to be undertaken. Accordingly, I propose that a condition be imposed which requires the precise details of the proposed drainage of this site to be submitted and agreed.

Amenity Impacts

7.51 It is not considered that the proposal would have a significant adverse impact on the amenity of nearby residents or the community in general. The rural location of the site is such that there are no directly shared boundaries with existing properties within the area. The application site has a substantial amount of landscaping within the site and on the boundaries which will serve to safeguard and reinforce the amenity currently enjoyed by those properties. Furthermore, the landform created as a consequence of the historical quarrying activities also serves to act as buffer between the proposals and the nearest dwellings.

Holiday Usage

7.52 This application is considered to be acceptable upon the basis that its use is for holiday purposes only and is not utilised such that the units of accommodation become permanent dwellings. Accordingly I propose to add a condition which requires the occupation of the approved units on a holiday basis only. I have considered the addition of a condition which restricts occupation for a period of time in any one calendar year. However, I am mindful, in relation to the proposed lodges and static caravans, that such conditions have not survived challenge on appeal or have not been imposed by Inspectors where requested by the Local Planning Authority.

7.53 However, I do consider it appropriate to seek a void period in relation to the touring caravan element of the scheme, reflecting the inappropriateness of this form of holiday accommodation for use in the deepest winter months. Accordingly I recommend that no touring caravans will be permitted to be occupied between 14th December in one calendar year and 14th February in the following year. In addition, storage of caravans outside of holiday use will not be permitted at the site.

8.00 CONCLUSION

8.01 In coming to my recommendation, I have weighed in the balance the

strong support at national and local levels for tourism related development and the presumption in favour of the re-use of previously developed land. Weighed against this is the need to carefully control non-essential development in the open countryside and specifically, consider the impact of such development upon a designated Area of Outstanding Natural Beauty.

8.02 I consider the national presumption in favour of proposals of this form has considerable weight, albeit that the other matters which might normally weigh against such a proposal, namely the impact upon the character and appearance of the landscape and the natural tranquillity of the AONB, are of not insignificant weight in themselves. Accordingly, this recommendation is finely balanced.

8.03 However, taking all of these matters into account, I consider that the proposals are acceptable having regard to the policies within the UDP and having regard to the national policy guidance framework.

Other Considerations

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

8.05 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.

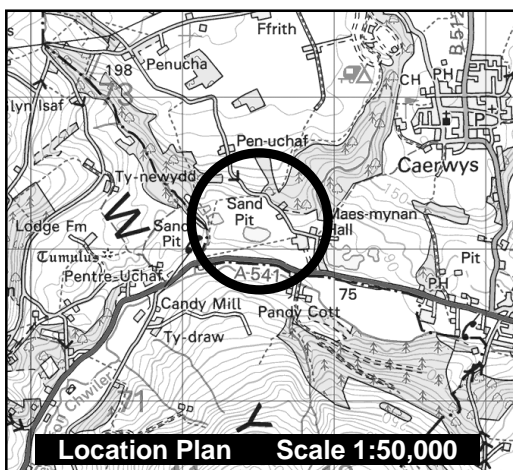
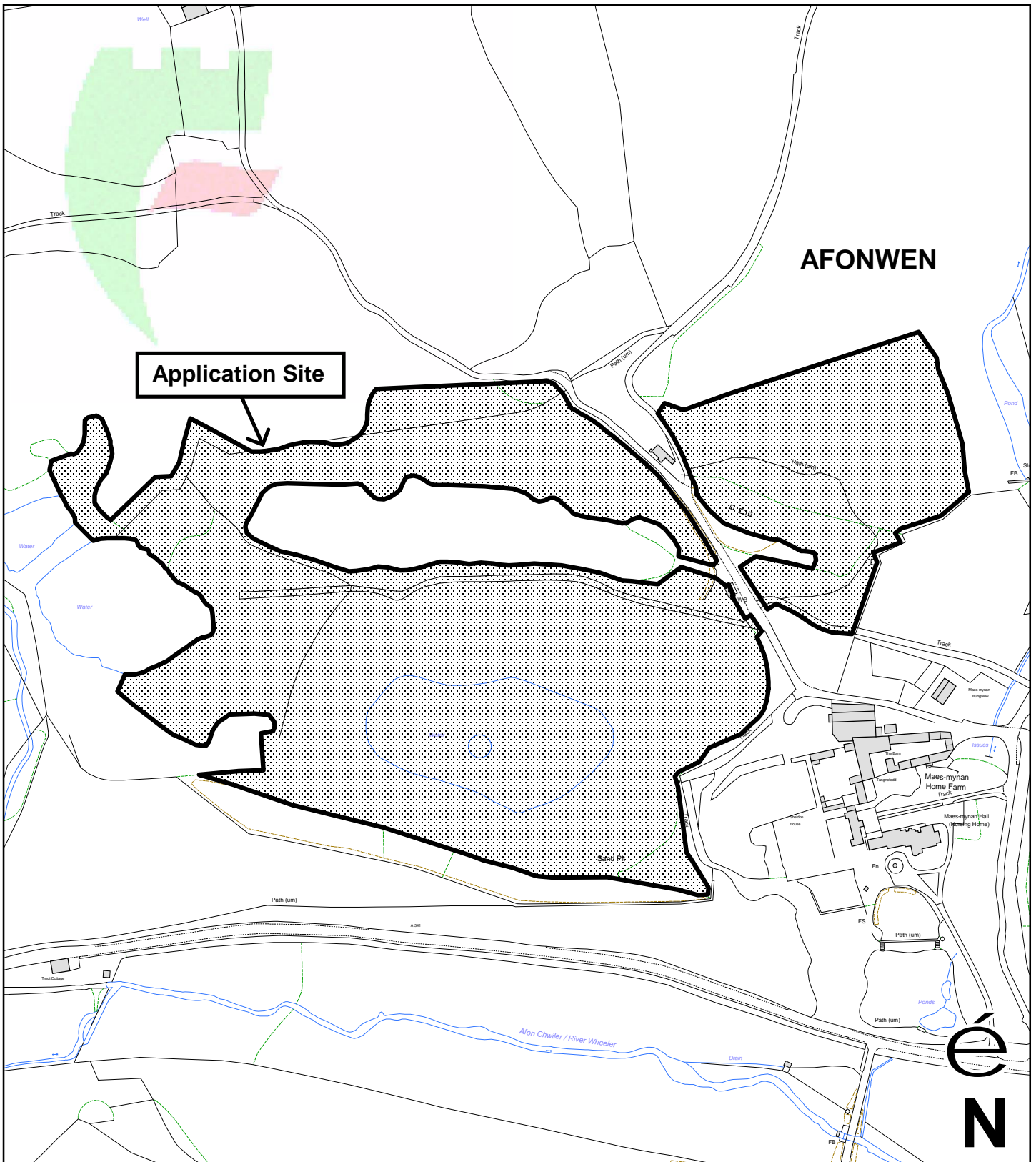
8.06 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

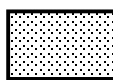

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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

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

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH FEBRUARY 2018**

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

SUBJECT: **RESERVED MATTERS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) REQUIRED BY CONDITION NO. 2 OF OUTLINE PLANNING PERMISSION REF: 051831 AT STATION YARD, CORWEN ROAD, COED TALON**

APPLICATION NUMBER: **055798**

APPLICANT: **MR. P. DAVIES**

SITE: **STATION YARD, CORWEN ROAD, COED TALON**

APPLICATION VALID DATE: **9TH AUGUST 2016**

LOCAL MEMBERS: **COUNCILLOR CAROLYN A. THOMAS**

COMMUNITY COUNCIL: **TREUDDYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SCALE OF PROPOSAL EXCEEDS THE POWERS TO DETERMINE DELEGATED TO THE HEAD OF PLANNING**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a Reserved Matters application for the erection of 50 dwellings. This application provides details of the means of access, siting, design, external appearance and landscaping of the site following the grant of outline planning permission 051831. The issues associated with the principle of developing this site for residential development have been dealt with at the outline stage. It is considered that the details of the scheme do not raise any issues in relation to impact on residential amenity or the character of the area.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation or Unilateral Undertaking, or making advance payment of to secure the following:-

- a. Ensure the payment of a contribution of £XXX in lieu of on-site recreation provision, the sum to be used to enhance the children's play area at **SPECIFY**. The contribution shall be paid upon 50% occupation or sale of the dwellings hereby approved.

2.02 Conditions

1. In accordance with approved plans
2. No development until submission, agreement of landscaping proposals for P.O.S, including surface and boundary treatment of the 'greenway'.
3. Implementation of Condition 2 scheme.
4. Submission, agreement and subsequent use of proposed external facing materials.
5. Submission, agreement and subsequent implementation of scheme for boundary treatments.
6. No development until a scheme of appropriate measures to control Invasive Non Native Species on the site is submitted and agreed. Thereafter the scheme to be implemented in full prior to the occupation of any dwelling hereby approved.

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

3.00 CONSULTATIONS

3.01 Local Member

Councillor Carolyn A. Thomas

Requests committee determination of the application. Considers;

1. that 50 dwellings is an overdevelopment of the site;
2. seeks clarity as regards play and recreation provisions upon the site;
3. Seeks the provision of a pedestrian crossing at the site access point to enable safe crossing to play facilities across the A5104 Corwen Road; and
4. Requests that condition be imposed requiring the tidying up of the remainder of the proposed 'greenway' route.

Treuddyn Community Council

No indication of support or objection provided. The following comments are advanced;

1. The allocation of 43 dwellings as stated in the LDP should remain and not increased to 52 dwellings as this would lead to an overdevelopment of the site;
2. There are concerns the water is culverted and should be an open water course;
3. There is Japanese knot weed on the site;
4. Treuddyn C.C wish the bridleway to be continued as a multiuse pathway for walkers, cyclists & horse riders, with mitigation at the far end to create a bank for links to existing rights of way, to come out onto Ffordd y Bont;
5. The area marked as open countryside on the indicative plan as outline should remain and not be developed on;
6. The informal recreational space should be included as shown on the indicative plan, perhaps allowing the bridleway to go through - maybe with a bridge over the open water course;
7. There are 2 play parks in the area – Coed Talon & Pontybokin. The 106 payments from the development could be considered for the link onto the existing rights of way onto Ffordd y Bont and the possibility of a pedestrian crossing, to access the park and Coed-Talon way, if not a traffic light crossing in Pontybodkin.

Highways Development Control Manager

No objections. Advises that Public Bridleway 56 crosses the site but its route appears unaffected by the development.

Housing Strategy Manager

In terms of evidence of the need for affordable housing, advises:

- The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units. In 2015/16 124 affordable units were delivered – a combination of supported housing, social and intermediate rent as well as shared equity.
- The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures;
- There is an identified level of interest for affordable housing (i.e affordable ownership and rent) within the Treuddyn community area, with;
 - 1 applicant are currently registered for a 3 bed affordable ownership /shared equity property; and
 - 3 applicants registered for affordable (intermediate) rent

properties – 1 applicant for a 2 bed and 2 applicants for a three bed.

- In addition, the social housing register has 6 applicants for 1 or 2 bed bungalow accommodation, 21 applicants for a 1 or 2 bed flat and 36 applicants for 2, 3 and 4 bed houses.

In view of the above, advises that the proposal to provide 15no. affordable units is acceptable. Agreed provision comprises 8no. 2 beds and 7no. 3bed dwellings. This provision includes;

- 6 x DMR (Rented) Units @ 90 % of market rent; and
- 9 x Shared Equity homes for sale @ 70 % of Open Market Value. The residual 30% is proposed to be retained through a legal charge.

Pollution Control Officer

No adverse comments.

Dwr Cymru/Welsh Water (DCWW)

No objections.

Natural Resources Wales (NRW)

Considers conditions 10 & 12 of the outline permission (Ref: 051831) should be complied with before this application is determined.

The Coal Authority

Advises that the proposed built area of the site does not fall within the Defined Development High Risk Area. Confirms therefore that there is no objection to the proposal.

Airbus

No adverse comments.

4.00 PUBLICITY

4.01 The application has been publicised by way of the display of a site notice and neighbour notification letters. Consultation and publicity has been undertaken on 3 occasions. At the time of writing this report, 6 No. letters have been received in response.

4.02 1No. raises neither support nor objection, merely offering comments in relation to the ownership of boundaries and hedges thereupon; and requesting appropriate separation distances and screening between existing and proposed dwellings.

4.03 5No. letters raise objection on the following grounds;

- Impacts upon residential amenity;
- Impacts upon highway safety and increased traffic;

- Impacts upon wildlife;
- Impacts upon the integrity of the watercourse;
- Insufficient detail provide in respect of P.O.S and play area;
and
- Proposed green way route of inadequate width.

5.00 SITE HISTORY

5.01 98/1404

Certificate of lawfulness – Mixed industrial use
Granted 11.4.2000

034353

Outline – residential development
Withdrawn

051831

Outline – residential development
Permitted 23.7.2015

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 - General requirements for development

Policy GEN2 - Development inside settlement boundaries

Policy HSG1(39) - New Housing Development Proposals

Policy HSG8 - Density of Development

Policy HSG10 - Affordable housing within settlement boundaries

Policy AC7 - Protection of Disused Railway Lines

Policy AC13 - Access and Traffic Impact

Policy L3 - Green Spaces

Policy EWP2 - Energy Efficiency in New Development

Policy EWP3 - Renewable Energy in New Development

Policy EWP17 - Flood Risk

Policy SR5 - Play areas and new housing development

Policy IMP1 - Planning conditions & planning obligations

7.00 PLANNING APPRAISAL

7.01 Site and surroundings

The site is located to the north west of the A5104-Corwen Road and lies within the defined settlement boundary for Coed Talon. The site is presently utilised for mixed industrial purposes consisting predominantly of a scrap metal business. The site contains various industrial buildings and plant associated with this use.

- 7.02 The site is bounded to the north and west by open countryside. This boundary is marked by a belt of mature and well established trees and hedgerows. The eastern boundary is formed by a mixture of residential properties with associated garden spaces and a coach/transportation depot. Black Brook, a tributary of the River Alyn, runs along this boundary as both a watercourse and a culvert in sections. Boundaries to the south consist of properties on Corwen Road and the frontage of the Railway Inn Public House and its associated car parking facilities.
- 7.03 The site topography is relatively flat, reflecting its former use as a station and yard as part of the now redundant Mold to Brymbo railway. The site levels at the periphery of the site, towards the north west rise and in this regard, are reflective of the landform in this location.
- 7.04 Access to the site is presently derived by an existing access onto Corwen Road between the Railway Inn and an adjoining residential property.
- 7.05 Proposal
It is proposed to erect 50 dwellings comprising a mix of 2 and 3 bed accommodation, comprising:
- 10 No. 2 bed semi-detached dwellings,
 - 12 No. 3 bed terraced dwellings,
 - 22 No. 3 bed semi-detached dwellings, and
 - 6 No. 4 bed detached dwellings.
- 7.06 The proposals provide for 15 No. dwellings to be provided as affordable dwellings. These comprise 8 No. 2 bed semi- detached dwellings and 7 No. 3 bed dwellings. The precise details of the 3 bed dwellings to form the affordable contribution is to be confirmed. The proposed dwellings are a mix of house types including detached, semi-detached, and terraced with both brick and render and finishes and slate and tile roofs.
- 7.07 There is a main estate road running broadly north - south from the proposed point of access, with houses fronting in part and accesses to and cul-de-sacs are derived from this main estate road. The cul-de-sacs run on an east - west alignment across the site.
- 7.08 Principle of development
The site is allocated for development in the Flintshire Unitary Development Plan for residential development. The principle of development has therefore been accepted. In addition, outline planning permission was approved under Ref: 051831, dated 23.7.2015 for the residential development of this site was made, subject to a number of conditions. The principle of residential development has therefore been reinforced through this grant of

outline planning permission.

- 7.09 An indicative yield of 57 dwellings from this site was envisioned in allocating the site within the UDP. This accords with the aim of the plan to seek to ensure that all allocated housing sites should achieve a minimum of 30dpha (unless there are particular constraints or issues which indicate a lower density is appropriate). Policy HSG8 - Density of Development, advises that, where appropriate, development should seek to make the most efficient use of land whereby the density of development should be optimised, whilst having regard to the characteristics of the site and surroundings and making provision for a high quality living environment in terms of privacy and space. This proposal equates to a form of development which yields development at a rate of approximately 26d.p.ha. I am satisfied that this is an appropriate scale of development upon this site, taking account of the site constraints and the surrounding density of development.

The Main Issues

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

1. Design and impacts upon character and amenity;
2. Access;
3. Watercourse and drainage; and
4. matters in relation to Public Open Space and play areas.

Design & Impacts upon Amenity

- 7.11 The proposed design and layout of this scheme has been the subject of negotiation and discussion over the course of the consideration of the application and has been amended in line with comments arising from the consultation process. The scheme has evolved to respond to the site characteristics and delivers a design where the form of the overall development responds to the particular constraints upon this site. The scheme has sought to provide a variety of house types and create street scenes which work with the requirements to respect the open countryside to the west of the site and retain existing natural and man-made features to create natural route ways and views though the site to the countryside and nearby villages beyond the site with a view to maintaining, insofar as is possible, a certain rural character to the site in this location.

- 7.12 The wider area is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form but has no overall dominant local vernacular. The applicant has sought to recognise this within the proposal and seeks to create a development which sits well in its locality but delivers a strong sense of identity. The design of the house types take its design influence from the form of the former Victorian railway station buildings which would have been found along this former railway line and remain in evidence

elsewhere upon the route. This is particularly evident in the steep vertical emphasis of frontage gable projections within the proposed dwellings. The layout takes full account of the existing dwellings adjacent to the site by maintaining adequate separation distances, in line with Council standards on space about dwellings and overlooking to secure privacy and amenity as well as respecting the private gardens of adjacent houses.

- 7.13 Accordingly, I consider the proposals provide an adequate and appropriate response to the design issues raised in connection with the consideration of this application.

Access

- 7.14 The detailed proposals in respect of access, from both a vehicular and pedestrian perspective have been the subject of consultation with both Highways DC and Public Rights of Way colleagues who have advised that they are satisfied with the proposals.

- 7.15 The proposed points of access and detailed layout of the proposed roads have been the subject of amendment during the course of the application and I am advised that the highway layout is acceptable. Matters of detail in respect of the extent of adoption and detailed surface finish remain to be addressed but these are properly addressed via the S.38 process under The Highway Act.

- 7.16 The proposals provide for the creation of 'greenway' route which runs through the site along its eastern boundary in the area of proposed P.O.S, before crossing the watercourse and continuing northwards along the line of the former rail track bed. I am advised that this route would not normally be considered for adoption through the S.38 process, but instead it is envisioned that it would be maintained via the arrangements for the management and/or adoption of Public Open Space through these proposals. Highways DC colleagues do not advise that there is the need for the suggested pedestrian crossing at the site access point. Indeed, I note the presence of an existing pedestrian crossing point 200m to the north east of the site along the A5104. I consider the requirement for a further pedestrian crossing point at the location suggested would be unnecessary and would therefore fail the legal test set out in the CIL regulations.

- 7.17 I am advised by Rights of Way colleagues that the development abuts Public Bridleway 56 at its extreme south western corner but would not impact upon the same. The greenway suggested by both the Local Member and other third parties is not part of the formal network of public footpaths. However, I am mindful of the presence of Footpath 77 to the eastern fringe of the site and consider the proposals to create a footpath link through the site from its junction with the adjacent A5104 to the northernmost point where the former rail track bed crosses beneath the old railway bridge to be a sensible response to securing the ability of future residents to access the site

surroundings by means other than the car. Whilst this intent is clear, the detail is still somewhat lacking. However, I consider that this can be addressed via the imposition of a suitably worded condition. Other conditions imposed at the request of Highways DC remain in force via the Outline planning permission.

7.18 I acknowledge that some third party responses have raised issues regarding highways safety and access, however there is no evidence to support these views. I am satisfied that matters in respect of highway of access and highway safety raised are capable of being suitably addressed via the imposition of suitable conditions.

7.19 The site is predominantly located within a category A flood zone, although parts of the eastern fringes of the site are located within Zones B and C2. The nature of the proposals are such that they are considered within TAN15 to be a 'highly vulnerable' form of development. However, this is acceptable within flood zone A and acceptable within zones B and C2 where measures are secured to mitigate flood impacts. Members will recall that issues in relevant to the acceptability of the development of this site in flood terms were addressed at the stage of the Outline permission and accepted by NRW.

7.20 The consideration of the Outline application identified the best means of mitigation for the flood risk would be to remove the culvert along the length of the watercourse through the site, increasing the capacity within the watercourse to accept anticipated flows and reducing the pressure upon the watercourse upstream which arises as a consequence of culvert blockage. The surface water drainage solution to the development of the site provides for surface waters to be discharged to the watercourse. It is proposed that discharge rates to the watercourse will be regulated to pre-development rates by means of employing a flood control device within the surface water drainage system upon the site.

7.21 Dwr Cymru/Welsh Water raise no objection to the details provided via this Reserved Matters application, advising they consider issues in relation to site drainage are adequately addressed via the conditions imposed upon the previous grant of outline permission.

7.22 Whilst Members will note that NRW consider conditions 10 & 12 of the outline permission should be complied with before this application is determined, this is not a proper way to address the discharge of conditions. These matters to which these conditions relate were not requested to be, and were therefore not framed as being required to be submitted as part of any subsequent Reserved Matters application. They were requested to and, and duly imposed in the forms of conditions precedent. That is, development is not permitted to begin unless and until matters in respect of these conditions have been submitted and agreed. To now seek to make these matters a

basis upon which the Reserved Matters is to be determined is unreasonable.

7.23 I am therefore satisfied that, notwithstanding the views of NRW in respect of this application, the position which is sought to safeguarded (the agreement of land and development levels) and addressed via the cited conditions, remains protected.

S.106 – Play Area & Public Open Space

7.24 The Public Open Spaces Manager advised in connection with the outline planning permission at this site that it would be appropriate to apply the requirements of Local Planning Guidance Note 13: Open Space Requirements in connection with this proposal such that on site provision be made for a play facility for children up to the age of 8, with the remainder of the requirement addressed via a commuted sum to be utilised in upgrading the existing play and recreation facilities at **SPECIFY** Play Area. The sum will be required, via legal agreement, to be paid upon 50% sale or occupation of the approved dwellings.

7.25 The submitted scheme provides for the required play facility **INSERT DETAILS.**

The residual of the requirements arising from LPGN 13 is such that this sum equates to **INSERT DETAILS.**

7.26 The infrastructure and monetary contributions that can be required from the a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

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

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

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

7.29 The consultation has established that the sum requested should be used in connection with a project to upgrade facilities at the nearby **SPECIFY** Play Area play area. In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.

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

Other Matters

7.31 Members will note that this report does not refer to issues in relation to educational contributions. However, Members will recall at the time of the grant of outline planning permission that it was identified that the Council was precluded from seeking any contributions by virtue of the fact that there are already 5 pooled contributions towards education contributions at Castell Alun High School.

7.32 Members will also recall that in granting outline permission for this site, detailed conditions in respect of detailed highway design matters, drainage matters and land contamination matters were imposed at that time. Accordingly, as this application seeks approval of Reserved Matters, it must be read as a whole with the Outline Permission and there is therefore, no need to replicate the provisions of conditions upon the outline in this approval.

8.00 CONCLUSION

8.01 Having regard to the proposals and the above consideration of all relevant matters, I consider that these proposals represent a scheme, the detail of which is acceptable (given that principle is already established). I recommend that approval of these Reserved Matters be granted subject to approximately worded planning conditions and the suggested legal agreement.

Other Considerations

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

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

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

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

LIST OF BACKGROUND DOCUMENTS

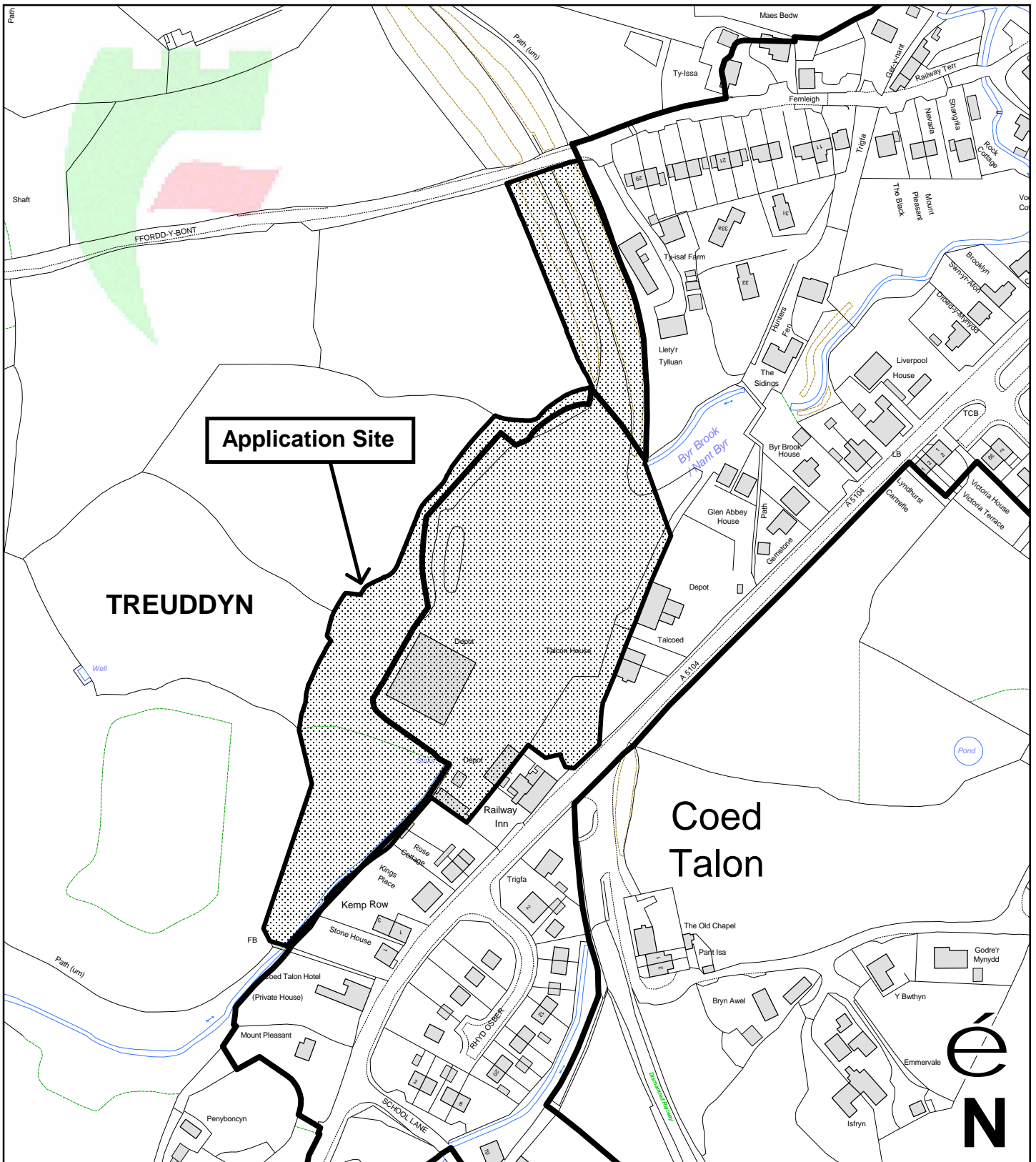
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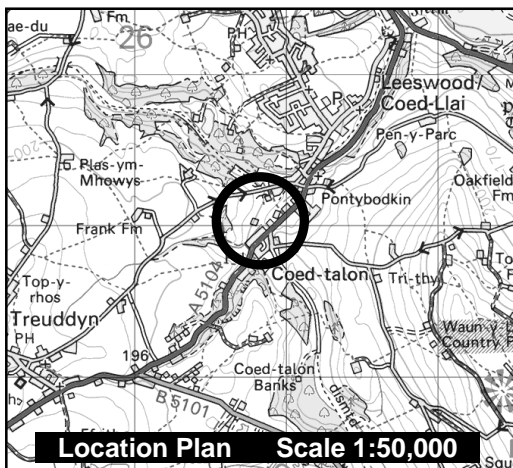
Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@flintshire.gov.uk



Application Site

TREUDDYN

Coed Talon



Location Plan Scale 1:50,000



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **55798**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH FEBRUARY 2018**

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

SUBJECT: **APPEAL BY MR. RICHARD JONES (JONES ENGINEERING & CONSTRUCTION LTD) AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE DEMOLITION OF THE EXISTING DWELLING AND CONSTRUCTION OF 3 NO. DWELLINGS AT 'CORNERWAYS' CEFN BYCHAN ROAD, PANTYMWYN, - DISMISSED.**

1.00 APPLICATION NUMBER

1.01 056215

2.00 APPLICANT

2.01 Mr. Richard Jones (Jones Engineering & Construction Ltd)

3.00 SITE

3.01 'Cornerways'
Cefn Bychan Road
Pantymwyn
Flintshire

4.00 APPLICATION VALID DATE

4.01 14th November 2016

5.00 PURPOSE OF REPORT

5.01 To inform Members of the decision following refusal of planning permission for the full application seeking permission for the demolition of 'Cornerways' and erection of 3 No. dwellings at Cornerways, Cefn Bychan Road, Pantymwyn.

5.02 The application was refused by the Chief Officer under delegated powers on the 30th May 2017. The appeal was dealt with by means of an exchange of written representations and was **DISMISSED**. The Inspector was Mr. C. Sproule.

6.00 REPORT

- 6.01 The Inspector identified the main issue for consideration in this appeal to be the extent to which the proposals amounted to a sustainable form of development.
- 6.02 The Inspector noted the location of the site within the settlement boundary of Pantymwyn and noted the policy context for residential development within Category C settlements within the UDP, such as Pantymwyn, as set out in Policies GEN2 and HSG3 of the Flintshire Unitary Development Plan. He observed the relevance of Policy HSG3 to the appeal in so far as it was consistent with Policy GEN2 in requiring new dwellings in Category C settlements to be proven to meet a specific need.
- 6.03 The Inspector noted that the UDP plan period had expired. However, he noted that the sustainability principle remains and the location of development in smaller settlements is less sustainable. Whilst noting the lack of a 5 year housing supply, the Inspector based his determination in respect of the locational sustainability of the proposal upon the policies within the UDP and the national policies within Planning Policy Wales.
- 6.04 The site is not in a sustainable location, being within a Category C settlement with poor facility provision. The proposals are not advanced upon the basis of meeting any proven local need and therefore the Inspector concluded the proposals are contrary to the local and national policies which seek to promote sustainable development.
- 6.05 The Inspector noted that the Council cannot demonstrate a 5 year housing land supply and noted the weight the appellant suggested should attach to this situation, notwithstanding the conflict with UDP policies. He noted the advice within TAN1 in this regard and acknowledged a number of recent appeal decisions where Inspectors had found in favour of such proposals because of a lack of such supply.
- 6.06 However, the Inspector noted that that in those cases, the proposals in those cases amounted to development of a scale which make a significant contribution to the housing land supply situation in Flintshire. Furthermore, he noted that there were significant differences in respect of the locational context between those sites and the appeal site.
- 6.07 The Inspector identified in this case that this proposal does not accord with development plan or national policies in respect of locational sustainability. He considered that this matter must carry substantial weight in the planning balance and whilst he noted that the lack of 5 year housing land supply carries considerable weight, he concluded

that it did not carry sufficient weight to outweigh the conflict with the development plan and national policy.

7.00 CONCLUSION

7.01 For the reasons set out above, the Inspector concluded that the appeal should be **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

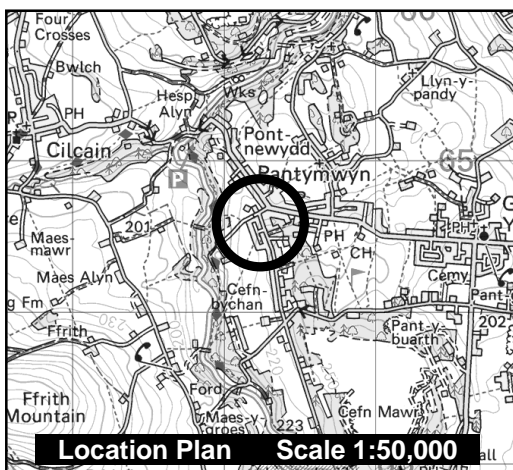
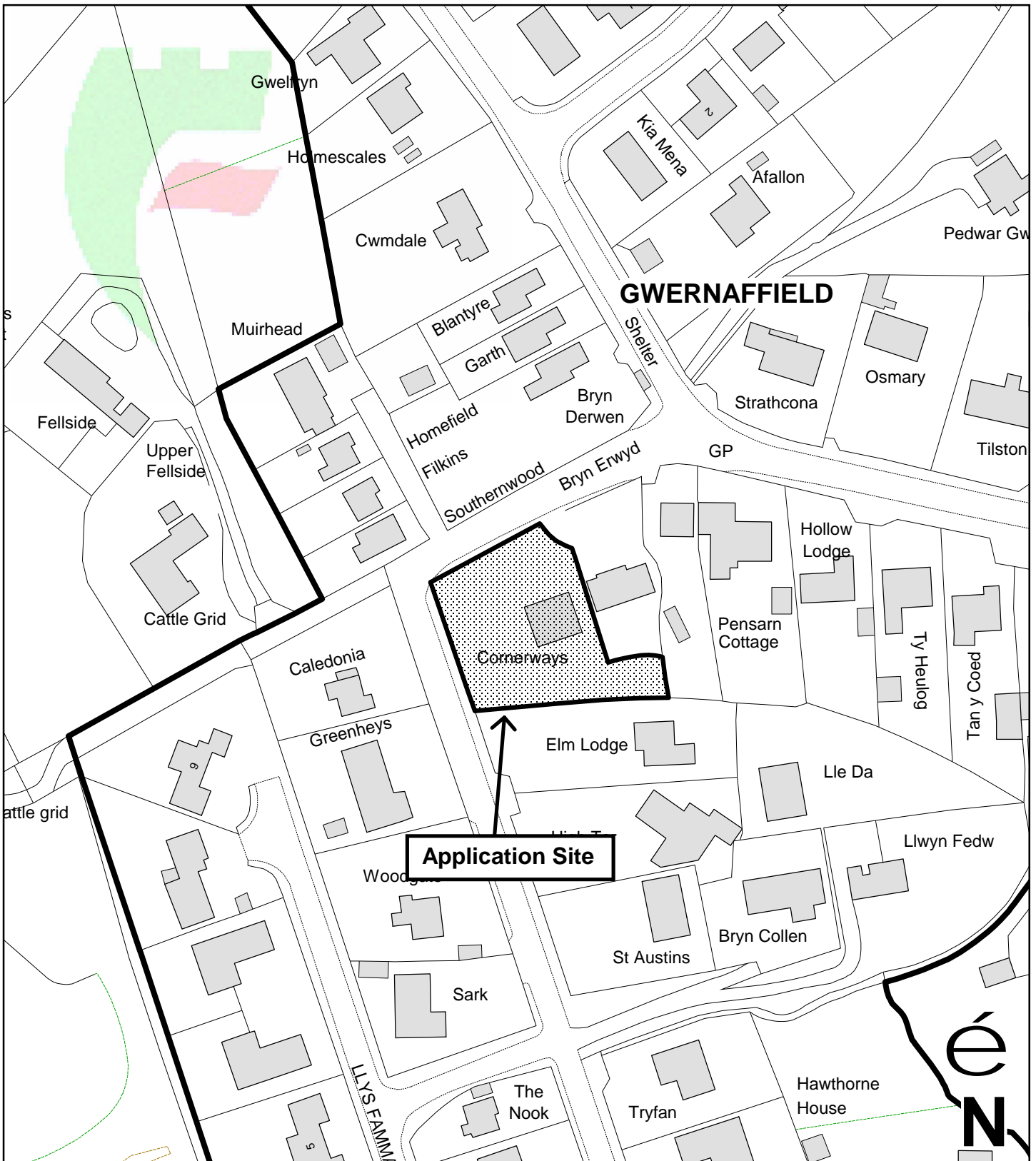
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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

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

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 1964

Planning Application **56215**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH FEBRUARY 2018**

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

SUBJECT: **APPEAL BY MR. OWEN McKAY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 3NO. 3 BED DETACHED HOUSES AT 'FORMER CENTRE POINT GARAGE' DENBIGH ROAD, AFONWEN, NEAR MOLD, FLINTSHIRE - DISMISSED.**

1.00 APPLICATION NUMBER

1.01 056703

2.00 APPLICANT

2.01 Mr. Owen McKay

3.00 SITE

3.01 Former Centre Point Garage,
Denbigh Road,
Afonwen,
Near Mold,
Flintshire.

4.00 APPLICATION VALID DATE

4.01 6th March 2017

5.00 PURPOSE OF REPORT

5.01 To inform Members of the decision following refusal of planning permission for the full application seeking permission for the erection of 3 No. dwellings at Former Centre Point Garage, Denbigh Road, Afonwen, Near Mold.

5.02 The application was refused by the Chief Officer under delegated powers on the 5th July 2017. The appeal was dealt with by means of an exchange of written representations and was **DISMISSED**. The Inspector was Mr. C. Sproule.

6.00 REPORT

- 6.01 The Inspector identified the main issue for consideration in this appeal to be the whether the proposals represented and appropriate and sustainable form of development in the countryside.
- 6.02 The Inspector noted that the proposals do not comply with Policies GEN3 and therefore, by association, Policy HSG5. He noted the proposals did not constitute infill development as the site did not amount to a small gap in an otherwise continuously developed frontage. He noted the proposal was not providing replacement dwellings and was not advocating dwellings for essential workers. Accordingly he also noted the non-conformity between the proposals and policies HSG4 and HSG6.
- 6.03 The Inspector noted that the UDP plan period had expired. However, he noted that the sustainability principle within PPW remains clear and Policy GEN3 and the other UDP policies are consistent with this. Accordingly he attributed significant weight to policy GEN3 and its underlying strategy insofar as it applies to this case.
- 6.04 The location of development outside of settlements is not considered acceptable in anything other than a limited range of situations. The Inspector considered the location of the site relative to facilities and services in the closest towns and villages but noted that the availability of transport options as an alternative to the car were limited due to the length of journeys involved.
- 6.05 The Inspector observed that policies STR8 and ST10 were entirely consistent with PPW in seeking to promote the re-use of previously developed land (PDL) such the appeal site. However, he noted the PPW makes clear that not all PDL will be considered suitable for development, for example by virtue of location. In this case he did not consider the location unsuitable in itself, rather its unsuitability arose from the failure of the proposals to conform with the policies of restriction in relation to development in the countryside. He therefore concluded the site was an unsuitable PDL site and accordingly the proposals were in conflict with policies STR1 and STR4.
- 6.06 Other Matters
The Inspector noted the arguments in favour of the proposal from the appellants. He did not accept the argument that there was little prospect of the site being re-used to be sufficiently compelling to outweigh the identified policy harm. He also did considered that the remediation of historical land contamination was of limited weight in support of the application. He did not consider the proposals would adversely affect the setting of the nearby listed Pwll Gwyn Hotel.
- 6.07 The Inspector noted that the Council cannot demonstrate a 5 year housing land supply and noted the weight the appellant suggested

should attach to this situation, notwithstanding the conflict with UDP policies. He noted the advice within TAN1 in this regard and acknowledged a number of recent appeal decisions where Inspectors had found in favour of such proposals because of a lack of such supply.

- 6.08 The Inspector noted that, notwithstanding the weight that a failure to have a 5 year supply of housing land supply attracts, Paragraph 6.2 of TAN1 makes quite clear that the weight attaches;

“...provided that the development would otherwise comply with the development plan and national planning policies..”

He noted that the proposals were in conflict with the identified policies and therefore, whilst the scheme would undoubtedly contribute 3 houses to land supply, this only attracted limited weight in his consideration.

- 6.09 In respect of the cited appeal cases in support of the appellants contention, the Inspector noted that there were significant differences in respect of the locational context between those sites and the appeal site and observed nonetheless that each application should be considered upon its own merits and other appeal decisions did not act as a precedent in this case.

7.00 CONCLUSION

- 7.01 The Inspector concluded that this proposal does not accord with development plan or national policies in respect of locational sustainability. He considered that this matter must carry substantial weight in the planning balance and concluded that the lack of a 5 year supply of housing did not carry sufficient weight to outweigh the conflict with the development plan and national policy. Accordingly he concluded that the proposal did not amount to sustainable development.

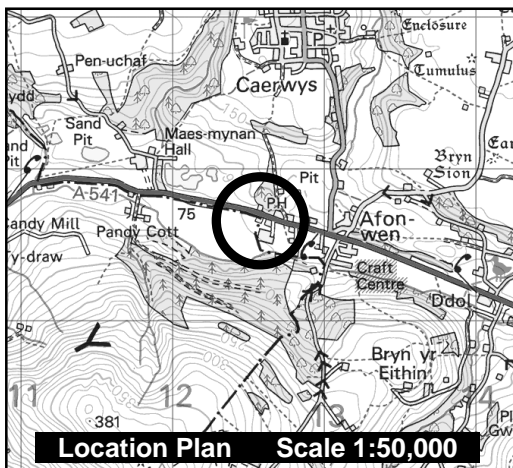
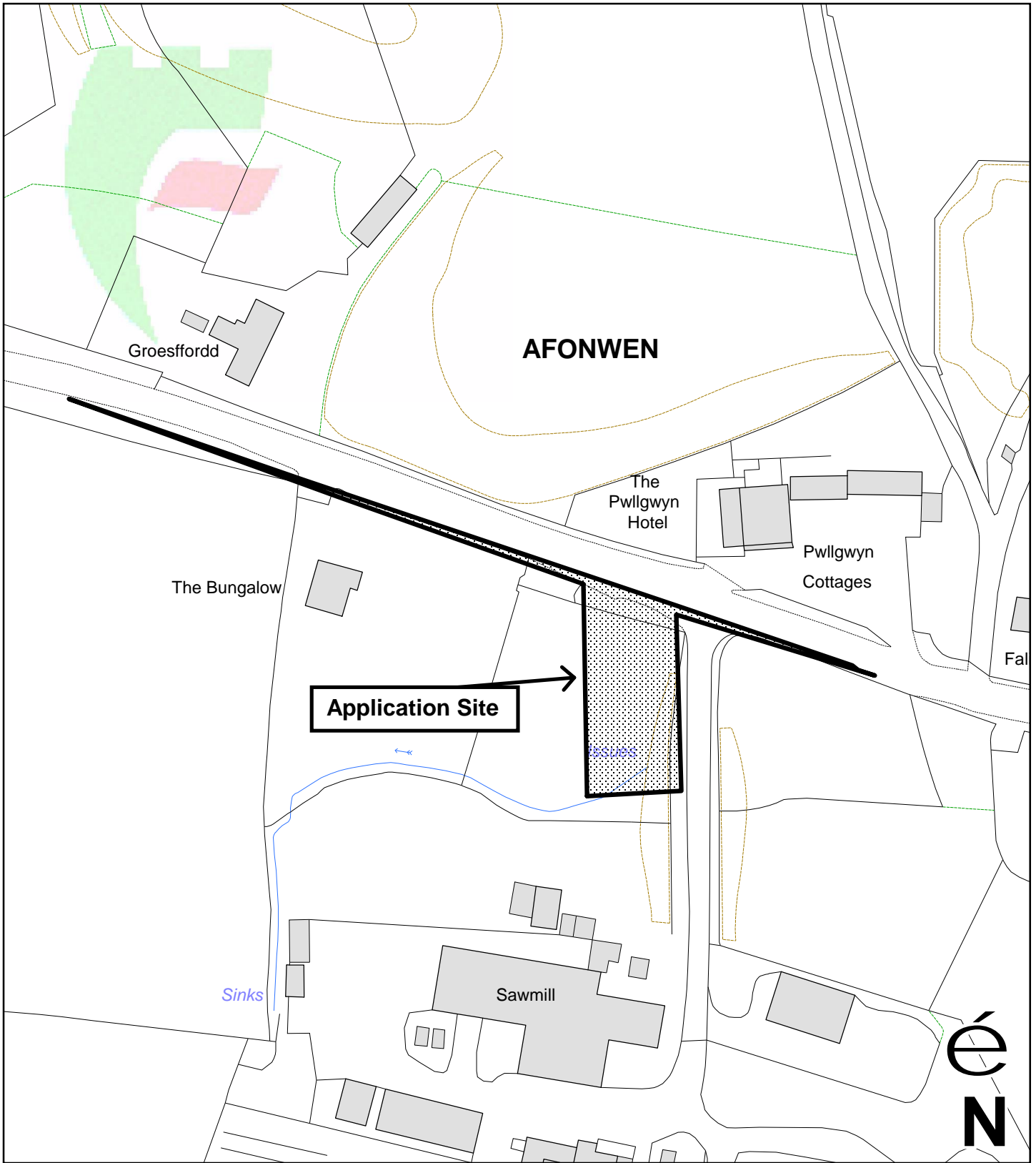
- 7.02 For the reasons set out above, the Inspector concluded that the appeal should be **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

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

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Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Planning Application **56703**

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