

# Public Document Pack

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



To:

Councillors: David Wisinger, 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

CS/NG

16 May 2018

Nicola Gittins 01352 702345  
nicola.gittins@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, 23RD MAY, 2018** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins  
Democratic Services Manager

## **WEBCASTING NOTICE**

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

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## **AGENDA**

1 **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 25<sup>th</sup> April 2018.

5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

The reports of the Chief Officer (Planning, Environment & Economy) are enclosed.

**REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**  
**TO PLANNING COMMITTEE ON 23<sup>RD</sup> MAY 2018**

<b>Item No</b>	<b>File Reference</b>	<b>DESCRIPTION</b>
<b><u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u></b>		
<b>6.1</b>	057056 - R	Outline Application for Residential Development at Megs Lane, Buckley. (Pages 9 - 26)
<b>6.2</b>	058124 - R	Outline Application for the Erection of a Dwelling at Bayonne, Hafod Road, Gwernaffield. (Pages 27 - 36)
<b>6.3</b>	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 37 - 50)
<b>6.4</b>	057943 - A	Outline Application for the Erection of Single Storey Dwelling to the Rear of Acrefield at Acrefield, Erw Ffynnon, Queen Street, Treuddyn. (Pages 51 - 60)
<b>6.5</b>	058024 - A	Change of Use and Extension to Dwelling to Form House in Multiple Occupation at 46 Gladstone Road, Broughton. (Pages 61 - 70)
<b>Item No</b>	<b>File Reference</b>	<b>DESCRIPTION</b>
<b><u>Appeal Decision</u></b>		
<b>6.6</b>	056335	Appeal by Mold Golf Club Against the Decision of Flintshire County Council to Refuse Planning Permission for the Removal of Condition No. 1 Attached to Planning Permission Ref: 052686 to Allow Permanent Retention of Protective Net Barrier at Mold Golf Club, Cilcain Road, Pantymwyn - ALLOWED. (Pages 71 - 76)

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## **PLANNING COMMITTEE** **25 APRIL 2018**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 25 April 2018

### **PRESENT: Councillor David Wisinger (Chairman)**

Councillors: Marion Bateman, Derek Butler, David Cox, Adele Davies-Cooke, Ian Dunbar, Carol Ellis, Veronica Gay, Patrick Heesom, Dave Hughes, Christine Jones, Richard Jones, Billy Mullin, Mike Peers and Neville Phillips

**APOLOGIES:** Councillors: Sean Bibby, Chris Bithell, David Evans, Kevin Hughes, Richard Lloyd and Owen Thomas

**ALSO PRESENT:** The following attended as local Members:

Councillor Glyn Banks - for Agenda Item 6.1 (057971)

Councillor Tony Sharps - for Agenda Item 6.2 (057919)

### **IN ATTENDANCE:**

Chief Officer (Planning, Environment & Economy); Service Manager - Strategy; Team Leader - Planning; Senior Planners; Senior Solicitor and Democratic Services Officers

## **75. DECLARATIONS OF INTEREST**

On agenda item 6.1 (057971), Councillor Glyn Banks - who was speaking as local Member - declared a personal interest as he was a Board Member of NEW Homes.

On agenda item 6.2 (057919), Councillor Marion Bateman declared a personal and prejudicial interest as she was a member of Northop Church, and would leave the room prior to the debate and vote.

## **76. LATE OBSERVATIONS**

None were received.

## **77. MINUTES**

The draft minutes of the meeting on 28 March 2018 were submitted and confirmed as a correct record.

### **RESOLVED:**

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

**78. ITEMS TO BE DEFERRED**

The Chief Officer (Planning, Environment & Economy) advised that the following item was recommended for deferral, to enable a revised report to be submitted to the next available meeting. This would take account of issues arising since publication of the agenda.

**Agenda Item 6.3 'Change of Use and Extension to Dwelling to form House in Multiple Occupation at 46 Gladstone Road, Broughton (058024)**

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

**RESOLVED:**

That agenda item 6.3 be deferred to the next available meeting of the Committee for the reason stated.

**79. REPORTS OF THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

**RESOLVED:**

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

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

On commencement of the meeting, there were five members of the public and no members of the press in attendance.

(The meeting started at 1.00pm and ended at 2.10pm)

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**Chairman**

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**PLANNING COMMITTEE ON 25 APRIL 2018**

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
057971	Llanasa Community Council	Full Application - Residential Development for 27 No. Dwellings and Associated Gardens and Car Parking at Llys Dewi, Penyffordd, Holywell	Mr. D. Halliday (on behalf of the applicant) spoke in support of the application.  Councillor Glyn Banks, as local Member, also spoke in favour of the application.	That planning permission be granted subject to the conditions listed in the officer's report, in accordance with the officer recommendation.
057919	Northop Hall Community Council	Change of Use of Dwelling to House in Multiple Occupation at Wellfield Farm, Village Road, Northop Hall	Rev. Dr. R. Hainsworth (applicant) spoke in support of the application.  Councillor Tony Sharps, as local Member, spoke against the application.  Councillor Marion Bateman, who had declared a personal and prejudicial interest, did not speak on the item and left the room prior to the debate, returning after 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.
058024	Broughton and Bretton Community	Change of Use and Extension to Dwelling to form House in Multiple Occupation at 46	-	That the item be deferred to enable a revised report to be submitted to the next available meeting.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
	Council	Gladstone Road, Broughton		
<b>APPEAL</b>			<b>NOTED</b>	
057109		Appeal by Mr. Glyn Jones Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of One Dwelling at Serengeti, Gorsedd, Holywell - <b>DISMISSED</b>		



## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **23<sup>RD</sup> MAY 2018**

**REPORT BY:** **CHIEF OFFICER OF PLANNING, ENVIRONMENT  
& ECONOMY**

**SUBJECT:** **OUTLINE APPLICATION FOR RESIDENTIAL  
DEVELOPMENT AT MEGS LANE, BUCKLEY.**

**APPLICATION  
NUMBER:** **057056**

**APPLICANT:** **MR. HILL**

**SITE:** **MEGS LANE,  
BUCKLEY.**

**APPLICATION  
VALID DATE:** **11.08.17**

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

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

**REASON FOR  
COMMITTEE:** **SIZE OF DEVELOPMENT  
LOCAL MEMBER REQUEST**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

1.01 This is an outline application for up to 100 houses with all matters, except for access, reserved on land to the south of Meg's Lane, Buckley.

### **2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

2.01 1. The proposal represents inappropriate development that would detrimentally impact upon the designated green barrier, and open countryside, contrary to Unitary development plan policies GEN1, GEN3 and GEN4 and national policy contained within Planning Policy

Wales.

2. The site is located outside the settlement boundary for Buckley and within open countryside as defined by the adopted Flintshire Unitary Development Plan. It is considered that the weight attached to increasing housing land supply is not considered to outweigh the harm that would arise from the detrimental impact of such a scale of development would have upon the cohesiveness of the community and principles of sustainable development as set out in Planning Policy Wales (9th Edition - November 2016) and contrary to paragraph 6.2 of TAN1 and contrary to Policies STR1, GEN3 and HSG4 of the Flintshire Unitary Development Plan.

3. Insufficient information has been submitted to ensure that the proposal has fully taken the ecology of the site into account. As such it is considered that the proposal is contrary to policy WB1 and WB4 of the Flintshire Unitary Development Plan.

4. It has not been sufficiently proven that the development would not overload the (Buckley Ty Gwyn) Waste Water Treatment Works and it would need to be established that the system has the capacity to maintain adequate service and supply the new development. Without this information it is considered that the proposal is contrary to policies STR10 and EWP16 of the Flintshire Unitary Development Plan.

5. In the opinion of the Local Planning Authority the proposal does not adequately provide public open space provision within the site, in accordance with the recommendations of Planning Guidance Note 13- Outdoor Playing Space and New Development. As such the proposal is contrary to policies STR11 and SR5 of the Flintshire Unitary Development Plan.

6. Inadequate information has been provided to demonstrate how the development will meet the required provision of affordable housing within the site, to meet proven local need. As such the proposal is considered to be contrary to policies STR1, STR4 and HSG10 of the Flintshire Unitary Development Plan.

### **3.00 CONSULTATIONS**

#### **3.01 Local Members** **Councillor A Woolley**

Requests that the application be placed before a full planning committee, with a site visit prior to the committee sitting. My reasons are that the application is in contravention of the following:

1) The Well-being of Future Generations act (Wales) 2015 in that it is unsustainable and both environmentally and ecologically destructive.

2) Policy Wales and particularly TAN 1, in that it is:-

a) Outside of the existing Development Boundary for Buckley.  
b) Inappropriate development within an essential Green Barrier, where development would conflict with the UDP Such unwarranted intrusion would inevitably lead to the total destruction of the green barrier to the south of Meg's Lane, between Padeswood Road South and Bannel Lane and carry housing development far too close to the industrial site of the cement works alongside the A5118 at Padeswood. Policy GEN 4-17 would appear to apply to this case.

3) If granted, the application would create an unwarranted loss of agricultural land, contrary to Policy EC1 of the existing Unitary Development Plan.

4) While it may be argued that the county does not presently have in place a Joint Housing Land Availability Study and may not be able to demonstrate a fully adequate 5-year supply of land designated for housing, there are no pressing, compelling or exceptional circumstances relating to this particular application, which might argue for approval on any of those grounds.

5) That is particularly so given that there is no infrastructure plan attached to the application. Also, that Buckley is strewn with sites available for the construction of new houses, for which planning permission was granted several, even many, years ago, yet upon which sites there has been no sign of even commencement, let alone completion of the number of houses for which permission has been given. That argues irrefutably against any approval of this application on the grounds of urgent need. I believe that only some 74 houses have been built in recent years against a figure of about 669 units granted planning permission.

Councillor R Jones

No response received.

Buckley Town Council

Object to the proposal for the following reasons:

- Proposal contrary to Well-Being of Future Generations Act (Wales) 2015 in that it is unsustainable and both environmentally and ecologically destructive
- Contrary to PPW and TAN1: a) outside settlement boundary for Buckley  
b) Inappropriate development within an essential green barrier
- Represents unwarranted loss of agricultural land
- No pressing, compelling or exceptional circumstances to approve this application, even if it is not possible to demonstrate a 5 year housing land supply

- No infrastructure plan. Large number of unimplemented permissions in Buckley, establishes that there is no reason for approval of this application on the grounds of urgent need.

#### Highways Development Control Manager

Spon Green provides the main access route to the application site but capacity of this road is limited by residential on-street parking. The concern has been raised with the applicant who has suggested a scheme of parking restrictions which would assist with the free flow of traffic. On this basis, any consent should be subject to a Section 106 agreement requiring the payment of a sum of £4000 to cover the costs incurred by the Council for undertaking a public consultation exercise and the advertising and making of a Traffic Regulation Order.

Although accompanied by a Travel Plan Framework this document makes no reference to the Active Travel Wales any future application should be accompanied by a full Travel Plan.

No objection subject to conditions covering;

- Siting layout and means of access
- Access to be done prior to other building operations
- access shall have a visibility splay of 2.4m x 43m in both directions measured along the nearside edge of the adjoining carriageway
- No obstruction in visibility splays
- Parking and turning facilities to be provided
- The front of the garage shall be set back a minimum distance of 5.5m behind the back of footway line / or 7.3m from the edge of the carriageway in the case where the crossing of a grass service margin verge is involved
- The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- The gradient of the access from the edge of the existing carriageway and for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter.
- A 1.8m wide footway shall be provided along the site frontage constructed to adoption requirements
- Positive means to prevent the run-off of surface water from any part of the site onto the highway
- Construction Traffic Management Plan
- A Full Travel Plan and Transport Implementation Strategy

#### Public Protection Manager

No adverse comments to make

#### Welsh Water/Dwr Cymru

Welsh Water have received a pre-planning enquiry for this development. In their consultation response they advised that the proposed development would overload the (Buckley Ty Gwyn) Water Treatment Works and that a feasibility study would be required. They also indicated that a hydraulic modelling assessment would have to be undertaken on the clean water supply system to establish if the system has the capacity to maintain adequate service and supply the new development.

#### Natural Resources Wales

- Require an assessment of potential presence of bats in mature trees onsite, and likely use of trees/boundary features by foraging/commuting bats, including appropriate avoidance/mitigation/compensation measures.
- Submission and implementation of a Biosecurity risk assessment to the satisfaction of FCC
- Flood Risk Management are satisfied that the proposed surface water drainage information provided in the submitted Flood Consequence Assessment (D2502-FCA-01 22<sup>nd</sup> May 2017) is sufficient to allow an appropriately worded surface water condition to be imposed for this application.

#### Public Open Spaces Manager

For an application of this scale consideration should be given to POS being provided in accordance with the recommendations provided in Planning Guidance, Note No 13. POS Provision. The proposed open space provision does not meet this requirement and as such we do not support the application. The POS provision required would be an area of some 4500 meters located central to the development, enclosed being free of any overhead utilities. The area to be equipped with children's play equipment, landscaped, to a specification approved by the council. Should the developer require the POS to be adopted by the council a 10 year maintenance commuted sum payment would be required.

#### Housing Strategy Manager

- Requirement for 30% affordable on site-provision
- LHMA for Flintshire identifies an annual shortfall of 246 affordable units
- In the LHMA Buckley sits within the Buckley and Mold sub area which identifies an annual shortfall of affordable dwellings of 165, which is not being met on an annual basis

#### The Coal Authority

Standing advice applies.

Airbus

No aerodrome safeguarding objections

#### **4.00 PUBLICITY**

##### 4.01 Press Notice, Site Notice and Neighbour Notification

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

90 Letters of Objection received. Objections were lodged on the following issues:

- Parking issues on surrounding roads
- Loss of local amenity
- Loss of Green Belt
- Traffic issues and road safety
- Lack of local infrastructure and impact of development on local services
- Loss of Privacy/Overlooking
- Ecological Impact
- Proposal does not give adequate regard to “Active Travel” issues (walking and cycling) Transport assessment should fully consider all modes of transport not just cars.

#### **5.00 SITE HISTORY**

5.01 None

#### **6.00 PLANNING POLICIES**

##### 6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New Development

GEN3 - Development Outside Settlement Boundaries

GEN4 – Green Barrier

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

TWH2 – Protection of Hedgerows

WB1 - Species Protection

WB4 – Local Wildlife Sites of Wildlife and Geological Importance

WB6 – Enhancement of Nature Conservation Interests

AC2 – Pedestrian Provision and Public Rights of Way

AC3 – Cycling Provision

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

L1 – Landscape Character  
HSG4 – New Dwellings Outside Settlement Boundaries  
HSG8 - Density of Development  
HSG9 - Housing Mix and Type  
HSG10 - Affordable Housing within Settlement Boundaries  
SR5 - Outdoor Play Space and New Residential Development  
EWP3 - Renewable Energy in New Development  
EWP16 – Water Resources  
EWP17 – Flood Risk  
RE1 - Protection of Agricultural Land  
SR5 – Outdoor Play Space and New Residential Development  
IMP1 – Planning Conditions and Planning Obligations

Planning Policy Wales Edition 8 January 2016  
Technical Advice Note 1 Joint Housing Availability Studies 2015

## **7.00 PLANNING APPRAISAL**

### **7.01 Proposal**

The proposal is an Outline application for up to 100 dwellings on a site of 3.8 hectares at land off Megs Lane, Buckley. The only reserved matter being put forward for consideration is Access.

### **7.02 Principle of development**

The site lies adjacent to the settlement of Buckley in the adopted Unitary Development Plan (UDP), within a designated green barrier. Policy GEN4 does not permit new housing development in green barriers except for very specific forms of development. Furthermore the UDP only permits new development in the open countryside in a limited number of circumstances.

Planning Policy Wales (PPW) provides guidance on green wedges or barriers and Policy GEN4 of the UDP is generally in conformity with that advice. Housing development, in the form proposed, does not form one of the types of development that can be permitted in a green barrier and therefore, by definition, the development being proposed here must be treated as 'inappropriate development'.

PPW directs that other forms of development are considered inappropriate development unless they maintain the openness of the green barrier or conflict with the purposes of including land within it. Given the amount of built development proposed it is considered that this would not maintain the openness of the green barrier. One of the key purposes of the green barrier in this location is to protect the prominent southern edge of Buckley against encroachment of development into open countryside.

A pre-application submission was made prior to the current application being submitted, albeit for 5 dwellings. Officers advised that whilst in broad terms the site could be considered as being in a sustainable location, the location of the site within the designated green barrier was a significant impediment.

### 7.03 **Main Issues**

The main issues are considered to be whether the proposal represents appropriate development within the designated green barrier and in an open countryside location, the impact of the proposal upon adjacent ecology sites, the water supply infrastructure, sufficient provision of public open space and affordable housing as well as the implication of the 5 year land supply on the acceptability of the proposal in the overall planning balance.

### 7.04 **Green Barrier**

The site is located within a green barrier (GEN4-17) which wraps around the south and eastern edge of Buckley and Drury. This is a well defined green barrier that is fit for purpose when reviewed against the purposes for designating green barriers in section 4.8.3 of PPW 9, and also an area where there has been considerable pressure for development as part of successive development plans, and presently as part of speculative housing proposals. The principle and extent of the green barrier has been supported by successive Planning Inspectors as part of the Alyn and Deeside Local Plan and Unitary Development Plan.

Policy GEN4 states that:

*Development within green barriers will only be permitted where it comprises the following:*

- a. justified development in association with*
- b. essential facilities for outdoor sport and recreation, or cemeteries;*
- c. limited extension, alteration or replacement of existing dwellings;*
- d. limited housing infill development to meet proven local housing need or affordable housing exceptions schemes;*
- e. small scale farm diversification;*
- f. the re-use of existing buildings; and*
- g. other appropriate rural uses/development for which a rural location is essential.*

*provided that it would not:*

- i. contribute to the coalescence of settlements; and*
- ii. unacceptably harm the open character and appearance of the green barrier.*

The site was submitted as an omission site as part of the UDP for a housing allocation and the Inspector commented '11.96.27. 1996 – *Whilst adjacent to HSG1(2) the site shares only a short boundary with*



*it and is separated from it by a stream and a corridor of trees/vegetation. Although both are greenfield sites, visually there is not a strong relationship between the 2 and development on the objection site would extend further to the south into the rural area. The site is bounded to the north by the backs of properties fronting Megs Lane and lies within the green barrier which seeks to prevent encroachment into an area of open countryside to the south of Buckley where there is pressure to develop. The permission for and start on the construction of a dwelling along the Megs Lane frontage of the site would appear to preclude vehicular access'.*

In general the Inspector recognised the role of the green barrier in safeguarding the countryside from encroachment and protecting the setting of this prominent urban edge. The Inspector also recognised potential coalescence with built development at Padeswood.

PPW states that (para 4.8.12) “The general policies controlling development in the countryside apply in green wedges, but there is, in addition, a general presumption against development which is inappropriate in relation to the purposes of the designation”. In the submitted Green Barrier asses

sment it has been opined that existing hedgerows within the green barrier give a better natural boundary than what has been described as a “weak” boundary based on the urban edge of boundary. In my opinion, with echos the Inspectors comments mentioned earlier, is that the current situation gives a clear delineation between the built development of the town and the adjacent countryside. There are hedgerows throughout the green barrier as befits agricultural land. Artificially pushing the limits of the urban area further into this area can only lead to a weakening of the openness of the designated area and ultimately a coalescence of the surrounding built development to the detriment of the open countryside.

This area of open countryside, located at the south eastern area of Buckley has an existing and well defined southern extent to the settlement, from which the countryside then gently drops away. It is the openness of this context setting band of open countryside that is remarkably unaltered due to the green barrier designation, and in spite of long standing pressure for development, is important to maintain and not permit its reduction or erosion.

I do not consider that the proposal complies with either relevant development plan policies, or national planning guidance in respect of its impact upon the character and openness of the designated green barrier.

## 7.05 Sustainability

Buckley is a category A settlement in the UDP and several allocations were made in the settlement in the UDP. In the UDP Buckley is in the top tier of the 5 tier hierarchy and is a main service centre and this reflects its level of sustainability. In broad terms it is a sustainable settlement to accommodate development. However the Welsh Governments principles and objectives for sustainable development encompasses far more than just providing for growth and development, with matters such as environmental protection also being important. The provision of green wedges and barriers is an important part of Chapter 4, 'Planning for Sustainability', of PPW. It is an integral part of how sustainability is to be achieved. If the proposed development is inappropriate development in a green barrier then it cannot represent sustainable development unless there are exceptional circumstances to justify the harm caused. There was a recent appeal decision at Rhosrobin, Wrexham where the Inspector considered a green barrier site, and was of the opinion that the lack of a 5 year housing land supply did not outweigh the conflict with the development plan and national planning policy. The Inspector concluded '*I conclude that the development is inappropriate development in the green barrier and very exceptional circumstances do not exist to clearly outweigh this harm....*' As such I do not consider the proposal to represent sustainable development, given the detrimental impact upon the green barrier.

#### 7.06 **Housing Land Supply**

It is accepted that the Council does not have a 5 year housing land supply, particularly as the Welsh Government/PINS will not be progressing the 2015 JHLAS. In terms of TAN1 the Council 'will be considered not to have a 5-year supply' as it does not have an adopted UDP /LDP and cannot formally carry out a JHLAS. The commentary in the 2014 JHLAS Report explains how the Council will seek to increase supply and part of this is considering 'speculative' sites which represent sustainable development. A guidance note on speculative development was subsequently issued to assist in the submission of speculative development proposals.

*In such circumstances, advice contained in para 6.2 of TAN1 is that 'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.*

When looking at the context of the site in Buckley there is a site to the west of it which has detailed planning permission for housing and a

short distance away is the Well Street site (which is being progressed as part of the SHARP programme) and Rose lane allocated site which has been allowed on appeal. Elsewhere in Buckley there are other sites being developed by different developers. It is not clear what the need is for an additional site in this location.

As has been discussed, it is not considered that the development would otherwise comply with development plan policies and national planning policies. As such the weight to be given to the lack of the 5-year requirement is not sufficient to outweigh other material factors in determining this application.

#### **7.07 Ecology and Biodiversity**

The site is primarily improved grassland with potential habitats, including watercourses and hedgerows within the site. The site lies within 2 Kilometres of the Buckley Claypits and Commons SSSI and Deeside and Buckley Newt Sites SAC, although the site lies outside the buffer zones for these designated areas. The development would result in the loss of approximately 3ha of improved grassland habitat and 0.1ha of scrub.

The site has potential to support common amphibian species, bats and nesting birds during the breeding season. There are likely impacts upon these species and their habitats as a result of the development. Mitigation measures have been proposed, should the development be allowed. These measures should be imposed by condition and when complied with the development will be in accordance with the relevant Development Plan Policies, namely Policy WB1 of the Flintshire Unitary Development Plan, which seeks to protect species in conjunction with existing species protection through relevant Acts of Parliament and European Law and policy WB6, which requires that development incorporates measures to improve the nature conservation of a site and mitigates against the loss of natural habitats by development. Numerous field signs of Badger activity is evident on site although no Badger Setts have been recorded on the site

There is a wildlife site, Bistre Wood, to the south west of the site which is ancient woodland which requires a 15m buffer zone between this area and development.

There is a requirement for further surveys to be undertaken on site in order to demonstrate that the development has taken the ecology of the site into account. An updated Ecological Impact Assessment was submitted following comments received from the Ecology officer, but no further surveys have been undertaken.

Given the nature and the location of the proposal it is considered that

biosecurity is a material consideration, with specific regard to invasive non-native species and diseases. Conditions would need to be imposed to require a Biosecurity risk assessment for the site should the proposal be considered acceptable.

#### 7.08 **Highways and access considerations**

Spon Green provides the main access route to the application site but capacity of this road is limited by residential on-street parking. The concern has been raised with the applicant who has suggested a scheme of parking restrictions which would assist with the free flow of traffic. On this basis, any consent would need to be subject to a Section 106 agreement requiring the payment of a fee to cover the costs incurred by the Council for undertaking a public consultation exercise and the advertising and making of a Traffic Regulation Order. Commuted sums would also be required for a street lighting system that is to be powered and maintained at public expense.

Although accompanied by a Travel Plan Framework this document makes no reference to the Active Travel Wales and if the current proposal were to be successful then any future reserved matters application should be accompanied by a full Travel Plan.

#### 7.09 **Waste Water provision**

Pre-application enquiries by the applicant to Welsh Water identified that the proposal would overload the (Buckley Ty Gwyn) Waste Water Treatment Plant. A Clean Water Hydraulic Modelling Assessment and a Feasibility study were undertaken by Welsh Water.

The conclusion of the Clean Water Hydraulic Modelling assessment indicates that under current network conditions the development of 100 dwellings within land off Megs land is viable, and flows, velocities, pressures and head losses are all above DCWW serviceability levels.

Feedback on the feasibility study has not yet been received from Welsh Water.

#### **Public Open Space**

7.10 Opportunities for both formal and informal recreation are essential to the health and happiness of people of all ages. Recreational open space areas are a vital element of the community, allowing free movement, free expression and social interaction. In accordance with the recommendations provided in Planning Guidance Note 13 the provision of public open space will be an important consideration within proposals for new residential developments. In addition to aiding the general well-being of the community by providing for sport and recreation, public open space can also contribute to biodiversity, the conservation of nature and landscape, air quality, the protection

of ground water, and can enhance the appearance of a locality.

The required public open space provision for a development of this scale would be an area of some 4500 metres located centrally to the development. The proposed provision proposed by the development does not meet these requirements.

### **Affordable Housing**

- 7.11 Paragraph 9.2.14 of PPW 9 states that “*A community’s need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies*”. Whilst the Planning Statement for the development states that the development proposal will be in full compliance with the relevant unitary development plan policies governing affordable housing provision, no details have been provided to demonstrate how the required provision shall be provided.

Policy HSG10- Affordable housing within settlement boundaries, is considered to be the relevant unitary development plan policy given the edge of settlement location of the proposal. In this policy, where there is a demonstrable need for affordable housing to meet local needs, the Council will take account of this as a material consideration when assessing housing proposals. Where this need exists the Council will negotiate with developers to provide 30% affordable housing in suitable or appropriate schemes within settlement boundaries.

In terms of the evidence of need, the Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units and in 2015/2016 124 affordable units were delivered- a combination of supported housing, social and intermediate rent as well as shared equity. In the LHMA Buckley sits within the Mold and Buckley sub area which identifies an annual shortfall of affordable dwellings of 165, which is not being met on an annual basis. The LHMA overall identifies a need for primarily 1 bed (14%) 2 bed (31.6%) and 3 bed (28.5%) split relatively evenly between social rented (56.2%) and intermediate (43.8%) tenures.

The Social Housing Register currently has 1,656 applications with around 500 people identifying Buckley as an area where they are seeking social housing with a mix of 1 bed and 2 bed flats, and 2 bed, 3 bed and 4 bed houses.

There is also an identified level of interest of affordable housing (i.e affordable ownership and rent) in Buckley with 39 applicants currently registered for an affordable ownership (shared equity) property, with a further 28 applicants with a registered interest for affordable rent.

Given the above it is clear that there is an identifiable need within the area for affordable housing options. As such it is considered that it

would be appropriate to seek a 30% provision of affordable housing on site. Without details being provided of how this will be achieved there is a lack of clarity concerning the compliance of the proposal with the relevant development plan policies and national policy.

## **8.00 CONCLUSION**

The proposal represents inappropriate development within the Green barrier and is in clear conflict with the provisions of the policies of the unitary development plan as well as national guidance. The proposal would cause undue harm to the open countryside and green barrier. Whilst it is accepted that TAN1 gives considerable weight to increasing housing land supply I do not consider that this outweighs the above considerations and recommend accordingly.

Inadequate details have been provided with regards to safeguarding the ecology of the site, the provision of public open space and affordable housing provision and to ensure that the capacity of the local water resources meet the need of the development.

### **8.01 Other Considerations**

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

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

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

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

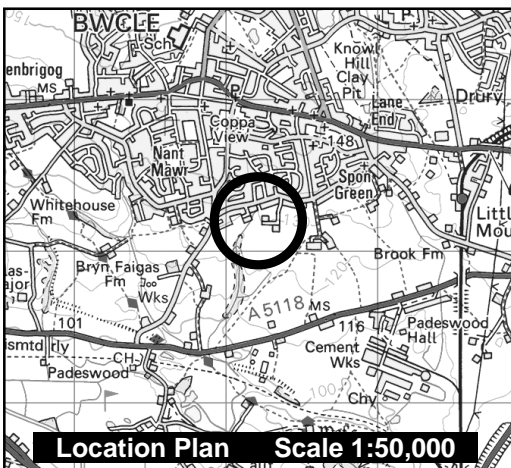
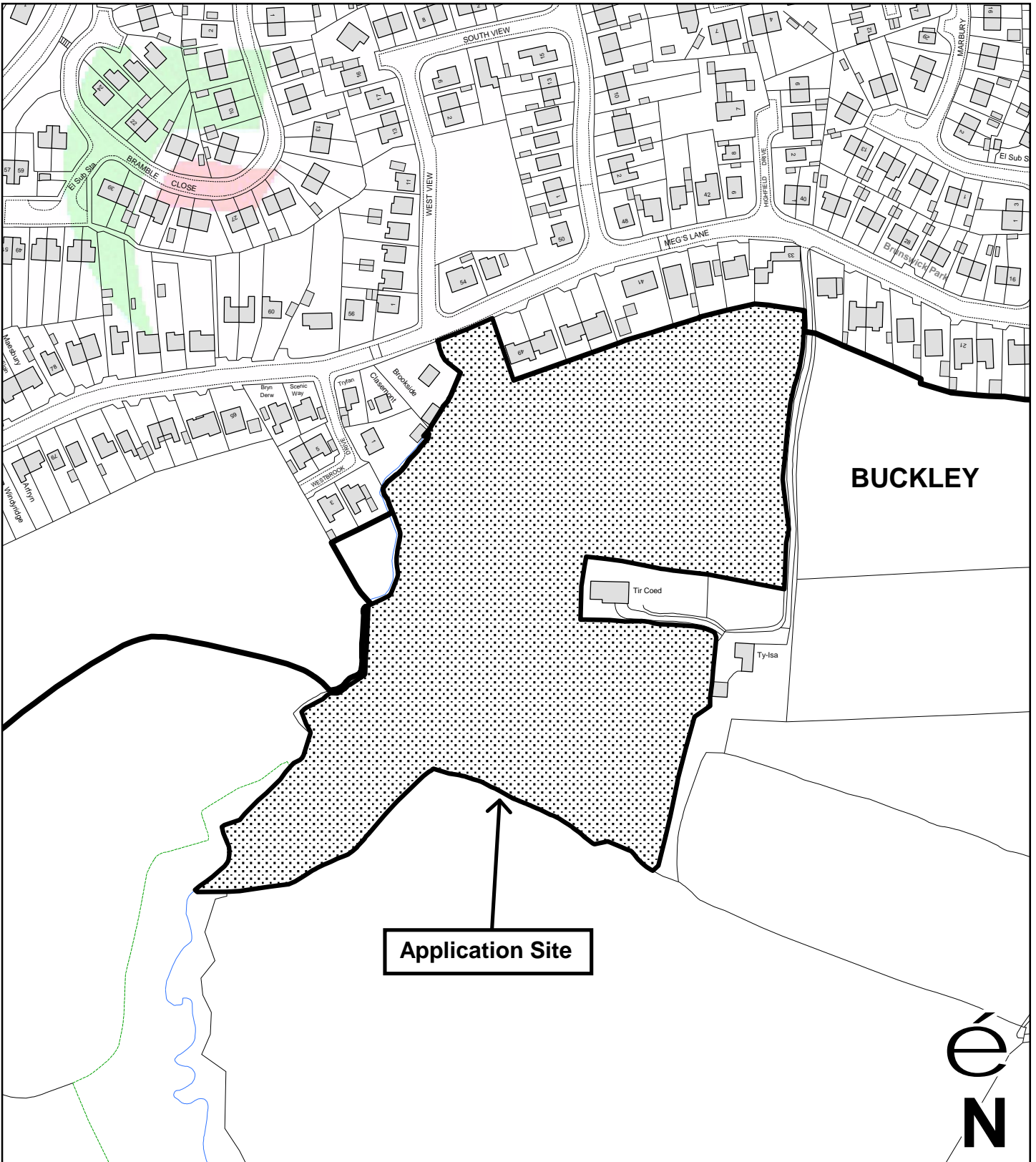
## **LIST OF BACKGROUND DOCUMENTS**

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

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Planning, Environment & Economy  
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 2863

Planning Application **57056**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **WEDNESDAY, 23 MAY 2018**

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

**SUBJECT:** **OUTLINE APPLICATION FOR THE ERECTION OF A DWELLING AT BAYONNE, HAFOD MOOR, GWERNAFFIELD.**

**APPLICATION NUMBER:** **058124**

**APPLICANT:** **MR & MRS JONES**

**SITE:** **BAYONNE, HAFOD ROAD, GWERNAFFIELD**

**APPLICATION VALID DATE:** **28<sup>TH</sup> FEBRUARY 2018**

**LOCAL MEMBERS:** **COUNCILLOR MS A.J. DAVIES-COOKE**

**TOWN/COMMUNITY COUNCIL:** **GWERNAFFIELD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This is an outline application for the erection of a single dwellinghouse on land at Bayonne, Hafod Moor, Gwernaffield. The site is located outside settlement boundaries, and is within both the open countryside and the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.
- 1.02 With regards to the proposed location, the application is not for a proven local housing need and it is not considered to be infill development as part of a continuous line of built up frontages. The proposal represents unjustified development which will have a significant detrimental impact upon the character and appearance of

the countryside and, would not maintain or enhance the natural beauty of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty. The principle of development is therefore contrary to Policies STR1, GEN3, L2, HSG4 and HSG5 of the Flintshire Unitary Development Plan.

1.03 The recommendation is to refuse planning permission.

**2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

2.01 If allowed, the proposed dwelling would be located in the open countryside, whereby there is a general presumption against development of this nature that is not intended or required to meet a local housing need or the essential need of farm and forestry workers, thereby contrary to Policies STR1, GEN3, HSG4 and HSG5 of the Adopted Flintshire Unitary Development Plan and relevant guidance in Planning Policy Wales and TAN 6.

2.02 The proposal represents unjustified non-essential development in the open countryside, which does not maintain or enhance the natural beauty of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty and is therefore contrary to Policy L2 of the Adopted Flintshire Unitary Development.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Ms A.J. Davies-Cooke

Wishes the application to go to Planning Committee and have a site visit as supports development within the curtilage of dwellings.

Gwernaffield Community Council

No response received at time of writing.

Head of Assets and Transportation

Advises that the road giving access to the site is not adopted and that the access onto the adopted network is substandard. However, given that the un-adopted road serves 12 existing dwellings, it is not considered that a recommendation of refusal may be substantiated on this basis. An additional single dwelling would not result in a significant increase in the use of the access. Therefore, as the Highway Authority I can confirm that I have no objection to the proposed development.

Head of Public Protection

No adverse comments to make on the application.

### Clwydian Range and Dee Valley AONB JAC

The Joint Committee Advises that the site is outside any recognised settlement and fails to comply with the sustainable location criteria. Furthermore, the committee is concerned that the site does not meet the definition of infill development. It is also noted that the dwelling is intended as open market housing without any reference to meeting local need as required by current UDP policy. In addition, the application states there are no trees or hedges on the site, which is incorrect. In this context, the Joint Committee is seriously concerned that the proposal will have a harmful impact on the character of the AONB and objects to the application.

## **4.00 PUBLICITY**

### 4.01 Press Notice, Site Notice, and Neighbour Notification

The application was advertised by site notice which was displayed on 14/03/18.

6 letters of objection in relation to:

- The site is a greenfield site outside the settlement boundary;
- The site is within open countryside and an Area of Outstanding Natural Beauty;
- The proposal would be out of character within its rural location;
- The proposed access is on an un-adopted track which has limited passing places and is maintainable by the existing properties along Hafod Moor;
- The proposal would lead to additional traffic on Hafod Moor and threaten pedestrian and other road users safety;
- Emergency services access could be adversely affected by the increased traffic generated:
- Surface water drainage problems;
- Noise impacts from the development;
- The proposal would set a precedent for other similar proposals to come forward.

## **5.00 SITE HISTORY**

5.01 None relevant.

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

STR7 – Natural Environment

GEN1 – General Requirements for New Development

GEN3 – Development in the Open Countryside

TWH1 – Development Affecting Trees & Woodlands

L1 – Landscape Character

L2 – Area of Outstanding National Beauty  
AC13 – Access and Traffic Impact  
HSG4 – New Dwellings Outside Settlement Boundaries  
HSG5 – Limited Infill Development Outside Settlement Boundaries

Local Planning Guidance Note 2 – Space Around Dwellings  
Local Planning Guidance Note 2 – Trees & Development  
Local Planning Guidance Note 10 – New Housing in the Open Countryside

Planning Policy Wales (PPW) (Edition 9, November 2016)  
Technical Advice Note (TAN) 1 – Joint Housing Land Availability Studies (2015)  
Technical Advice Note (TAN) 2 – Planning & Affordable Housing (2006)  
Technical Advice Note (TAN) 6 – Planning & Sustainable Rural Communities (2010)  
Technical Advice Note (TAN) 18 – Transport (2007)

The proposal **would not** comply with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description & Proposed Development**

The application site comprises garden land located to the south of the existing bungalow of Bayonne. Accommodating a number of tall trees, the site is enclosed by low hedgerows and a mixture of stock proof and post and rail fencing. The hedgerow and public footpath to the south bounds the site, marking the boundary of the neighbouring paddock and residential property of Cartref. The site is served by a private un-adopted track which provides access to twelve other residential properties. The context is predominantly agricultural farmland interspersed with hedgerows and areas of woodland.

The application seeks outline permission with all matters reserved apart from access for the erection of a substantial new detached dwelling with all accommodation on the ground floor. With reference to the information provided, it is advised that the proposed dwelling will have the maximum overall dimensions of 17.3m (length), 18.4m (width) and 7.95m (height). An illustrative plan showing the siting of the proposed dwelling within the plot has been submitted.

### **7.02 Principle of Development**

The site is located within open countryside and is outside a recognised settlement boundary as defined by the Flintshire Unitary Development Plan (UDP). The site also lies within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty. Policies STR1, GEN3, HSG4 and HSG5 essentially restrict the type of development permitted outside settlement boundaries. The

application does not relate to an essential farm or forestry worker under Policy HSG4 or a rural enterprise dwelling as defined in Planning Policy Wales and TAN 6.

The Site benefits from natural screening provided by the existing hedgerow and trees. The relatively exposed position of the site enables views of it from various nearby public viewpoints. Whilst the settlement of Gwernaffield has a strong cohesive form, Bayonne and its neighbouring dwellings are physically separated from the centre of Gwernaffield by some distance. The site thus appears as a constituent part of an isolated cluster of dwellings and ancillary buildings situated within the open countryside. Notwithstanding this, the proposed dwelling would be situated between two existing properties of similar form, scale and alignment, with frontage access obtained from the lane. The site could appear as 'infill' development, as it would not materially extend the existing cluster of dwellings into the open countryside per se. However, it is not considered that the site forms part of an otherwise continuously built up frontage and is not surrounded by largely developed land. Consequently, the site would not represent as an infill site.

UDP policy GEN3 Development in the Open Countryside states in criterion b). that "small scale infill development comprising of one or two housing unit(s) within a clearly identified group of dwellings may be permitted where the proposal would satisfy the requirements of policy HSG5". Policy HSG5 goes on to state that such housing should meet a "proven local housing need" and then defines the nature of such need in its reasoned justification. The application is clearly not for an identified "local need" but for private market housing. In addition, the application does not meet the tests of criterion a). of the policy i.e. "comprises a small gap which is not an important landscape, nature conservation, historic or other amenity feature within a clearly identifiable small group of houses within a continuously developed frontage". Paragraph 11.61 of the UDP, further explains that "a group of houses must form part of a continuous built-up frontage and should not be interspersed by individual field parcels". Similarly, an infill housing plot is defined as "a small gap capable of accommodating a single house unit within a continuous line of built up frontages". The application site would not conform to that description and would thus run counter to the purpose and intent of policy HSG5.

The applicant's submission makes reference to the lack of a 5-year supply of housing and to *Technical Advice Note – 1 – Joint Housing Land Availability Studies* (TAN 1). Paragraphs 8.1 and 8.2 of this document clarify that, where a UDP plan period has expired, as is the case in Flintshire, a local planning authority will be considered to not have a 5-year Housing and Land Supply (HLS). Paragraph 6.2 of TAN 1 states that in such circumstances, the need to increase supply should be given considerable weight when dealing with planning

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

In this case, it is considered that the proposal would not comply with the relevant UDP policies and that it would cause significant harm to the rural character and appearance of the surrounding area. Furthermore, whilst UDP policy STR1 indicates that development within the open countryside may be permitted where it is essential to have an open countryside location, no evidence has been submitted to demonstrate that the proposed housing unit is justified by virtue of its rural location.

7.03 Character and Appearance of Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

The site is located within open countryside in the Adopted Flintshire Unitary Development Plan and within the Clwydian Range & Dee Valley Area of Outstanding Natural Beauty (AONB).

All matters are reserved apart from the access, the indicative dimension and layout plan would suggest that the majority of the existing trees would need to be removed in order to accommodate the dwelling. The height and density of the trees assist in reducing the visual prominence of the cluster of houses as a whole. The provision of a dwelling with a width of up to 17.3m and a ridge height of around 7.95m on the existing open garden area, in combination with the reduced number of trees, would substantially alter the character of the site, and in visual terms, would materially increase the density of the built form within the cluster. In accentuating the prominence of an isolated cluster of suburban dwellings within the open countryside, the proposal would unacceptably harm the character and appearance of the immediate area and this part of the AONB.

8.00 **CONCLUSION**

Having regard to the most current advice in TAN 1, considerable weight is given to the need to increase the supply of housing; of which the contribution of one dwelling to the housing land supply would be significantly modest. Sustainability considerations and the need to ensure opportunities for affordable housing in rural areas is at the heart of both UDP policies and national guidance in PPW providing that a genuine need is evident. However, no evidence or supporting information is provided to justify that the proposal is to satisfy a genuine local housing need, and therefore fails to meet the necessary criteria based approach set out in Policy HSG4 and HSG5 and accompanying national planning guidance.

To conclude, it is considered that the cumulative adverse impacts of granting planning permission would significantly and demonstrably



outweigh the benefits. Furthermore, the proposal would run counter to Policies STR1, GEN3, HSG4, HSG5 and L2 of the Flintshire Unitary Development Plan.

#### 8.01 Other Considerations

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

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

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

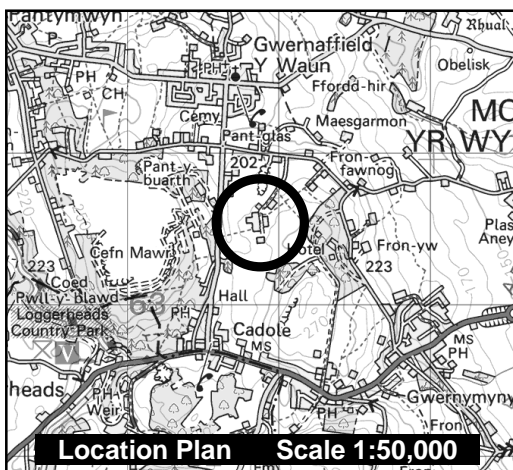
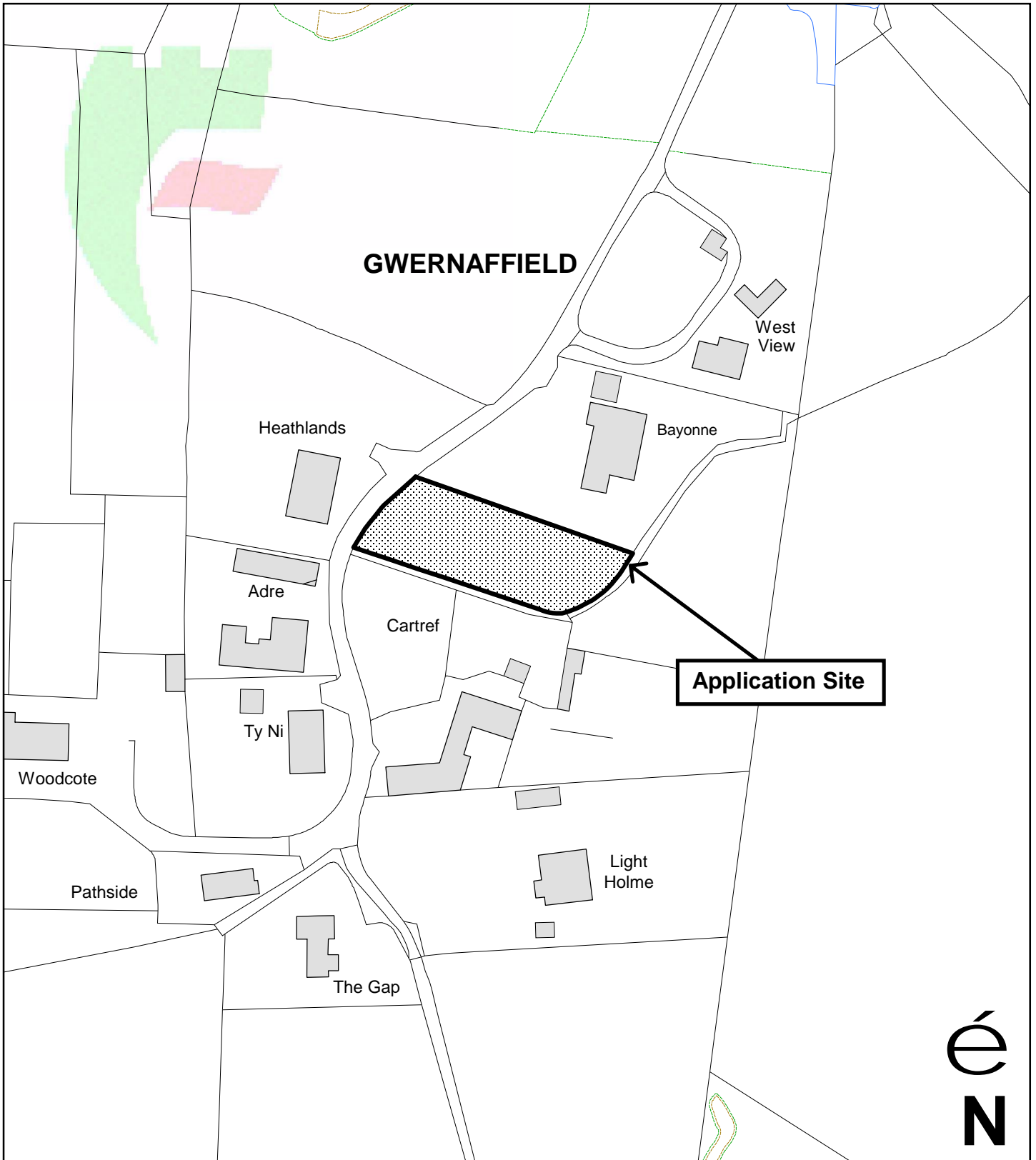
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

#### **LIST OF BACKGROUND DOCUMENTS**

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

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Planning, Environment & Economy,  
 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 2063

Planning Application **58124**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **23<sup>rd</sup> MAY 2018**

**REPORT BY:** **CHIEF OFFICER OF PLANNING, ENVIRONMENT & ECONOMY**

**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:** **9<sup>TH</sup> 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 neighbouring living conditions 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 £27,500 in lieu of on-site recreation provision, the sum to be used to enhance the children's play area at Coed Talon Play Area. 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.
7. Provision of play area before 50% occupation of the dwellings 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 & Pontybodkin. The S106 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.

Public Open Spaces Manager

Considers the location of the proposed doorstep play facility to be acceptable and advises of an agreed schedule of equipment. Advises that a commuted sum equivalent to 50% of the sum which would normally be sought will be required to address recreational needs of older children. Advises that this sum will be used to enhance existing provisions for play and recreation at Coed Talon Play Area.

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 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 a matter addressed via a condition upon the previous grant of outline planning permission. Accordingly, submissions to satisfy that condition will confirm the precise form the affordable housing. 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 for the erection of 50No. dwellings equates to a form of development which yields development at a rate of approximately 25d.p.ha. It is considered this is an appropriate scale of development upon this site, taking account of the site constraints and the surrounding density of development.

7.10 The Main Issues

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

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

7.11 Design & Impacts upon Amenity

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, broadly in accordance with Council standards on space about dwellings and overlooking to secure privacy and acceptable living condition for future occupiers 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.
- 7.14 Access  
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. It is considered 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 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. It is considered that matters in respect of highway of access and highway safety raised are capable of being suitably addressed via the imposition of suitable conditions.

#### Drainage

- 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 It is therefore considered 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.
- 7.24 S.106 – Play Area & Public Open Space  
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 Coed Talon 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 to be sited near to the entrance of the site, upon a parcel of land abutting the internal estate road and the watercourse running through the site. Consideration was given to locating the facility at the junction of the development with the proposed 'Greenway' to the north. However, in consultation with the Public Open Spaces Manager (POSM), this location was not considered to be suitable in terms of its relationship with the development. The facility proposed is a doorstep facility and a schedule of equipment has been agreed between the applicant and the POSM.
- 7.26 The residual of the requirements arising from LPGN 13 is such that this sum equates to £27,500, representing 50% of the sum which would normally be required for a proposal such as this if a full off site contribution were to be required.
- 7.27 The infrastructure and monetary contributions that can be required

from 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'.

7.28 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

7.29 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.

7.30 The consultation has established that the sum requested should be used in connection with a project to upgrade facilities at the nearby Coed Talon 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.

7.31 It is considered that, 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. It is also considered 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

7.32 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.

7.33 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.

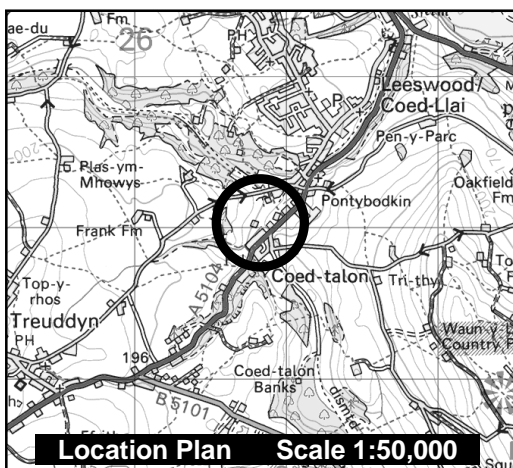
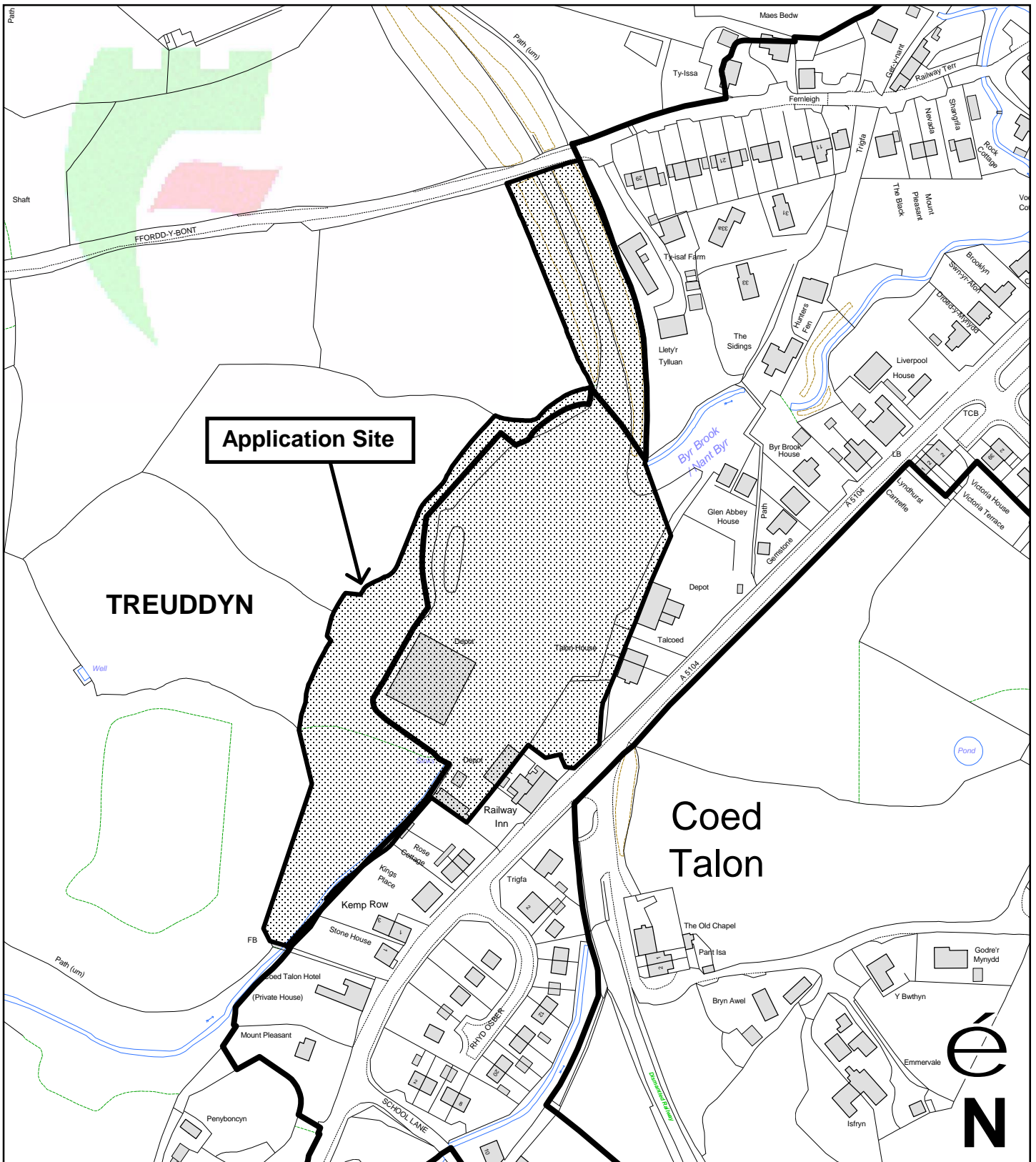
8.05 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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

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Planning, Environment & Economy,  
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:** **23<sup>RD</sup> MAY 2018**

**REPORT BY:** **CHIEF OFFICER OF PLANNING,  
ENVIRONMENT & ECONOMY**

**SUBJECT:** **OUTLINE - ERECTION OF SINGLE STOREY  
DWELLING TO THE REAR OF ACREFIELD AT LAND  
TO THE REAR OF ACREFIELD, ERW FFYNNON,  
TREUDDYN.**

**APPLICATION  
NUMBER:** **057943**

**APPLICANT:** **MR BRUCE THORTON**

**SITE:** **LAND TO THE REAR OF ACREFIELD, ERW  
FFYNNON, TREUDDYN, CH7 4LW**

**APPLICATION  
VALID DATE:** **15<sup>TH</sup> JANUARY 2018**

**LOCAL MEMBERS:** **CLLR C. THOMAS**

**TOWN/COMMUNITY  
COUNCIL:** **TREUDDYN COMMUNITY COUNCIL**

**REASON FOR  
COMMITTEE:** **MEMBERS REQUEST**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This is an outline application for the erection of a single storey dwelling to the rear of Acrefield, Erw Ffynnon, Trueddyn. The main issues are considered to be the impact of the development on the character of the area and highways safety.

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

1. Outline – Reserved Matters
2. Outline – Time Limit
3. Siting, layout and design of the means of access to be submitted and approved
4. Foul/surface water discharges to be drained separately
5. No surface water to connect into public sewerage system
6. No land drainage to discharge into public sewerage system

**3.00 CONSULTATIONS**

Local Member: Cllr Carolyn Thomas

Raises a number of concerns regarding the principle of development, potential impact on the character of the area, loss of habitat and in contravention of a historic legal agreement.

Trueddyn Community Council

The council recommends refusal on the ground of amenity of the original house and gardens should be retained

Highways Development Management

Raises no objection to the proposal.

Head of Public Protection

Raises no objection to the proposal.

Welsh Water/Dwr Cymru

Raises no objection to the proposal subject to conditions

**4.00 PUBLICITY**

Site Notice and Neighbour Notification

5 Letters of objection have been received raising the following objections:

- Increased traffic using private access will create more noise and effect pedestrian safety
- Concerns regarding construction traffic
- Visual impact of boundary treatment
- Impact on character

- Concerns regarding drainage and waste management
- Impact on existing planning obligations and agreements

## **5.00 SITE HISTORY**

**4/9/12806** – Layout of roads and sewers and building plots – Consent 7<sup>th</sup> February 1984

**055980** – Outline application for the erection of 2 No. detached dwellings – Refused 6/2/2017 – Appeal Dismissed 8/8/2017

## **6.00 PLANNING POLICIES**

Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR4 – Housing

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

Policy HSG8 – Density of Development

Additional Guidance

Local Planning Guidance Note 2 – Space About Dwellings

## **7.00 PLANNING APPRAISAL**

### **7.01 The Proposal**

This application is for outline consent to erect 1no. dwelling at land to the rear of Acrefield, Erw Ffynnon, Queen Street, Treuddyn This site was previously part of the residential curtilage of Acrefield which is a detached bungalow sited within a large plot.

### **7.02 The Site**

The application site previously formed part of the residential curtilage of an existing detached bungalow, “Acrefield”, Erw Ffynnon, Queen Street, Treuddyn. The site is located within the settlement boundary of Treuddyn which is a category B settlement as defined in the Flintshire Unitary Development Plan.

### 7.03 Site History

“Acrefield” is one of 13 dwellings permitted under 4/9/12806 in 1984. The development was subject to a legal agreement entered into between Alyn and Deeside District Council and Whelmar (North Wales Ltd), pursuant to Section 52 of the Town and Country Planning Act 1971, which specifies that when the site was initially subdivided into not more than 13 plots, that there would be no more than one private dwelling upon each plot.

7.04 When the agreement was made, the Council clearly considered that further development of the land was unacceptable at that time. However, this was their view at that time, more than 30 years ago, and the Local Planning Authority (LPA) has to consider the application before it today with reference to current local and national planning policy and any other material planning considerations. In this regard I consider that the Council’s historic view, which led to the agreement above being made, is only material to the extent that planning policies that existed at the time are consistent with policies as they are today and so far as other material considerations that existed at the time still exist today. The applicant, should permission be granted, may have to make arrangements to have the agreement varied or discharged prior to commencement of development, but this is immaterial to the consideration of this application.

7.05 Within the same site, a planning application for 2no two-story dwellings was refused by the LPA in February 2017 and subsequently dismissed on appeal. In the appeal summary the inspector noted that ‘there are some social and economic benefits from the proposal to support local services and to utilise and build-on previously developed land. Another factor in favour is the substantial shortfall in housing land supply and this proposal would increase that supply by two dwellings. However, there is distinguishable harm to the character and appearance of the area and the proposal fails to accord with the development plan and national planning policies in this respect’

7.06 Since the above appeal, an application to erect 3no dwellings at an adjacent site known as Y Weirglodd was approved at appeal. Y Weirglodd and the 3no. additional dwellings are accessed off Erw Ffynnon.

7.07 Principle of Development

As indicated the site is within the settlement boundary of Treuddyn, a category B settlement as defined in the Flintshire Unitary Development Plan, where the principle of residential development is generally supported by FUDP policy HSG3. This is however, subject to an assessment of the proposed development taking into account for example, its acceptability having specific regard to its impact on the character of the site / surroundings, adequacy of access, impact on privacy / amenity, drainage and ecology.

7.08 Character and Appearance

It is considered that there are 3 distinct areas which make up the character of development within this part of Treuddyn, namely:-

- a) higher density of development at Glasdir / Bro Brynog to the east of the site
- b) frontage development onto Queen Street and
- c) the 13 No. dwellings that are set within fairly substantial curtilage areas off Erw Ffynnon and Bro Helyg.

7.09 The low density of development at Erw Ffynnon was influenced at the time by the limited capacity of the drainage system. The previous application for 2.no two story dwellings with smaller significantly smaller private amenity areas was considered to be out of character with Erw Ffynnon and Bro Helyg.

7.10 The inspector for the Acrefield application stated that "Acrefield commands a central position within a large group of houses with substantial gardens which is a definable characteristic of the group". In paragraph 10 he goes on to state that despite the generous size of the proposed houses the proposal would have resulted in smaller and shallower gardens. He states "the change to the central plot would disrupt the existing spatial arrangement of properties and sizeable gardens that form the definable characteristic."

7.11 However, since this appeal was heard, an application to erect 3no. detached dwellings at land adjacent to Y Weirglodd, Erw Ffynnon was approved at appeal. Y Weirglodd in one of the larger plots within the group of houses outlined by the Acrefield inspector. In this appeal the inspector found 'that the change within the context of the appeal site and the variety of layouts immediately around it, and elsewhere within the settlement, subdividing the Y Weirglodd plot in the manner proposed would not cause the character and appearance of the plot layouts on Erw Ffynnon and Bro Helyg to be lost or unacceptably harmed'. The inspector also noted that the 'garden area is unusually large, and if the appeal scheme were to be developed, Y Weirglodd

would remain a large house set in substantial grounds.’

7.12 It is considered that there have been two material changes in circumstance since the original application for 2no dwellings. Firstly, the appeal at Y Weirglodd has altered the spatial planning layout of Erw Ffynnon by allowing three further dwellings, and secondly the proposal now seeks consent for a single story dwelling within the same site.

7.13 The appeal at Y Weirglodd alters the spatial arrangement of properties and size of gardens in the immediate area which was identified by the Acrefield inspector as forming the defining characteristic of the immediate area. The approved plots are modest in size compared to the remaining plots on Erw Ffynnon and approved dwellings are two storey. The existing dwelling retains a significant garden however this has been significantly reduced.

7.14 The proposal allows for a significant private amenity space for both the existing and proposed dwellings. The existing dwelling retains approximately 1400m<sup>2</sup> of garden space and the proposed dwelling has approximately 1100m<sup>2</sup>. This is well in excess of the 75m<sup>2</sup> suggested by SPG2 – Space around dwellings for three bedroom properties and gives a clear indication of the overall plot size. The garden sizes are similar in size to those of the dwellings off Bro Helyg and larger than the properties approved at Y Weirglodd which range from 375-660m<sup>2</sup>.

7.15 It is therefore considered that as the surrounding dwellings are a mixture of types and architectural styles, with both single storey and two storey dwellings, set within a variety of plot sizes, the proposal subdivision of Acrefield is in keeping for the varied character. The dwelling could achieve adequate separation distances from surrounding properties and there are established natural boundary treatments on three sides.

7.16 It is considered that the proposed dwelling, whilst indicative only would be in keeping with the character of Erw Ffynnon and Bro Helyg and this character would be would not be unacceptable harmed by the proposed development. The garden area for Acrefield is substantial and if the proposal was to take place both the existing and proposed development would result in large dwellings set within substantial grounds.

7.17 Highways Impact  
Erw Fynnon does not form part of the adopted highway network and as such is a private drive. As such the suitability of the access from Queen Street to accommodate the increase in use of Erw Fynnon resulting from the proposed development is a consideration. A number of concerns have been raised in relation to the ownership of the access



and grass verge.

- 7.18 The grass verge fronting Ty Cerrig does form part of the adopted highway network. The verge's status as highway takes precedence over any perceived Ownership recorded with the Land Registry. Consequently, the highways department are satisfied that an access with adequate visibility from and of emerging vehicles may be provided to serve both the existing and proposed development. The alignment of the access is also sufficient to allow for the 2 way movement of vehicles clear of the adopted highway.

#### Ecology

- 7.19 Concerns have been raised regarding the possible effects of the development on bats. This has been considered at the appeal stage for the previous application where Natural Resources Wales confirmed that no protected species are likely to be affected by the proposal. The site is an area of domestic garden with boundary vegetation that, along with the scale and nature of the development proposed, supports NRW's conclusion that protected species are unlikely to be affected by the proposal.

#### Drainage

- 7.20 A number of concerns have been raised regarding surface and foul water discharge, however Welsh Water have confirmed that this can be dealt with by a number of prior to commencement conditions.

### **8.00 CONCLUSION**

- 8.01 It is considered that the proposal is acceptable in planning policy terms and, for the reasons outlined above, does not have a significant detrimental impact on the character of the area. It is considered that all other issues in relation to highways impact, ecology and drainage have been adequately addressed. Therefore the application is recommended for approval subject to the conditions outlined above.

#### 8.02 Other Considerations

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

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

necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

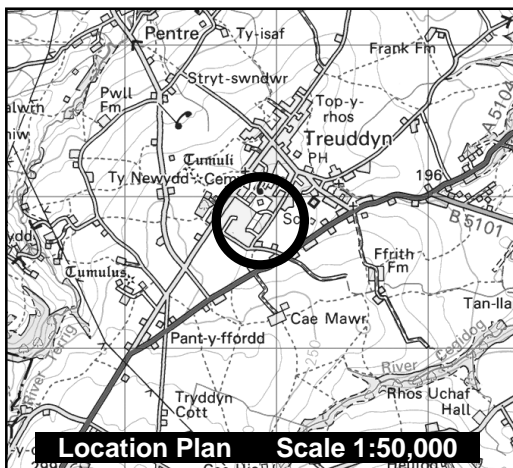
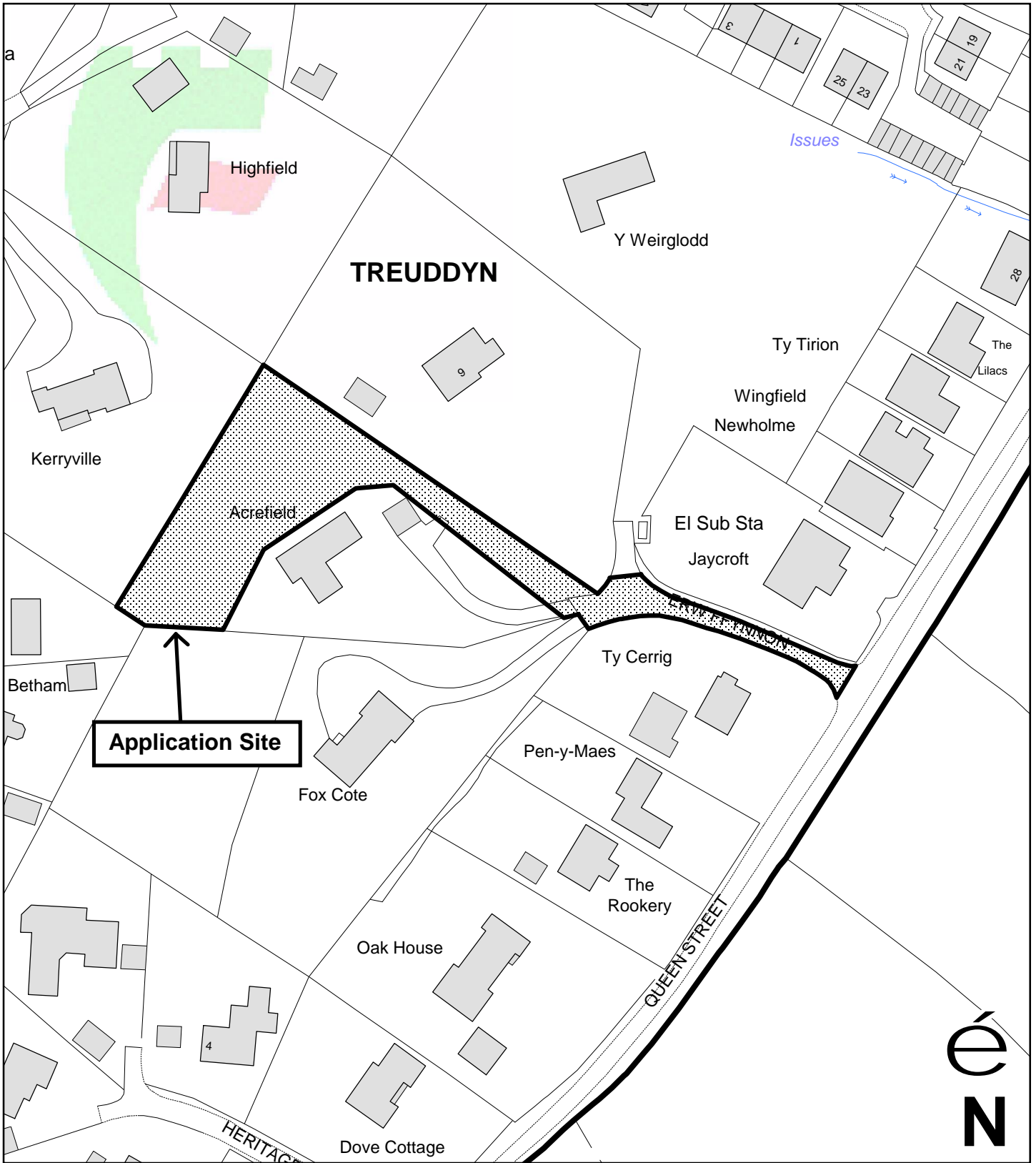
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

**LIST OF BACKGROUND DOCUMENTS**

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

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Planning, Environment & Economy,  
 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 2457

Planning Application **57943**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **23<sup>rd</sup> MAY 2018**

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

**SUBJECT:** **CHANGE OF USE AND EXTENTION TO  
DWELLING TO FORM HOUSE IN MULTIPLE  
OCCUPATION AT 46 GLADSTONE ROAD,  
BROUGHTON**

**APPLICATION  
NUMBER:** **058024**

**APPLICANT:** **MR C WALSH**

**SITE:** **46 GLADSTONE ROAD, BROUGHTON**

**APPLICATION  
VALID DATE:** **31<sup>ST</sup> JANUARY 2018**

**LOCAL MEMBER:** **CLLR B MULLIN**

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

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

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

1.01 This is a full application for the change of use of a 3 bedroom dwelling house to a 7 bedroom house of multiple occupation. In order to provide 4 of the proposed new bedrooms, a two storey side extension is proposed. It is considered the proposal is acceptable in policy terms and will not detrimentally affect the living conditions of neighbours in the locality or those of the future occupier.

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

- 2.01
1. Time limit on commencement
  2. In accordance with approved details

3. The scheme to extend the existing vehicular footway crossing serving the property to provide access to the additional parking facilities shall be completed prior to the property being brought into use as a HMO.

4. Maximum occupancy to be 7 individuals

5. Scheme for bin and recycling storage to be agreed

### **3.00 CONSULTATIONS**

3.01 Local Member – Cllr B Mullins  
Concerns regarding parking provision and amenity

Broughton and Bretton Community Council  
Objects to the proposal on the following grounds:

- Inadequate Parking
- No access for emergency vehicles
- Limited room for recycling and water
- Limited access for recycling vehicles
- Concerns for parents with children using the access road

Highways Development Management  
No objection subject to conditions

Public Protection  
No Objection

Airbus  
No Objection

### **4.00 PUBLICITY**

4.01 Neighbour Notification  
29 Letters of objection have been received raising the following concerns:

- Inadequate Parking
- Site is directly opposite a junction
- Proposed use is out of keeping with the area
- Impact on drainage network
- No access for emergency vehicles
- Limited room for recycling and water
- Limited access for recycling vehicles
- Concerns for parents with children using the access road
- Concerns regarding construction
- No access to the rear garden
- Unneighbourly development
- Setting a precedent

- Noise pollution
- Business use
- Potential anti-social behaviour
- Potential vermin and health hazard

## **5.00 SITE HISTORY**

5.01 None Relevant

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
 Policy STR1 – New Development  
 Policy STR 4 - Housing  
 Policy STR8 – Built Environment  
 Policy GEN1 – General Requirements for Development  
 Policy GEN 2 – Development inside Settlement Boundaries  
 Policy D1 – Design Quality, Location and Layout  
 Policy D2 – Design  
 Policy HSG12 – House Extension and Alternations  
 Policy AC18 Parking Provision and New Development.

National Planning Policy  
 Planning Policy Wales 9  
 Technical Advice Note 12 Design

Supplementary Planning Guidance Notes  
 SPGN No. 1 Extensions and Alterations to Dwellings  
 SPGN No. 2 Space Around Dwellings  
 SPGN No. 11 Parking Standards

## **7.00 PLANNING APPRAISAL**

7.01 Proposal

This proposal seeks to change the use of an existing 3 bedroom residential property at 46 Gladstone Road, Broughton to a 7 bedroom House of Multiple Occupation. The use is facilitated by the erection a two-storey side extension to provide 4 of the new bedrooms along with en-suite bathrooms. The internal changes involve rearrangement of the rooms and use of one ground floor room, which served as a sitting room, as a bedroom.

7.02 The Principle of Development

The proposal is within the settlement boundary for Broughton and is for change of use of an existing dwelling. The principle of this type of

residential use in a residential area, which would at a higher level of intensity to the existing use, has previously been established as acceptable following a number of appeals. The principle of the proposal is therefore compliant with Policy STR4 and Policy GEN2 as it makes the most efficient and effective use of existing housing stock, by providing a new type of accommodation, and is the conversion and alteration of existing buildings within a settlement.

#### 7.03 Main Issues

The main issues are considered to be the impact of the development upon the character, the living conditions for neighbours and future occupiers, and parking provision. The lawful use of the property is a two storey semi-detached dwelling which is typical of the area.

#### 7.04 Design

The proposal includes a two storey side extension in the same design as the existing property. Both the front elevation and ridge line of the proposed extension have been stepped down to reduce the overall mass which results in the proposal respecting the scale of the surrounding development. Whilst this type of extension is not seen within close proximity to the site, there are numerous examples of large side extensions, in a similar scale proposed, within the surrounding streets. This mix of house types and designs is part of the definable character of Broughton

7.05 The proposal will also retain amenity space to the rear of approximately 110m<sup>2</sup> for drying clothes and external storage. In accordance with Policy D1(e) adequate provision has been made for space around the building.

7.06 In addition, planning policies D1 and D2 seek to ensure that any new development respects the character of the area, is of an appropriate scale and that adequate provision is made amenity space.

7.07 The proposed extension has been designed to appear subsidiary in scale and form to the main building. This has been achieved by reducing the ridge height and using a hipped roof design. The choice of window design and material, which match the existing, allows the proposed extension to sit comfortably both in relation to existing dwelling and the wider street scene. The surrounding area has a number of prominent house types which are located in groups around the surrounding streets. The proposal does introduce a new physical form of development into the immediate street scene but the wider area includes mixture of detached, semi and terraced properties, and this mixture of house types and designs indicative of the character of the area. It is considered that the proposal complies with both policies D1 and D2. It should be noted that if the proposal were for a householder extension, as per the existing use, or one of the



neighbouring properties proposed similar work it would be considered acceptable in terms of its scale, design and impact on living conditions in accordance with the principles of HSG12.

7.08 Living conditions for future neighbours

Concerns have been raised in relation to the distance which would be created between the existing windows in the neighbouring property and the proposed extension.

7.09 At present the windows of the adjacent dwelling look out onto the gable end of the application site and its parking/garden area and in its current form is substantially less than the interface distance of 12m recommended between blank gable walls and habitable room windows. This is an unusual arrangement which this is not a common practice with present day developments with only secondary windows usually now found on side elevation i.e. bathrooms and hallways etc. It is understood that the two windows are for kitchen on the ground floor and hallway on the first floor.

7.10 The proposed extension would still result in a flank wall being presented to the neighbouring dwelling, therefore the principle of the relationship between the two properties is unchanged. Whilst the proposed extension may reduce the outlook from the neighbouring windows, this is not considered to be materially more harmful than the current arrangement

7.12 It is considered that the proposal would have a negligible effect on the main, useable area of the garden located at the rear of the neighbouring dwelling. Overall the proposed works would not cause any greater harm to the occupier's reasonable enjoyment of the rooms in the neighbouring property than is already created by the existing arrangement

7.13 There is no change in the interface distances between the habitable rooms in the proposed HMO and the dwellings to the front and the rear. The proposal retains a rear garden of approximately 110m<sup>2</sup> with three parking spaces and an area for the storage of refuse and recycling to the front of the dwelling. It is considered that the proposal is acceptable in terms of FUDP policies D1 and D2 along with the SPG for New Housing.

Living conditions of future occupiers

7.14 The living conditions of future occupiers can be considered a material planning consideration. It is important to note that there are currently no planning guidance on the size or layout of HMO's with regard to provision of acceptable living conditions for occupiers.

The proposed use is a residential use which may operate at a higher

7.15 level of intensity to that which might reasonably be expected if it remained as a C3 dwelling house. There is a large lounge/dinner, and kitchen which provides shared amenity space. As the applicant has not advanced a limit on level of occupation in order to provide an acceptable level of living conditions for future occupiers a condition will be imposed to ensure each room is single occupancy only. Environmental Health have confirmed that all the proposed bedrooms proposed are of an appropriate size to accommodate a single occupant.

Impact on the highway

7.16 There is a concern that the increased residential use of the HMO, would lead to an increase in the parking requirements above what would reasonably expected of a private dwelling. At a recent appeal for a HMO in Buckley, the Inspector noted that :

7.18 “The appellant has, however, estimated that the HMO would generate a parking demand of 0.4 cars per flat, or less than 4 in total, based on the Residential Car Parking Research undertaken by the Department for Communities and Local Government in 2007. Whilst this research was undertaken in an English context, it provides an evidenced indication of the likely traffic generation of an HMO.”

7.19 If the same rationale is applied to this application then there would be a requirement for 2.8 car parking spaces. The proposed parking provision, submitted as an amended plan, shows the front of the property will accommodate 3 cars clear of the highway. Recommend that a condition is imposed to ensure that the parking provision is provided and maintained on site, in perpetuity.

Other Matters

7.20 Objections have raised issues regarding access by emergency vehicles and refuse vehicles. There is no alteration proposed to the highway which currently serves the dwellinghouse and therefore this is not a matter which attracts significant weight in this planning balance.

7.21 The proposal is for a residential use in a residential area. It is not a business use, the proposed use is therefore acceptable in planning terms. There is no evidence that the proposal will cause anti-social or increased issues relating to noise.

7.22 Any issues relating to construction would be temporary in nature and minor in scale due to the nature of the proposal. Disturbance caused by construction to third parties is not a matter which can be given weight in the planning balance.,

8.00 **CONCLUSION**

I consider that the proposal is in accordance with the relevant development plan policies, and having considered the objections received and all other matters it is recommended that the application is approved subject to the conditions noted.

8.01 **Other Considerations**

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

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

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

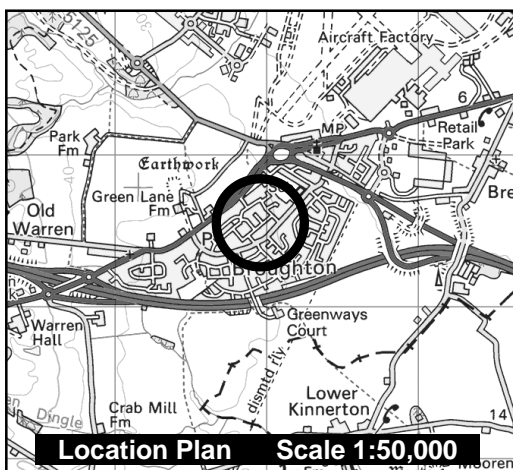
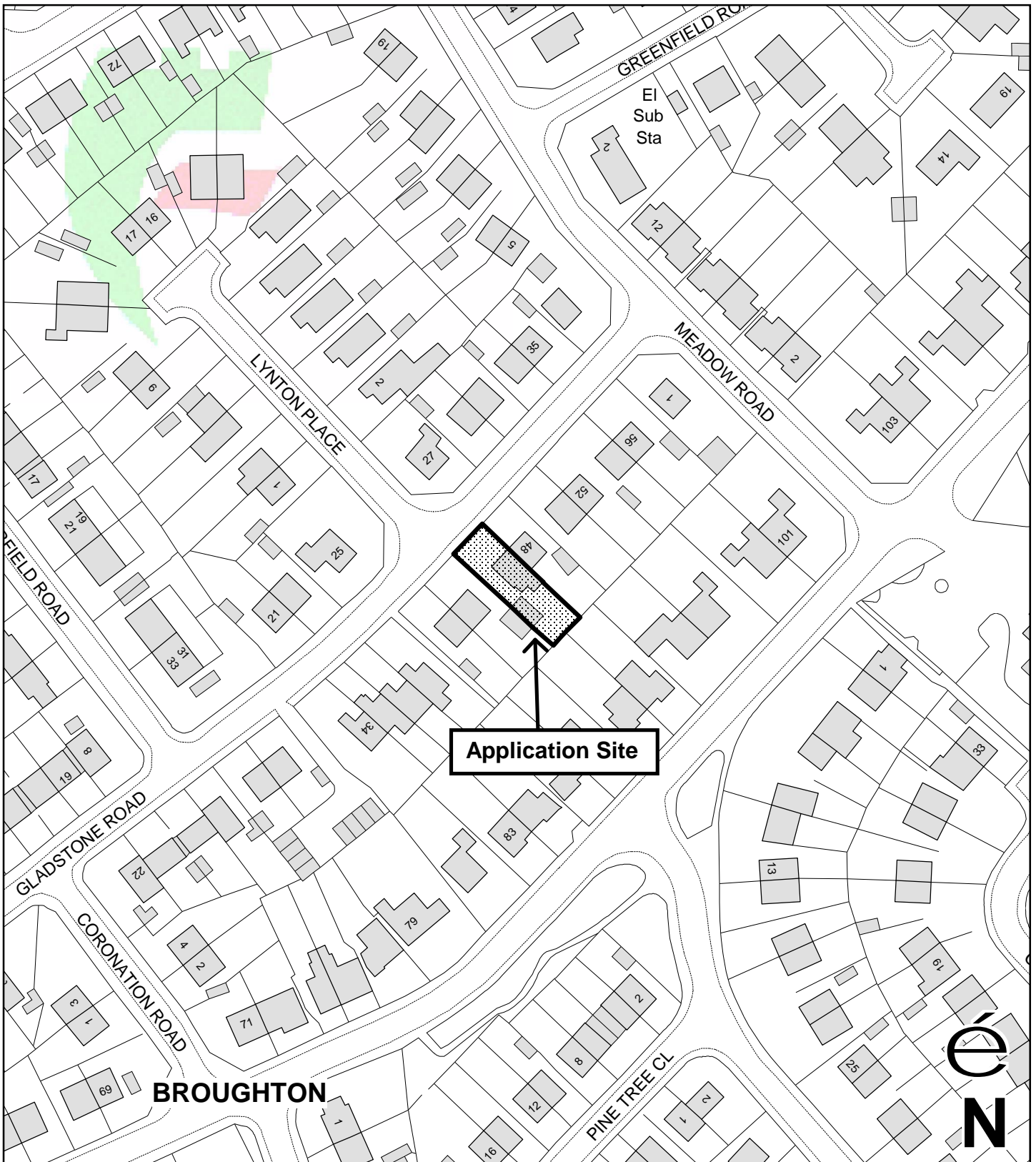
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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



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Planning, Environment & Economy,  
 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:** **23<sup>RD</sup> MAY 2018**

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

**SUBJECT:** **APPEAL BY MOLD GOLF CLUB AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE REMOVAL OF CONDITION NO. 1 ATTACHED TO PLANNING PERMISSION REF: 052686 TO ALLOW PERMANENT RETENTION OF PROTECTIVE NET BARRIER AT MOLD GOLF CLUB, CILCAIN ROAD, PANTYMWYN – ALLOWED.**

**1.00 APPLICATION NUMBER**

1.01 056335

**2.00 APPLICANT**

2.01 Mold Golf Club

**3.00 SITE**

3.01 Mold Golf Club  
Cilcain Road  
Pantymwyn

**4.00 APPLICATION VALID DATE**

4.01 20/12/2016

**5.00 PURPOSE OF REPORT**

5.01 To inform members of the Inspector's decision in relation to an appeal into the refusal to grant planning permission for the removal of Condition No. 1 attached to planning permission ref. 052686 to allow permanent retention of protective net barrier at Mold Golf Club, Cilcain Road, Pantymwyn. The application was refused under delegated powers with the appeal dealt with by way of written representations and was **ALLOWED**.

## **6.00 REPORT**

### **6.01 Background**

In 2012, planning permission (ref. 049694) was granted for the erection of a protective net barrier at the golf club. Condition No. 1 of the 2012 planning permission allowed the development for a temporary period until 18/10/14, and if no new planning permission was obtained for the retention of the protective net, the condition required the structure to be removed and the land reinstated. A second planning permission (ref. 052686) for the protective net was obtained in 2014, which allowed the structure to be extended by 7.14m on either side.

### **6.02 Issues**

The Inspector considered the main issues to be whether condition 1 is reasonable and necessary to address the effect of the net barrier on a) the character and appearance of the locality and b) the living conditions of the occupiers of neighbouring residential property, Innisfree, in regard to visual impact and their safety.

### **6.03 Character and Appearance**

Conditions of the original planning permission required the protective net barrier to be supported by painted (green) box steel posts. The Inspector noted that the frame viewed on-site had such an appearance with the vertical posts noted as being around 7m in height. There is netting and horizontal support stretched between these posts. The Inspector states that photographs provided indicate that the eastern-most vertical post and a supporting diagonal end brace are visible from at least one window in the side elevation of Innisfree.

6.04 The Inspector noted that the golf club is surrounded by countryside including areas of woodland and development in the villages of Gwernaffield and Pantymwyn. The golf club is bound by a road to the north that runs through these villages and to the south, by Pant y Buarth Lane. While this lane does provide a route toward the nearby Area of Outstanding Natural Beauty, it also includes a large electricity sub-station and associated infrastructure on the opposite side of the highway from, and near to, Innisfree. The Inspector continues to say that there are other dwellings and some industrial units further along the lane that causes Pant y Buarth Lane to have a rural character that includes significant pockets of development. The Inspector comments that there are footpaths crossing the golf course, which provide public views of the protective net barrier from various locations and also mentions planting in terms of the development being a strong landscape element amongst mature trees and woodland beyond. The Inspector states that it is a structure that reasonably can be expected to occur on a golf course, as protective net barriers are a characteristic of golf course environments next to



sensitive land uses, such as residential amenity space and highways. The Inspector, therefore, concludes that the protective net barrier is of a design that harmonises with its site and surroundings as it reflects the landscape character of the locality, which includes the golf club and, accordingly, it complies with the relevant parts of UDP Policies GEN1 and SR3 along with Planning Policy Wales.

6.05 Living Conditions

In terms of visual impact the Inspector considers criterion d) of UDP Policy GEN1, which seeks development to not have a significant adverse impact on the safety and amenity of nearby residents. PPW also seeks good design and supports expansion of existing businesses located in the open countryside provided that there are no unacceptable impacts on local amenity. The Inspector acknowledges that the visual impact of the protective net barrier is significant on occupiers of Innisfree but goes on to explain that it is a structure that reasonably can be expected to occur in such a location and its scale reflects that of the dwelling and vegetation around it. He considers that the visual impact from the net barrier is not unacceptably harmful to the occupiers of Innisfree, or to others.

6.06 Safety

Two risk assessments have been carried out and submitted by the appellant. Details have also been provided of a court case related to potential risk associated with the positioning of the 14<sup>th</sup> green and the protective net barrier. Criteria within UDP Policy GEN1 consider personal and community safety; the use of adjoining land; and safety of nearby residents. The Inspector confirms that in relation to the two adjoining land uses in this location, retention of the protective net barrier would ensure compliance with the relevant parts of UDP Policy GEN1 and PPW.

6.07 Other matters

The Inspector comments on the effect on wildlife, property prices and other areas of the golf course that do not have a protective net barrier but does not attach any weight to these matters.

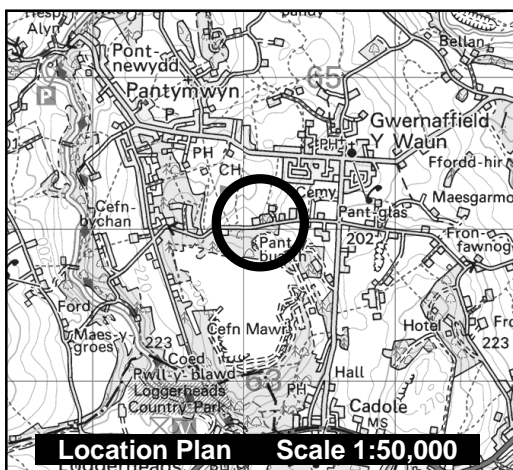
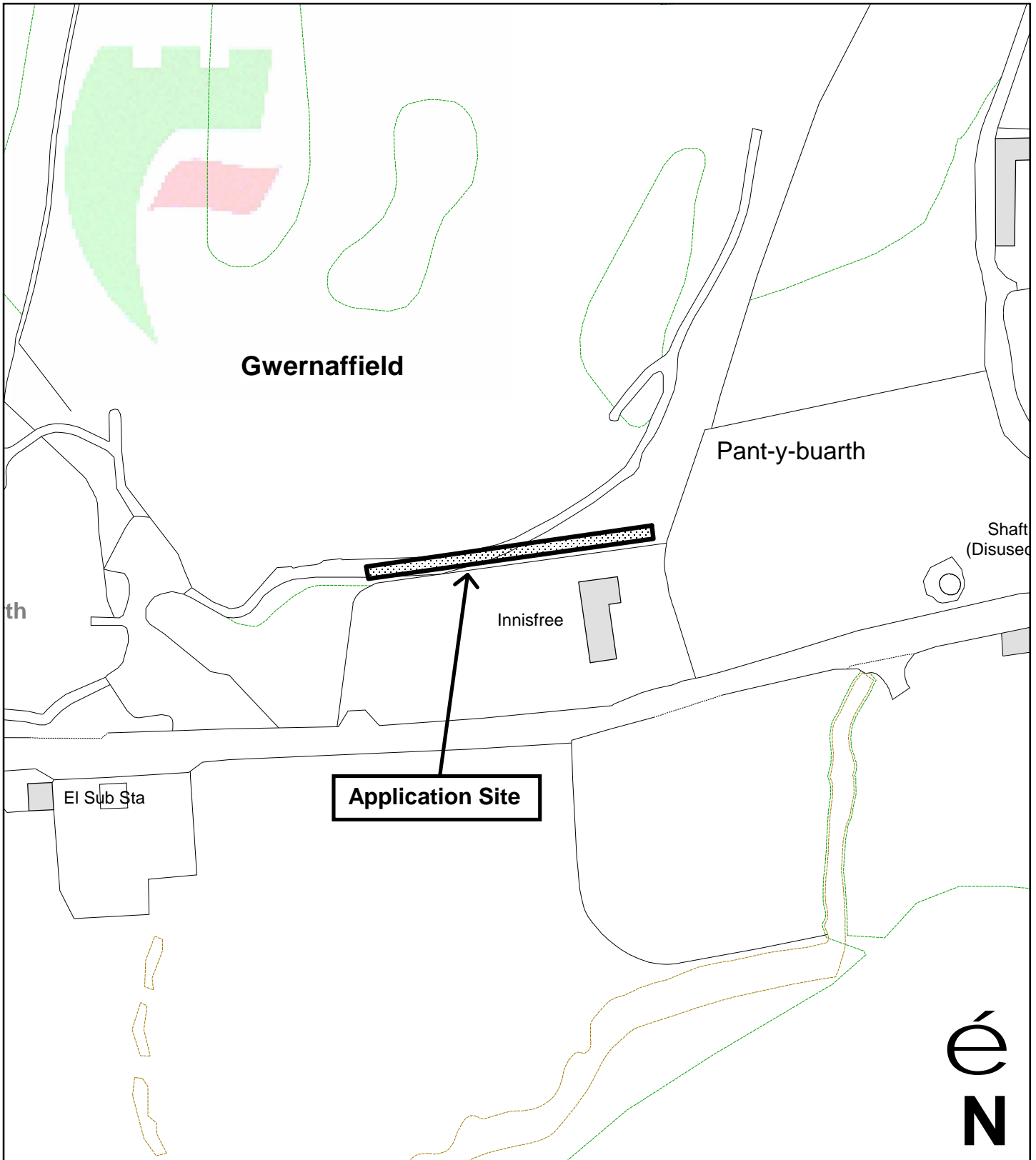
**7.00 CONCLUSION**

7.01 The Inspector concluded that no matters have been found to outweigh the identified policy compliance and lack of unacceptable harm. He continues to say that Condition 1 fails to meet the tests of a condition and, accordingly, the appeal is **ALLOWED**.

**LIST OF BACKGROUND DOCUMENTS**

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

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Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Planning Application **56335**

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